ICC indictment
triggers a fresh
debate on Dar-
fur.

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he International Criminal Court's slapping of genocide charges on Sudan's President Omar al-Bashir has opened up the debate over whether justice should be pursued at the cost of peace. The prosecutor for the ICC has accused Bashir of personally instructing his armed forces to annihilate members of the Fur, Masalit and Za-ghawa ethnic groups in Darfur. He has asked for an arrest warrant against Bashir on 10 counts, three of them for genocide. The charges of war crimes and crimes against humanity in-
clude allegations of murder,
torture and attacks on civil-
ians. According to the United
Nations, about 300,000 people
have died and over two million
displaced as a result of the con-
flict in Sudan's Darfur region
since 2003. Sudan's government
has been accused of mobilising
the Arab Janjaweed militia to at-
tack black African tribes in Dar-
fur that are rebelling against
Khartoum. If charges are
brought against Bashir, it would
be the first time the ICC has indicted a sitting head of state. It is a bold intervention in the cause of de-fending human rights.
However, the move is seen as a violation of Su-dan's sovereignty. Many countries will ask whether leaders should be hauled up before the ICC for what could be counter-insurgency operations to quell a secessionist movement. More importantly, what are the charges likely to achieve? In 2007, the ICC issued arrest warrants to two Sudanese citizens on similar charges but Sudan did not hand them over. Sudan is very unlikely to hand over its President to face a genocide trial.
The ICC move is expected to deal a blow to ongo-ing efforts to negotiate a peace settlement between the government and the Darfur rebels. A spike in vi-olence is expected. Ongoing humanitarian efforts will also suffer as there is a possibility of the gov-ernment retaliating against UN workers in re-sponse to the ICC charges. In 2005, the ICC issued an arrest warrant against Joseph Kony, leader of the Lord's Resistance Army in Uganda. Three years on, neither has he been arrested nor a peace deal signed. Many will say that in its quest for justice the ICC has jeopardised peace efforts. This might be so. But is real peace possible when justice is denied? Can a lasting peace be achieved without providing accountability for serious crimes under interna-tional humanitarian law?

Peace or justice?

<title>Peace or justice?</title>
<keywords>LR1</keywords>
<publication>The Deccan Herald</publication>
<pubDate>17/07/2008</pubDate>
<description>The International Criminal Court's slapping of genocide charges on Sudan's President Omar al-Bashir has opened up the debate over whether justice should be pursued at the cost of peace. The prosecutor for the ICC has accused Bashir of personally instructing his armed forces to annihilate members of the Fur, Masalit and Zaghawa ethnic groups in Darfur. He has asked for an arrest warrant against Bashir on 10 counts, three of them for genocide. The charges of war crimes and crimes against humanity include allegations of murder, torture and attacks on civilians.</description>
<classif>B83a</classif>
<entrydt>21/07/2008</entrydt>
<sd>VD</sd>