

Darfur Sanctions Deadlock as ICC Considers Prosecutions

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Security Council can't agree on punishment for Sudanese blocking peace process, while ICC examines evidence of Darfur atrocities.

The United Nations is reportedly split on proposals to punish Sudanese officials and rebel leaders allegedly responsible for impeding peace efforts in Darfur, where International Criminal Court, ICC, chief prosecutor Luis Moreno-Ocampo has launched an investigation into war crimes.

As violence again flared in northern Darfur, the UN Security Council met February 27 to consider sanctions against officials deemed to be a threat to the peace effort or human rights in the area.

Fighting between rebels and government-backed militias in Darfur is believed to have claimed tens of thousands of civilian lives, with more than 2,000 villages and towns in the region said to have been burned to the ground.

US ambassador John Bolton, the current council president, told reporters the 15-member body wanted to "move forward expeditiously on targeted sanctions".

"The purpose ... is to apply pressure ... to people who are violating the arms embargo, not contributing to our effort to establish an effective peace process in Darfur and restore the deteriorating security situation there," he said.

However, conflict arose between members at a closed-door session during which China, Russia and Qatar are believed to have opposed sanctions, while the US, Britain, Denmark and France were in favour. The result: continued deadlock.

Some experts estimate that as many as 400,000 lives have been lost in the Darfur conflict since 2003 with two million Darfurians internally displaced or refugees in neighbouring Chad, after their homes were destroyed by Arab janjaweed militias. The UN says Darfur is currently "the world's worst humanitarian catastrophe".

Fighting between the Sudan Armed Forces and the rebel Sudan Liberation Army raged again last week with villages attacked and burned, markets looted and people displaced, according to the UN Mission in Sudan, UNMIS.

The Security Council decided last March to impose an asset freeze and travel ban on anyone who hinders the peace process or violates human rights.

It asked a special panel headed by Antonio Cassese to come up with sanction recommendations, and last December the Italian judge gave the council a secret list of names of people he said should be punished.

The list, which was subsequently leaked to the press, includes Sudan's interior minister Elzubier Bashir Taha, intelligence chief Salah Abdalla Gosh and three rebel commanders of the Sudan Liberation Army,

which has targeted civilians and aid workers during its insurgency against the Khartoum government. It also names five others against whom the panel is considering recommending sanctions, including Sudan's president Omar Hassan al-Bashir and President Idriss Deby of Chad.

Cassese, a professor of international law from Florence, was responsible for organising the International Criminal Tribunal for Yugoslavia, which is trying former Yugoslav president Slobodan Milosevic.

He went to Darfur, a region about the size of France, with a 30-member team and is believed to have returned to New York with nine crates of evidence detailing rapes, torture, looting and mass killings, most of which is presumed to have been passed on to the ICC's Moreno-Ocampo.

It was Cassese who advised UN Secretary General Kofi Annan that the Darfur issue be referred to the ICC.

The Security Council last year called for the ICC to investigate the Darfur crisis, and Annan is believed to have given Moreno-Ocampo a list of 51 people who could be charged with genocide, crimes against humanity and war crimes under the Statute of Rome that brought the court into being in July 2002.

Sudan, although not a signatory to the statute, can be investigated because of the Security Council's referral, one of a handful of legal triggers for an ICC probe.

The ICC's main work is so far concentrated on Darfur, northern Uganda and the Ituri region of the Congo, but this heavy concentration on one continent has perplexed many Africans. They argue that it would have made public relations sense for such a new and important international court to have cast its net over several continents, including Europe from where it operates.

President al-Bashir has warned that Sudan will not cooperate and has also sworn "before Allah three times" that he will never extradite a Sudanese citizen to any foreign court.

The Darfur case could therefore end up demonstrating the ICC's powerlessness, especially as it has no police officers and must rely on the 100 countries that have signed its charter to make arrests. After nearly four years of operation, none have yet been made nor any prosecutions started in the Dutch capital.

Meanwhile, Moreno-Ocampo and his team, based in the ICC's futuristic, white-facaded, 15-storey headquarters in The Hague - complete with eight holding cells should anyone held responsible for war crimes in Darfur ever be arrested - puzzle how to fulfill their obligation to bring offenders to justice.

While 600 civil servants, most of them lawyers, continue to draw their salaries at ICC headquarters, the militias on horse and camels in faraway Darfur continue to spread death and mayhem. "It is a giant crime scene," wrote the New York Times' Mark Lacey, the most recent foreign correspondent to reach the remote and poorly developed region. "There are assaults and homicides and rapes and larcenies across Darfur, but there is hardly anyone, it seems, seriously trying to solve the crimes."

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