

The Deccan Herald, Bangalore, 17 Jul 2008

Peace or justice?

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. According to the United Nations, about 300,000 people have died and over two million displaced as a result of the conflict in Sudan's Darfur region since 2003. Sudan's government has been accused of mobilising the Arab Janjaweed militia to attack black African tribes in Darfur 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 defending human rights.



ICC indictment triggers a fresh debate on Darfur.

However, the move is seen as a violation of Sudan'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 ongoing efforts to negotiate a peace settlement between the government and the Darfur rebels. A spike in violence is expected. Ongoing humanitarian efforts will also suffer as there is a possibility of the government retaliating against UN workers in response 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 international humanitarian law?