



Darfur Relief and Documentation Centre

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Darfur : No Viable Alternative to the ICC

Darfur Relief and Documentation Center (DRDC) is deeply concerned by the proposal made by President Olusegun Obasanjo, Chairman of the African Union, to the UN and the European Union to establish an "African Panel for Criminal Justice and Reconciliation" to persecute persons suspected of committing crimes against humanity in Darfur. This proposal essentially discards the International Criminal Court (ICC) as the competent international body to address situations of grave violations of international human rights and humanitarian law in particular war crimes and crimes against humanity. This proposal seriously undermines the credibility extended by many African nations to the ICC through their adherence to the Rome Statute of 1998.

Africa's high regard to the ICC was demonstrated by the fact that so far forty-four African countries have signed the Rome Statute of the ICC and twenty-six have fully adhered to the ICC. Sudan signed the Rome Statute on 8th September 2000 and as a signatory State it is obliged to refrain from acts, which defeat the object and purpose of the Statute. Referring the situation in Darfur to the ICC is indeed in conformity with article 4 (h) of the AU Constitutive Act, which requires the AU to effectively intervene in respect of grave circumstances such as war crimes and crimes against humanity.

DRDC believes that while the AU can collectively decide on the appropriate manner of its cooperation to render justice to the victims of atrocities in Darfur and also proposes additional measures, there is, however, no viable and cost effective alternative to the ICC. Persecution of persons accused of committing war crimes and crimes against humanity before the ICC is the demand of the victims of atrocities in Darfur and their representative civil society groups. It also enjoys the support of the highest international human rights authorities. On 16th March 2005, 15 UN human rights mandate-holder issued a statement which reads "We strongly endorse the conclusion of the International Commission of Inquiry that the International Criminal Court 'is the single best mechanism to allow justice to be made for the crimes committed in Darfur' and that 'prosecution by the ICC of persons allegedly responsible for the most serious crimes in Darfur would contribute to the restoration of peace in the region.'"

DRDC is concerned that reluctance in the part of the AU and the UN to take decisive action against the perpetrators of war crimes and crimes against humanity in Darfur has encouraged escalation of the commission of such crimes in the region. Threats of violence by the Janjaweed militia groups against UN agencies and humanitarian workers have multiplied during this week and ultimately forced the UN and other humanitarian organisations to withdraw relief workers from the countryside to the main towns in the region since 14th March 2005. This left thousands of defenceless civilians starving and without protection. On 14th March 2005 the UN Undersecretary General for Humanitarian Affairs put the number of people perished in Darfur as a result of war-induced famine, sickness, insecurity and agony since September 2003 at about 180,000 individuals. This figure is based on the UN records at IDP and refugee camps alone and does not count those persons who died during combat or attacks against their villages. **The people of Darfur need protection, security, peace and justice now.**

The African Society of International and Comparative Law (ASICL), Inter-African Union for Human Rights (UIDH) and Rencontre Africaine pour la Defense des Droits de l'Homme (RADDHO) associate themselves with this statement.