

Aegis Trust, 21 June 2004

Call for members of the Coalition for the International Criminal Court to support: A referral of the situation in Darfur to the Prosecutor of the International Criminal Court By the United Nations Security Council

Since the ICC was ratified in July 2002 the situation in Darfur, Western Sudan has become one the greatest humanitarian crises of the past decade.

Crimes committed in Darfur have been described by members of the CICC, the media and by the UN Under-Secretary General for Humanitarian Affairs.

Evidence indicates that the Government of Sudan has supported the Janjaweed militia in committing crimes against humanity and war crimes.

Under article 5, 1 (a) of the Statute of the ICC and 2 (c) of the UN Convention on the Prevention and Punishment of Genocide, the crime of genocide also appears to have been threatened.

The ICC has been created to end the culture of impunity. Impunity in Darfur is immense. The ICC also forms an 'essential contribution' to 'the preservation of peace and the strengthening of international security' (see statements made in the UNSC by the Greece on behalf of the EU and by Iran, 12 June 2003). Since maintenance of international peace and security is the UN Security Council's primary responsibility under the UN Charter, the ICC represents an important tool for its fulfilment.

A referral to the ICC will demonstrate the resolve of the International Community to put an end to the crisis in Darfur. An early referral will act as a deterrent to the perpetrators who may believe that they can continue to commit their crimes with impunity. It will make it clear that behaviour of governments or their proxies, as witnessed toward the civilian populations in Darfur, will not be accepted or tolerated anywhere.

Sudan has not ratified the statute of the ICC. The situation in Darfur must therefore be referred to the Prosecutor of the ICC by the UN Security Council; it cannot be referred in any other way.

The Aegis Trust calls upon the members of the Coalition for the International Criminal Court to urge member states of the UN Security Council to support a referral of Darfur to the office of the Prosecutor of the International Criminal Court.

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