

Op-Ed Contributor

# Will Africa Let Sudan Off the Hook?

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THE expected issuance of an arrest warrant for President Omar Hassan al-Bashir of Sudan by the International Criminal Court tomorrow presents a stark choice for African leaders — are they on the side of justice or on the side of injustice? Are they on the side of the victim or the oppressor? The choice is clear but the answer so far from many African leaders has been shameful.

Because the victims in Sudan are African, African leaders should be the staunchest supporters of efforts to see perpetrators brought to account. Yet rather than stand by those who have suffered in Darfur, African leaders have so far rallied behind the man responsible for turning that corner of Africa into a graveyard.

In response to news last July that Luis Moreno-Ocampo, the court's chief prosecutor, was seeking an arrest warrant for President Bashir for genocide, crimes against humanity and war crimes, the African Union issued a communiqué to the United Nations Security Council asking it to suspend the court's proceedings. Rather than condemn the genocide in Darfur, the organization chose to underscore its concern that African leaders are being unfairly singled out and to support President Bashir's effort to delay court proceedings.

More recently, the Group of 77, an influential organization at the United Nations consisting of 130 developing states and including nearly every African country, gave Sudan its chairmanship. The victory came after African members endorsed Sudan's candidacy in spite of the imminent criminal charges against its president.

I regret that the charges against President Bashir are being used to stir up the sentiment that the justice system — and in particular, the international court — is biased against Africa. Justice is in the interest of victims, and the victims of these crimes are African. To imply that the prosecution is a plot by the West is demeaning to Africans and understates the commitment to justice we have seen across the continent.

It's worth remembering that more than 20 African countries were among the founders of the International Criminal Court, and of the 108 nations that joined the court, 30 are in Africa. That the court's four active investigations are all in Africa is not because of prosecutorial prejudice — it is because three of the countries involved (Central African Republic, Congo and Uganda) themselves requested that the prosecutor intervene. Only the Darfur case was referred to the prosecutor by the Security Council. The prosecutor on his own initiative is considering investigations in Afghanistan, Colombia and Georgia.

African leaders argue that the court's action will impede efforts to promote peace in Darfur. However, there can be no real peace and security until justice is enjoyed by the inhabitants of the land. There is no peace precisely because there has been no justice. As painful and inconvenient as justice may be, we have seen that the alternative — allowing accountability to fall by the wayside — is worse.

The issuance of an arrest warrant for President Bashir would be an extraordinary moment for the people of Sudan — and for those around the world who have come to doubt that powerful people and governments can be called to account for inhumane acts. African leaders should support this historic occasion, not work to subvert it.

Desmond Tutu, the former Anglican archbishop of Cape Town, received the Nobel Peace Prize in 1984.