

# AMNESTY INTERNATIONAL PRESS RELEASE

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## **Sudan: The United States of America must not block justice for the Sudanese people**

As the UN High Commissioner for Human Rights, Louise Arbour, prepares to brief the UN Security Council on the report of the International Commission of Inquiry on Darfur, Amnesty International is calling on the United States of America (USA) and other Security Council members to immediately implement the Commission's recommendations.

Amnesty International reiterated its concern that the USA is refusing to adopt the Commission of Inquiry's recommendation that the situation in Darfur should be referred to the Prosecutor of the International Criminal Court (ICC).

"The Sudanese people's right to justice, truth and full reparations should not be overridden by the political interests of any State," said Kolawole Olaniyan, Director of the Africa Programme of Amnesty International.

"The Commission of Inquiry, which was established by the Security Council itself, has written a detailed and authoritative report on war crimes and crimes against humanity committed on a large scale in Darfur. It has devoted many pages to analysing why the ICC is the best means to investigate and prosecute some of those suspected of these crimes. The Security Council should now implement this recommendation, ensure that the referral includes the entire situation in Sudan and call for the development of a long-term comprehensive plan to end impunity in Sudan."

In recommending referral to the ICC, the Commission of Inquiry said that the Sudanese authorities have proved unable and unwilling to investigate and prosecute the crimes committed in Darfur, and that setting up an ad hoc tribunal or extending the mandate of the present tribunal for Rwanda would be slow and expensive. The ICC was established by the international community precisely in order to try such crimes under international law as are being committed on a large scale in Darfur. The bulk of these crimes were committed since 1 July 2002 and so fall under the ICC jurisdiction.

"The Sudanese people deserve justice and redress. It should not be denied them just because it does not sit comfortably with the USA's political agenda," said Kolawole Olaniyan. "The latest draft resolution to the Security Council to be put forward by the USA simply states that perpetrators be brought to justice by 'internationally acceptable means'. To ignore the ICC in this case would mean that the USA believes that the fight against impunity is a secondary consideration to its own interests."

The UN Commission of Inquiry, which detailed mass murders, rape, torture, forced displacement

and other acts as crimes against humanity and war crimes committed by the Sudanese government and Janjawid, and war crimes committed by the rebels, also called on the Security Council to set up an International Compensation Commission to provide reparations. Amnesty International is calling on the Security Council to fully endorse this recommendation. In doing so, it should ensure that the mandate of the Commission is broad enough, as recommended in the Commission's report, to extend to all forms of reparation, including restitution, compensation, satisfaction and guarantees of non-repetition.

The Commission of Inquiry said that the crimes committed may be no less serious or heinous than genocide.

#### Public Document

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