



UNITED NATIONS ASSOCIATION  
*of the United States of America*

AND THE BUSINESS COUNCIL FOR THE UNITED NATIONS



**UNA-USA STATEMENT IN SUPPORT OF ICC PROSECUTOR ACTION ON DARFUR AND UNITED STATES ENGAGEMENT TO ENSURE ARREST WARRANTS ARE NOT BLOCKED**

*July 25, 2008. Ambassador William H. Luers, president of the United Nations Association of the USA, today issued the following statement concerning the International Criminal Court's Darfur investigation:*

The United Nations Association of the USA (UNA-USA) supports the decision of the Prosecutor of the International Criminal Court to bring justice to the victims of atrocities in Darfur and calls on the United States to ensure that the UN Security Council does not block any efforts to execute arrest warrants for Darfur suspects, including a potential arrest warrant for Sudanese President Omar Al Bashir.

The ICC Prosecutor's application for an arrest warrant for President Bashir of Sudan is an important step to ensure that there is no impunity for alleged crimes committed in Darfur. UNA-USA applauds this action and others by the ICC to bring justice where otherwise there would be no accountability.

UNA-USA has supported the ICC investigation in Darfur since the UN Security Council adopted Resolution 1593 on March 31, 2005 which referred the situation to the Court. Despite a Bush Administration policy of opposition to the ICC, the US did not veto the resolution. The ICC opened a formal investigation in June 2006 and named its first Darfur suspects, Sudanese Humanitarian Affairs Minister Ahmed Harun and Janjaweed militia leader Ali Kushayb, in February 2007. Both individuals are still at large and the Government of Sudan has refused to hand them over.

On July 14, 2008, the ICC Chief Prosecutor Luis Moreno-Ocampo filed an application for an arrest warrant for Sudanese President Omar Al Bashir on 10 counts of genocide, war crimes and crimes against humanity. A decision on the arrest warrant for President Bashir is expected in the fall. The Rome Statute, the treaty which governs the ICC, specifies that heads of state will not have immunity or amnesty for crimes within the ICC's jurisdiction.

UNA-USA believes that the Security Council should seek enforcement of the mandate it gave to the ICC by all parties concerned. The UN Security Council conferred jurisdiction over Darfur to the ICC and asked it to investigate atrocity crimes committed by the parties to the conflict. Under Resolution 1593, all parties to the Darfur conflict must cooperate with the ICC, including the arrest and surrender of individuals to the Court. The Government of Sudan, which has signed but not ratified the Rome Statute, must cooperate with the Court as a UN member-state. As a signatory, Sudan is obligated not to defeat the Statute's object and purpose.

The ICC is a judicial institution and accordingly it carries out its mandate under the Rome Statute. The Rome Statute permits the Court to accept a Security Council resolution under Chapter VII of the UN Charter to refer cases to the ICC. It also requires the Court's judges to act on Security Council resolutions deferring investigations and prosecutions for renewable periods of 12 months. The Court's founders anticipated dilemmas of peace and justice and Article 16 of the Statute leaves it the Council to make political decisions on stopping cases for the purpose of maintaining international peace and security.

Despite its formal opposition to the Court, the US has continued its shift toward the ICC in practice in response to the Darfur situation. It has offered its cooperation on the investigation and this month acknowledged that it was considering a request for information. In June 2008, the Security Council under US leadership issued a Presidential Statement reiterating that the Government of Sudan must cooperate with the ICC. UNA-USA urges the US to ensure that the Security Council does not invoke its ICC deferral power to block this action or similar future actions. The US should join other Security Council members in opposing any resolution ordering the Court not to act on this case.

Achieving justice for the over 2,000,000 victims in Darfur is an important step for ensuring lasting peace. In the near term, we believe that decisions about peace and justice are political ones appropriate for the Security Council, not for the Court. For the long run, we are convinced, as were the founders of the United Nations, that justice provides the only secure foundation for peace.

The ICC is the world's first permanent international court, established on July 17, 1998 at a UN-sponsored diplomatic conference. The Court is also investigating atrocities in the Democratic Republic of the Congo, Uganda and the Central African Republic. UNA-USA advocated for the Court leading up to and following its establishment. Its AMICC program is a leader in educating Americans about the Court and is an internationally-respected resource on US-ICC policy.