

# THE INTERNATIONAL CRIMINAL COURT & DARFUR

## *About the International Criminal Court*

The International Criminal Court (ICC) is a permanent international tribunal seated at The Hague, Netherlands, established by the Rome Statute. The Rome Statute was adopted on July 17, 1998, and came into effect on July 1, 2002. The ICC was created to prosecute the most serious international crimes: genocide, crimes against humanity, war crimes, and crimes of aggression.



While the ICC has the power to hear cases within its mandate, it operates on the principle of complementarity and will only exercise its jurisdiction if national courts with jurisdiction either cannot or will not prosecute perpetrators of international crimes. The ICC may exercise jurisdiction if an accused is a national of a State Party, if a relevant crime occurs in the territory of a State Party, or if a situation giving rise to crimes within the Court's purview is referred by the UN Security Council, even if it occurs in a state which is not a party to the Rome Statute. Jurisdiction is limited to crimes occurring after July 1, 2002 or after the relevant state ratifies the Rome Statute, whichever is later.

The Court has opened investigations into crimes in eight situations: the Democratic Republic of the Congo, Uganda, the Central African Republic, Darfur (Sudan), Kenya, Libya, Côte d'Ivoire (Ivory Coast), and Mali.

There are 122 signatories to the Rome Statute; the United States is not a signatory.

## *Statistics*

- 30 indicted
- Ongoing proceedings in 11 cases
- 7 concluded cases – 5 acquitted, 2 died in detention
- 12 indicted individuals remain at large

## *The ICC and Darfur*

In March 2005, the UN Security Council referred the situation in Darfur, Sudan to the ICC and investigations began in June 2005. Arrest warrants were issued in February 2007 for **Ahmad Muhammad Harun** (Former Minister of State for the Interior of Sudan, currently Minister of State for Humanitarian Affairs for Sudan) and **Ali Muhammad Ali Abd-Al-Rahman** (known as Ali Kushayb). Harun is alleged to have used his position to coordinate, fund, and direct the activities of the Janjaweed. As leader of the Janjaweed, Kushayb has been charged with twenty-two counts of crimes against humanity and twenty-eight counts of war crimes. Also at large is **Abdel Raheem Muhammad Hussein**, Minister of National Defense and formerly the President's Special Representative in Darfur, who was charged with multiple counts of war crimes and crimes against humanity in March 2012.



In March 2009, the Court issued an arrest warrant for Sudanese President **Omar Al-Bashir**, charging him with multiple counts of war crimes and crimes against humanity. A second arrest warrant was later added in July 2010, adding charges of genocide. The allegations against Bashir accuse the leader of directing and causing the atrocities committed in Darfur by his government and by government-backed militias. Though Bashir remains at large, the arrest warrants from the ICC prevent him from traveling to countries that are State Parties to the Rome Statute and added scrutiny and pressure to curb atrocities committed on behalf of the Sudanese government.

Though the government of Sudan is the only faction to be accused of genocide, it is not the only one to be accused of crimes within the jurisdiction of the ICC. In May 2009, a summons to appear before the Court was issued for **Bahar Idriss Abu Garda**, Chairman and General Coordinator of Military Operations of the United Resistance Front on allegations of war crimes. **Abdallah Banda Anakaer Nourain**, Commander of the Justice and Equality Movement (JEM), and **Saleh Mohammed Jerbo Jamus**, former Chief of Staff for the Sudanese Liberation Army, appeared voluntarily before the Court in June 2010. Charges against them on three counts of war crimes were confirmed by the Court in March 2011, and the cases were set for trial.