

## No Peace without Justice: U.S. Must Cooperate with the International Criminal Court on Darfur

### A Failed Promise

The mantra “never again” was coined by the international community in response to the heinous atrocities committed during World War II, and reiterated after the Balkan war and the Rwandan Genocide in the 1990s.<sup>1</sup> Following the staggering loss of life resulting from these conflicts, state leaders and non-state actors such as non-governmental organizations (NGOs) acknowledged the need to prevent war crimes, crimes against humanity, and genocide from ravaging future generations. Yet while the deaths resulting from these conflicts shocked the conscience, their recurrence in the 21<sup>st</sup> century seems to have degraded “never again” into a mere slogan that both undermines and evades a collective responsibility to act.

### Snapshot: The Darfur Crisis

Located in the western part of Sudan, the Darfur region was once home to six million Muslim inhabitants of Arab and non-Arab ethnicity.<sup>2</sup> By 2004, this previously unknown region attained international infamy as an area devastated by a relentless campaign of ethnic cleansing. As early as January 2003, gangs of Arab militia called the *Janjaweed* singled out the non-Arab population of Darfur by razing thousands of villages, systematically raping women and girls, abducting children, castrating and torturing men, and destroying food and water supplies.<sup>3</sup> Notwithstanding the Sudanese government’s adamant denials, it is becoming politically and empirically clear that the *Janjaweed* are government-supported.<sup>4</sup> Indeed, aside from carrying out their attacks freely and in plain view of security police, the *Janjaweed* continue to engage in aerial bombardments of countless villages in Darfur with government planes and helicopters.<sup>5</sup> This overt support provided by the Sudanese government is tantamount to, at minimum, complicity in the crimes committed by the *Janjaweed*.

Many experts and analysts argue that a major cause for the attacks against the non-Arab population of Darfur is racially or tribally motivated.<sup>6</sup> Other experts, such as Nobel Peace Prize winner and Kenyan environmentalist Wangari Maathai, attribute the root causes to droughts, scarce resources, and ultimately, a “struggle over controlling an environment that can no longer support all the people who must live on it.”<sup>7</sup> Regardless of the underlying causes, however, the stark fact remains that unspeakable atrocities are being committed in Darfur,

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<sup>1</sup> Robert Walker, “Rwanda remembers the Holocaust,” *BBC News*. 27 January 2005. Available at <http://news.bbc.co.uk/1/hi/world/africa/4211621.stm>

<sup>2</sup> Peter Verney, “Darfur’s Manmade Disaster,” *Middle East Report Online*. 22 July 2004. Available at <http://www.merip.org/mero/mero072204.html>

<sup>3</sup> Human Rights Watch, “Abuses in Darfur by Government Forces,” April 2004. Available at <http://www.hrw.org/reports/2004/sudan0404/4.htm>

<sup>4</sup> Human Rights Watch, “Sudan: New Darfur Documents,” 20 July 2004. Available at <http://www.humanrightswatch.org/english/docs/2004/07/20/darfur9095.htm>

<sup>5</sup> Citizens for Global Solutions, “What next for the African Union in Darfur?” available at [http://www.globalsolutions.org/programs/peace\\_security/facts\\_reports/AU\\_mission.html](http://www.globalsolutions.org/programs/peace_security/facts_reports/AU_mission.html)

<sup>6</sup> For example, see Dr. Gregory H. Stanton, “Genocide Emergency: Darfur, Sudan,” *Genocide Watch*. Available at <http://www.genocidewatch.org/Never%20Again.htm>

<sup>7</sup> Didrik Schanche, “Scarce Resources, Ethnic Strife fuel Darfur conflict,” *National Public Radio*. Available at <http://www.npr.org/templates/story/story.php?storyId=6425093>

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claiming over 500 lives a day.<sup>8</sup> This astounding number is in addition to the over 400,000 lives already lost, 2.4 million people displaced, and 3.5 million left hungry and without water.<sup>9</sup>

## The Rhetoric of “Genocide”

A chief complaint of Darfur advocates on both sides of the Atlantic is the lack of concrete action following over eighteen months of strong rhetoric employed by the Bush Administration on the Darfur crisis. In June 2005, more than two years after the crisis began, President Bush referred to the violence in Darfur as genocide.<sup>10</sup> Genocide is not a term to be used lightly, and its use by the Administration in reference to Darfur arguably implies Khartoum’s complicity or even overt culpability. Politically, the use of the “G-word” by the Administration was meant to demonstrate the severity of the situation in Darfur. Indeed, many advocates and others active in humanitarian efforts in Darfur hoped that the use of this term would now obligate the U.S and the international community at large to take decisive action in ending the atrocities in Darfur. To date, however, the rhetorical use of genocide to describe the atrocities in Darfur has not resulted in any concrete action by policy makers and officials in the United States (U.S.). Instead, as the Darfur crisis enters its fourth year, President Bush’s words do a disservice to the plight of millions of Darfurians.

## International Criminal Court: The most viable option for Darfur

The victims of Darfur are no less deserving of justice and accountability than the millions of victims before them. In the twentieth century, the world witnessed the death of 174 million innocent civilians at the hands of war criminals, dictators, and human rights violators.<sup>11</sup> This near-incomprehensible figure was in large part due to the lack of a genuine willingness and/or concrete ability on the part of individual nations to prevent such wide scale atrocities. In many cases, whole populations were massacred at the hands of their own governments. By the tail-end of the bloodiest century in modern history, the need for a permanent—as opposed to an after-the-fact or “ad hoc” international legal body capable of both preventing and punishing such crimes—was palpably evident.

Reflecting on the horrors of the Holocaust, Nuremberg Prosecutor and philanthropist Whitney Harris has said, “We cannot tolerate war in this world anymore. Wars are not only disastrous for the societies directly involved but also fatal for all of mankind.”<sup>12</sup> In 1998, the international community reached the same conclusion as 160 government delegations came together in Rome, Italy in July 1998 to create the first-ever International Criminal Court (ICC).<sup>13</sup> The mission and mandate of the Court was clear: to hold accountable and bring to justice individuals responsible for the worst crimes, namely genocide, war crimes, and crimes against humanity.<sup>14</sup> Building on the promise of “never again,” the Rome Statute of the ICC was adopted at the conclusion of the Rome Conference, and four short years later, the ICC became a reality in July 2002.<sup>15</sup>

The sheer gravity and magnitude of the crimes committed in Darfur are precisely the set of circumstances that the ICC was envisioned to tackle. The perpetrators of the Darfur violence are systematically brutalizing an entire region with crimes so violent and inhumane that the Save Darfur Coalition has concluded, “not since the Rwandan genocide of 1994 has the world seen such a calculated campaign of displacement, starvation, rape, and mass

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<sup>8</sup> Genocide Intervention Network, [http://www.genocideinterventionfund.org/GIF\\_index.php](http://www.genocideinterventionfund.org/GIF_index.php)

<sup>9</sup> Save Darfur Coalition, “Background.” Available at <http://www.savedarfur.org/pages/background>.

<sup>10</sup> Jim VandeHei, “In Break with U.N., Bush Calls Sudan Killings Genocide,” *The Washington Post*, 2 June 2005, pg. A19.

<sup>11</sup> USA for the International Criminal Court. Available at <http://usaforicc.org/>.

<sup>12</sup> Annette Langer, “Interview with Nuremberg Prosecutor Whitney Harris,” available at <http://www.spiegel.de/international/0,1518,385694,00.html>.

<sup>13</sup> United Nations, “Rome Statute of the International Criminal Court.” Available at <http://www.un.org/law/icc/general/overview.htm>.

<sup>14</sup> Ibid.

<sup>15</sup> International Criminal Court, “Establishment of the Court.” Available at <http://www.icc-cpi.int/about/ataglance/establishment.html>.

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slaughter.”<sup>16</sup> Indeed, in addition to the countless other crimes committed in Darfur, the indisputably high incidences of rape and sexual violence are of particular concern. Almost 90 percent of the victims of the Darfur conflict are women and children,<sup>17</sup> and not surprisingly, “sexual...based violence is one of the biggest violations of women’s rights in Darfur.”<sup>18</sup>

The Rome Statute of the ICC empowers the Court to investigate and prosecute those most responsible for committing the most “serious crimes of concern to the international community.”<sup>19</sup> Moreover, the Statute is particularly strong with and sensitive to gender-based crimes.<sup>20</sup> Recognizing the extensive use of sexual violence in conflict, and building on the legal precedent of the Yugoslav Tribunal that codified rape as a crime against humanity,<sup>21</sup> the Court’s Rome Statute defines sexual violence crimes such as rape, sexual slavery, enforced prostitution and forced pregnancy as war crimes and crimes against humanity.<sup>22</sup> Importantly, the Statute supplements the Court’s legal authority to investigate and prosecute such crimes with organs to ensure the rights and priorities of witnesses and victims. The Victims Participation and Compensation Unit, which also includes the Victims Trust Fund (VTF)<sup>23</sup> provides protective measures, counseling services, participation guidelines, and financial compensation for victims and witnesses.

Given the Janjaweed’s repeated and targeted use of rape and other forms of sexual violence in Darfur, and the Sudanese government’s inadequate and discriminatory laws with respect to sexual violence cases,<sup>24</sup> it is no wonder that rape victims in Darfur “are...waiting for the day of the ICC.”<sup>25</sup> The Court’s investigation becomes even more crucial given the Sudanese government’s role in fueling, funding, and otherwise supporting the perpetrators of the Darfur violence. Time and again the Sudanese government has failed to take any steps to stop the killing in Darfur, much less investigate or prosecute the countless cases of sexual violence against women and girls.<sup>26</sup> On the

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<sup>16</sup> Save Darfur Coalition, “Background.” Available at <http://www.savedarfur.org/pages/background>.

<sup>17</sup> Christine Butegwa, “Women in Darfur Look to ICC,” *Institute for War and Peace Reporting*. 28 February 2006. Available at [http://iwpr.net/?p=acr&s=f&o=259915&apc\\_state=henh](http://iwpr.net/?p=acr&s=f&o=259915&apc_state=henh).

<sup>18</sup> Elizabeth Rubin. “If Not Peace, then Justice,” *The New York Times*. 2 April 2006. Available at <http://www.genocidewatch.org/SUDANIfNotPeacethenJusticeApril06.htm>.

<sup>19</sup> International Criminal Court, “Article 5 of the Rome Statute of the International Criminal Court,” available at [http://www.icc-cpi.int/library/about/officialjournal/Rome\\_Statute\\_120704-EN.pdf](http://www.icc-cpi.int/library/about/officialjournal/Rome_Statute_120704-EN.pdf).

<sup>20</sup> International Criminal Court, “Article 7(1)(g) (Crimes against Humanity), Article 8(2)(b)(xxiii) and (2)(d)(vi) (War crimes), Article 42 (Office of the Prosecutor), Article 54 (Duties and Powers of the Prosecutor with respect to Investigations), and Article 68 (Protection of the Victims and Witnesses and their Participation in the Proceedings) of the Rome Statute,” available at [http://www.icc-cpi.int/library/about/officialjournal/Rome\\_Statute\\_120704-EN.pdf](http://www.icc-cpi.int/library/about/officialjournal/Rome_Statute_120704-EN.pdf).

<sup>21</sup> International Criminal Court. “Article 5(g) of the Statute of the International Criminal Tribunal for the Former Yugoslavia,” available at <http://www.un.org/icty/legaldoc-e/index.htm>.

<sup>22</sup> International Criminal Court. Available at [http://www.icc-cpi.int/library/about/officialjournal/Rome\\_Statute\\_120704-EN.pdf](http://www.icc-cpi.int/library/about/officialjournal/Rome_Statute_120704-EN.pdf). Article 8 of the Rome Statute identifies sexual violence crimes as war crimes when they are “committed as part of a plan or policy or as part of a large-scale commission of such crimes.” Article 7 of the Rome Statute identifies these forms of sexual violence as crimes against humanity when they are committed “as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”

<sup>23</sup> In the Court’s own words, “The Rome Statute of the International Criminal Court contains revolutionary conditions so far as victims are concerned : for the first time in the history of international criminal justice, victims can participate in a procedure, including through an intermediary of counsels, and claim compensation; moreover, a Trust Fund in favour of victims has been created by the Statute of Rome which may collect funds resulting from fines and orders for compensation issued against condemned persons as well as voluntary contributions from Governments, international organizations, corporations or individuals. The functions of the International Criminal Court related to the participation of victims and the procedure and compensation in favour of victims have been entrusted to a specialized unit, the Victims Participation and Compensation Unit.” For more information on the Victims Participation and Compensation Unit of the International Criminal Court, see <http://www.icc-cpi.int/victimissues/witnessprotection.html>. For information on the Victim’s Trust Fund specifically, see <http://www.icc-cpi.int/vtf.html>.

<sup>24</sup> Butegwa, “Women in Darfur Look to ICC,” supra Note 17.

<sup>25</sup> Jane Lindrio Alao, psychologist with the Amel Centre for the Treatment and Rehabilitation of Victims of Torture in Darfur., quoted in Butegwa, “Women in Darfur Look to ICC,” supra Note 17.

<sup>26</sup> Butegwa, “Women in Darfur Look to ICC,” supra Note 17. See also Rubin, “If Not Peace, Then Justice,” supra Note 18.

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contrary, it continues to support the *Janjaweed* in their attacks in Darfur and increasingly, in neighboring Chad.<sup>27</sup> In fact, many humanitarian groups are warning of the Darfur violence engulfing Chad and the Central African Republic, resulting in a near-uncontainable regional crisis with catastrophic human costs.<sup>28</sup> The Sudanese government is therefore not a credible or honest broker to end the violence or provide justice and accountability for Darfur's victims. Rather, an impartial, now 104-member strong<sup>29</sup> international court with the requisite mandate, full backing of the international community, and authorization from the United Nations (U.N.) Security Council is the most viable option for justice and accountability and can assist in ending the violence in Darfur.

## Historic Referral: International Community turns to ICC

In 1967, Dr. Martin Luther King said in a speech fittingly titled, *Where Do We Go From Here*, "let us realize the arc of the moral universe is long, but it bends toward justice."<sup>30</sup> Over 40 years later and halfway across the world, ravaged and brutalized victims in Darfur are at the bending point. For the past four years, Darfurians have demanded justice and accountability for the crimes they have endured.<sup>31</sup> It was this demand, coupled with increasing international outrage and recognition of the ICC as the most viable option to provide justice and accountability in Darfur that prompted the United Nations Security Council to refer the case to the Court on March 31, 2005.<sup>32</sup>

The U.S. delegation was the largest at the Rome Conference and played an integral role in shaping the final version of the Rome Statute. In retrospect, the delegation's presence and engagement at the Rome Conference was consistent with a historical U.S. commitment to and involvement in international law and justice ideals, norms, and mechanisms, commencing with the Nuremberg Trials. Yet what many have praised as the U.S. legacy of promoting international law and justice is now little more than an ideological opposition to an institution the U.S. helped create. Still, after calling the atrocities in Darfur genocide and heeding the advice of key Administration supporters, the U.S. abstained from the Security Council vote and refrained from preventing the referral of the Darfur situation to the ICC.<sup>33</sup>

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<sup>27</sup> Human Rights Watch. "Chad and the Darfur Conflict Intertwined," available at <http://www.hrw.org/backgrounder/africa/chad0206/2.htm>.

<sup>28</sup> Lydia Polgreen, "Vulnerable Central African Republic being drawn into neighbor's conflicts," *International Herald Tribune*, 10 December 2006. Available at <http://www.ihf.com/articles/2006/12/10/news/africa.php>. See also Kelly Campbell, "Central African Republic, Chad and Sudan: Triangle of Instability?" *United States Institute of Peace Briefing*, December 2006. Available at [http://www.usip.org/pubs/usipeace\\_briefings/2006/1222\\_car\\_chad\\_sudan.html](http://www.usip.org/pubs/usipeace_briefings/2006/1222_car_chad_sudan.html)

<sup>29</sup> For a complete list of State Parties to the ICC, please visit <http://www.iccnw.org/documents/RATIFICATIONSbyUNGroups.pdf>. The newest State Party is Chad, which deposited its instrument of ratification on November 1, 2006. Chad's ratification is particularly significant given increasing raids by the *Janjaweed* on Chadian territory along the Chad-Darfur border. For a detailed analysis of the implications of the Chad ratification in the Darfur crisis, see Golzar Kheiltash, "Chad Joins the ICC: Analysis and Implications for the Darfur Crisis," *Citizens for Global Solutions Briefing Paper*, November 2006. Available at [http://www.globalsolutions.org/programs/law\\_justice/icc/resources/Chad\\_ICC\\_Briefing\\_Paper.pdf](http://www.globalsolutions.org/programs/law_justice/icc/resources/Chad_ICC_Briefing_Paper.pdf).

<sup>30</sup> Martin Luther King, Jr. "Where do we go from here?" speech. Available at <http://www.indiana.edu/~iviewweb/mlkwhere.html>

<sup>31</sup> Darfurians' demand for justice and accountability in general and cases at the ICC in particular have been well-documented by aid groups, journalists, and women's rights advocates. For example, see Rubin, "If Not Peace, then Justice," supra Note 18. In her detailed April 2006 *New York Times* article on Darfur and the role of the ICC, author Rubin writes, "Darfurians and activists across Sudan see it [the ICC] as the only way of getting rid of one of the most murderous governments in the world. As the omda of Marla, Abdul Karim, told me, 'After the intervention of the commission of inquiry and the U.N. and all of them confessed that there are crimes of war and crimes against humanity in this state, the best chance for the citizens of Darfur is that the perpetrators of these crimes should be taken to account at fair trials. Our hope is with the I.C.C.'"

<sup>32</sup> International Criminal Court, "The Prosecutor of the ICC opens investigation in Darfur," 6 June 2005. Available at [http://www.icc-cpi.int/pressrelease\\_details&id=107.html](http://www.icc-cpi.int/pressrelease_details&id=107.html).

<sup>33</sup> United Nations Security Council Resolution 1593, 31 March 2005. Available at [http://www.globalsolutions.org/programs/law\\_justice/news/sc\\_res\\_1593.pdf](http://www.globalsolutions.org/programs/law_justice/news/sc_res_1593.pdf). See also Citizens for Global Solutions, "The UN Security Council Makes History, Refers Situation in Darfur to the International Criminal Court," 25 April 2006. Available at [http://www.globalsolutions.org/programs/law\\_justice/news/darfur\\_icc.html](http://www.globalsolutions.org/programs/law_justice/news/darfur_icc.html).

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On paper, the abstention allowed the Administration to demonstrate a commitment to ending the violence in Darfur while simultaneously maintaining an anti-ICC stance. Nearly two years later, the U.S. is still abstaining: notwithstanding its rapid and remarkable growth, the fact remains that the ICC cannot be the only actor to address and remedy the Darfur crisis. The U.S. abstention implicitly recognized the need for an ICC investigation in the Darfur atrocities. Yet passive action will not ensure the investigation's success. The U.S. must now act affirmatively and build on the abstention by supporting the ICC's investigation in Darfur.

## No Scapegoating

When a humanitarian crisis with the magnitude and severity of Darfur takes place, it becomes all too easy for states observing the crisis to point the finger at others. In the last two years, the United States has increasingly blamed other governments – China in particular – for impeding efforts to end the violence in Darfur.<sup>34</sup> While China has also clearly failed (or refused) to publicly address the Darfur situation for a variety of political reasons and geo-strategic interests,<sup>35</sup> the fact remains that China's behavior does not excuse U.S. inaction.

The Sudanese government also continues to use every conceivable external factor and actor as a scapegoat to deflect blame and responsibility for Darfur. President Bashir has even gone as far as identifying the ICC investigation of Darfur as the reason behind his denial of U.N. peacekeepers' access to Darfur, arguing that the Court's Office of the Prosecutor (OTP) will capitalize on U.N. access to Darfur to gather evidence in its investigation. This latest attempt at making the ICC a scapegoat borders on the absurd when one considers the fact that the OTP has visited senior Sudanese government officials numerous times since the Darfur referral, has conducted over forty missions to neighboring Chad to collect evidence and interview witnesses, and has announced that it is ready to identify the perpetrators of the Darfur violence.<sup>36</sup> Khartoum's attempts to point the finger at the Court is not surprising—impunity is the strongest tool at the Sudanese government's disposal as it slaughters its own people.

## Culture of Accountability Key to Darfur Peace

The brutality in Darfur is not new for the African continent. Nor is the Sudanese government's brazen attempts to deflect responsibility and avoid blame for the Darfur violence. Indeed, for decades names such as Charles Taylor, Idi Amin, and Hissene Habre have been synonymous with impunity in African countries. At the conclusion of the ICC's cases in Northern Uganda, the Democratic Republic of Congo (DRC), and Darfur, however, a new set of names such as Joseph Kony, Vincent Otti, Thomas Lubanga Dyilo, and the perpetrators of the Darfur atrocities will entrench the norm of accountability in place of continued impunity. Irrespective of the final ruling in these cases, the very investigation of these individuals by the ICC sends an unequivocal message to future war criminals and victims alike: that systematic rape, torture, mutilation, and murder of countless civilians will no longer be tolerated. At the time of this briefing paper, the Court's office of the Prosecutor has announced it is ready to identify the individuals responsible for the Darfur atrocities.

Andrew Natsios, U.S. Special Envoy to Sudan, stated in his official testimony before the House Committee on Foreign Affairs on February 8, 2007 that "this is the third war in Darfur in the past twenty years, and by far the most devastating in terms of the numbers of people killed and displaced."<sup>37</sup> A fourth war in Darfur will be as much a result of lack of justice and accountability for the perpetrators of the first three wars as it will be a lack of

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<sup>34</sup> The Associated Press, "Rice singles out China, says world must press Sudan to end Darfur violence," *International Herald Tribune*. 16 February 2007. Available at <http://www.iht.com/articles/ap/2007/02/17/america/NA-GEN-US-Sudan-China.php>

<sup>35</sup> Peter S. Goodman, "China invests heavily in Sudan's oil industry," *The Washington Post*. 23 December 2004. Available at <http://www.washingtonpost.com/wp-dyn/articles/A21143-2004Dec22.html>

<sup>36</sup> International Criminal Court, "ICC Prosecutor Ready with Evidence Against Darfur War Criminals," 14 December 2006. Available at <http://www.icc-cpi.int/press/pressreleases/217.html>.

<sup>37</sup> The President's Special Envoy to Sudan in his official statement to the United States House of Representatives Committee on Foreign Affairs hearing on "The Escalating Crisis in Darfur: Are there any prospects for peace?" available at <http://www.internationalrelations.house.gov/110/nat020807.htm>

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international pressure and action. To that end, a shift from the paradigm of impunity to a culture of accountability in Darfur can contribute to ending the violence now and ensuring a sustainable peace in the future.

## **ICC in Darfur: Necessary but not Sufficient**

Without doubt, there is no uniform approach to the intricate transition from violence to lasting peace. There is also little doubt that the lack of such uniformity is in large part due to the inherent political, social, economic, and cultural complexities that wide scale humanitarian crises often entail. These complexities are further exacerbated by internal and external actors acting in their own self-interest. Ending the violence and working toward peace therefore often requires comprehensive, multi-faceted action by a host of actors and stakeholders inside and outside of the conflict area. Seldom has a credible and sustainable peace resulted without such action.

The crisis in Darfur is no different in its complexity and need for immediate, comprehensive, and multifaceted action. The ICC has been tasked with providing a key component of this action, namely justice and accountability for Darfurians. Yet the ICC is, solely and appropriately, a legal body. As such, even the most successful outcome of its Darfur investigation will not alone be sufficient to end the bloodshed in Darfur and prevent repeated onslaughts. To that end, it is imperative for the U.S. and the international community to complement the Court's efforts with other concerted efforts to end the Darfur violence. These efforts must include:

- **Concrete, consistent, and effective cooperation with the ICC on Darfur**

Even the staunchest ICC opponents in the U.S. can recognize that tacit yet effective cooperation with the ICC on the specific situation of Darfur does not signify a reversal of U.S. policy toward the Court. In the future, the U.S. must adopt a far more pragmatic policy of engagement with the Court. In the meantime, however, it can achieve the Administration's own stated goal of ending the violence in Darfur by cooperating with the ICC. Concrete cooperation with the ICC on Darfur would entail, *inter alia*,

- Being proactive. The Administration in general and the State Department in particular have taken a "come to us" approach with the Court's OTP. This is both unnecessary and wastes time. Instead, the U.S. must demonstrate its openness to making an end to the violence in Darfur a reality.
- Turning over any evidence -- such as satellite imagery of aerial bombardments on Darfur villages -- that does not clearly conflict with national security interests.
- Not impeding or interfering with the OTP's investigation or issuance of arrest warrants for the perpetrators of the Darfur violence.
- Sending a clear message to Khartoum that the Administration places accountability for the crimes committed in Darfur as a higher priority than potential collaboration with the Sudanese government in the "war on terror."<sup>38</sup>

*The U.S. must complement concrete cooperation with the ICC with other core actions, including:*

- **Continued multilateral pursuit of rigorous diplomacy and economic pressure points on the Sudanese government to secure peace in Darfur:**

- Building an energized and effective peace process, including strengthening rebel unity. A multilateral team, including the U.S., needs to bring together rebels in both Chad and Darfur to help articulate a unified rebel position. U.S. political engagement in a re-energized and inclusive peace process in the region is essential to securing sustainable peace.
- Securing increased funding for a stronger AMIS force to protect the people of Darfur until a robust U.N. force can deploy. The international community must act on its recognized

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<sup>38</sup> John Prendergast. "So how come we haven't stopped it?" *The Washington Post*. 19 November 2006. Available at <http://www.crisisgroup.org/home/index.cfm?id=4516&l=1>

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“responsibility to protect” the people of Darfur; the Administration must ensure logistical and technical support to the three-phase Addis Ababa agreement. The U.S. must also address the shortfall in its peacekeeping funding to the U.N. – estimated at approximately \$1.3 billion by FY08 – to ensure the success of a future hybrid AU-U.N. force.

- Engaging Sudan’s closest allies – especially China – to end the violence in Darfur. With its economic relationship with Sudan and its oil interests in the region, China is especially well positioned to play a crucial role in ending the genocide. The U.S. must make it clear that China needs to play a positive and public role in Darfur.
- Taking more forceful punitive measures against the Government of Sudan to follow through on the Administration’s stated threats. Stronger measures should include a no-fly zone, targeted individual sanctions, targeted divestment (specifically from the petroleum sector) and a freeze of assets and off-shore accounts of Sudanese officials.

## Action, Not Rhetoric

If the principle of “never again” is ever to transcend a hortatory cliché, the U.S. must lead the international community in refocusing its attention on Darfur and take unwavering, consistent efforts in ending the violence in the region. The Sudanese government will continue to point the finger in an effort to buy time and bargaining chips to ward off the international community and the U.N. No more can be expected from a government that is raping, torturing, and starving its own people. But more can be expected and indeed must be demanded from U.S. policymakers and administration officials. In the time it takes to read this briefing paper, 200 Darfurians have been killed or have died from starvation, hunger, or disease. Notwithstanding the lessons of history, the twenty-first century has already commenced with bloodshed. It is time for action to take the place of words and rhetoric. It is time for the U.S. to support the ICC investigation of Darfur and supplement this support with other key economic and political measures. The future of Darfur depends on it.

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