

# 'Pervading toxic culture of impunity' for alleged war crimes at root of Darfur conflict – ICC Prosecutor

8 June 2017 – The Prosecutor for the International Criminal Court today reiterated her call for States to arrest and surrender the suspects of alleged genocide, war crimes and crimes against humanity committed in the Darfur region of Sudan, including President Omar Al Bashir.

Not one of the suspects for whom warrants have been issued has been arrested and transferred to the International Criminal Court, ICC Prosecutor Fatou Bensouda told the United Nations Security Council, and in remarks directed at the victims and their families she said to those who continue to long for justice in Darfur; do not despair and do not abandon hope.

Indeed, she recalled that the international tribunals for Rwanda and the former Yugoslavia were reminders that persistence and determination could result in the arrest and surrender of suspects many years after the issuance of arrest warrants.

The Court was established by the treaty known as the Rome Statute adopted at an international conference in Rome on 17 July 1998. It entered into force on 1 July 2002.

The States that form this Council have the power, independently and collectively, to positively influence and incentivize States, whether or not parties to the Rome Statute, to assist in the efforts to arrest and surrender the Darfur suspects, she said, adding that regional organizations can do the same.

The prosecutor said there have been alleged cases of non-compliance by the parties to the treaty.

She said a pre-trial chamber of the Court plans to decide whether South Africa acted in non-compliance with the Statute when it failed to arrest and surrender Mr. Al Bashir in June 2015. Most recently, Mr. Al Bashir travelled to Jordan on 29 March 2017, but Jordan declined to arrest and surrender him.

Inviting, facilitating or supporting the international travel of any person subject to an ICC arrest warrant is inconsistent with a commitment to international criminal justice, she said. It is also an affront to the victims in the Darfur situation.

Ms. Bensouda noted that to date, the Court has made 13 decisions on non-compliance and referred them to the Security Council. Yet not one has been acted upon by this Council, she said. By failing to act in response to such Court decisions, this Council is in essence relinquishing

and undermining its clear role on such matters arising from the Rome Statute and the Council's resolution 1593 (2005), which referred the Darfur situation to the body.

In 2005, the Council asked the Hague-based Court to investigate war crimes in Darfur. ICC judges issued arrest warrants in 2009 for Mr. Al-Bashir and other top officials for genocide, crimes against humanity and war crimes in the western Darfur region, where up to 300,000 people may have died and millions have been displaced since civil war erupted in 2003 between the Government and rebels.