

Statement by Burkina Faso on the Eighth Report of the Prosecutor of the ICC pursuant to Resolution 1593 (2005)

December 3, 2008

(official record from the UN)

Mr. Kafando (Burkina Faso) (spoke in French): I too would like to thank Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court, for his introduction of the eighth report on the activities of his Office with respect to the Darfur conflict. We take note of the report.

It is now a truism to say that the situation in the Sudan continues to be of great concern, given the very large number of victims both among civilians and among personnel of peacekeeping operations. We reaffirm that deliberate attacks against civilian populations and peacekeeping forces are unacceptable, irrespective of who carries them out. Faced with so complex and tragic conflict as that of Darfur, the international community must therefore demonstrate ingenuity and courage in order to bring about a comprehensive political solution as quickly as possible.

We therefore welcome the numerous international initiatives of the United Nations, the African Union and several States, including Qatar, to help the people of the Sudan to survive their difficult ordeal. We thank in particular the joint United Nations-African Union Mediator for his ongoing efforts to that end. We also pay tribute to the women and men of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), who work every day in particularly trying conditions at the side of the people of the Sudan. For their part, the Sudanese parties have also made major commitments to finding a solution to the conflict.

However, their efforts remain clearly insufficient, and they must be urged to be bolder and more engaged. Faithful to the principles of justice and the rule of law, Burkina Faso wishes to reaffirm, as the African Union has already done, its dedication to fighting impunity and to promoting equal justice for all in the Sudan, and in Darfur in particular, without which no political solution to the crisis can endure. That is the only way to ensure that justice is done on behalf of the thousands of victims of the war. Burkina Faso believes that the search for a political solution and the administration of justice are not at all contradictory so long as the integrity of each process is fully maintained. That is why, as a State party to the Rome Statute, my country reaffirms yet again its full support for the activities of the International Criminal Court (ICC) and believes that those activities must be undertaken with the greatest possible caution and in the context of a purely judicial approach, with the sole objective of revealing the truth, prosecuting the guilty and protecting the interests of the victims in accordance with resolution 1593 (2005).

There is a particular need to avoid any action that could weaken the population's trust in the international community and thereby polarize the positions of parties, which could undermine all ongoing efforts and scuttle the political process, including the deployment of UNAMID, which we believe is not what the international community seeks to achieve. There is thus a need to assess opportunities in

a dispassionate and objective manner and to take measures to ensure that equitable justice is served, while maintaining peace in Darfur, the Sudan and the region.

Follow-up and the success of the political process are to a great extent in the hands of the United Nations and the African Union, which, in support of that process, have decided together to deploy in Darfur the largest peacekeeping mission in history. We therefore invite the Sudanese Government to take all necessary steps to cooperate in the prosecution of persons recognized as being guilty of war crimes and crimes against humanity and, in general, to cooperate in combating impunity.

The Security Council, which has referred the case of Darfur to the ICC, must continue to closely follow developments in the prosecution and to pursue its consideration of the issue. It cannot reject any potential solution or spare any effort. It must be ready to listen to all, including the victims, the Court and, above all, its African Union partner. The African Union has always reaffirmed — in particular in its communiqué of 21 July — its conviction that “in order to achieve long-lasting peace and reconciliation in Darfur, it is imperative to ... bring to justice the perpetrators of gross human rights violations in that region” (S/2008/481, annex, para. 10). It is not advocating impunity in Darfur, but rather insisting on the need to preserve the integrity of all political and judicial processes and to ensure that the will for justice does not entail the taking of decisions that could jeopardize the political process.