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**SUDAN: ACCOUNTABILITY FOR WAR CRIMES**

**Q: Is the U.S. asking governments on the UN Security Council to create a court to prosecute individuals for war crimes in Sudan?**

- We are appalled by the atrocities that have occurred in Darfur and believe that those responsible must be held accountable. We sponsored a UN resolution that produced a UN commission that's been looking into the atrocities there, and as you all know from the UN and from press reports, that commission is nearing the end of the work.
- We have begun now to consult with our partners, especially African countries which have been so active in trying to stop the violence in Sudan, to find the best possible mechanism for achieving accountability.
- **(If pressed)** We do not discuss the details of diplomatic discussions.
- **(If asked)** We understand that some countries support the International Criminal Court as the appropriate mechanism. Our position regarding the ICC is well known. We believe there are better options for accountability and are examining them.

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## Background:

S/WCI Amb. Prosper met in New York yesterday with representatives of Gabon, Tanzania, Nigeria, Benin, and the U.K. to discuss our proposal for a "hybrid" court administered by the African Union and UN. We have also approached, via demarche, six other African countries and the AU. This proposal, which remains confidential, would serve as an alternative to the ICC. We do not want to be confronted with a decision on whether to veto an ICC resolution in the Security Council.

The UN's Darfur Commission of Inquiry has delivered its report to the Secretary General; however, the report will not be provided to us or released to the public until sometime next week. We have not seen the full text, but understand the report will lay out details of serious violations of human rights and of international humanitarian law. However, the Commission apparently will not draw a conclusion as to whether genocide has taken place. We understand the Commission will recommend that the issue be referred to the ICC as the only workable solution for justice.

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