

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: AFR 54/030/2005 (Public)
News Service No: 064
17 March 2005

Sudan: Proposal against ICC role in Darfur undermines justice for victims

Amnesty International is concerned at the proposal by President Obasanjo, Chairman of the African Union, to have an "African panel for Criminal Justice and Reconciliation" for Darfur, instead of the International Criminal Court (ICC).

"This proposition undermines the confidence many countries, including Nigeria, have put in the ICC as the institution to judge the worst crimes committed in the world. Many Darfuri victims have told us that reconciliation can only happen once truth and responsibility for the crimes committed are acknowledged, perpetrators of serious crimes are brought to justice and victims receive full reparations, including compensation," Amnesty International said.

The International Criminal Court, established with the strong and crucial support of many African countries, is a permanent court which is already actively investigating two situations in Africa, in the Democratic Republic of Congo and Uganda. It has demonstrated that it will be able to respond more quickly, more effectively and in a less costly manner than any ad hoc tribunal which would require considerable time and funding to establish.

Although Sudan has not ratified the Rome Statute creating the ICC, crimes committed in Sudan can be referred to the ICC by the UN Security Council, according to Article 13(b) of the Rome Statute.

"The UN Security Council is still discussing a resolution on Sudan, six weeks after the UN's own International Commission of Inquiry on Darfur recommended the ICC as the most effective way to bring justice to hundreds of thousands of victims in Darfur. The opposition of the United States, China and Algeria to the jurisdiction of the ICC over Sudan only helps to protect the impunity of those responsible for crimes against humanity and to delay any resolution of the conflict in Darfur," Amnesty International said.

Background

Amnesty International is not opposed to the establishment of regional international criminal courts that have full resources, are able to conduct fair trials in accordance with international law and standards, without the death penalty, and do not undermine the current International Criminal Court, whose jurisdiction has been recognized by more than half the states of the international community, including 28 African states. The African Union has yet to establish the African Court for Human and Peoples' Rights.

Public Document

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