

Wednesday 9 July 11.30am to 1.00pm

Delivering Justice for Darfur: Is the ICC Simply a Significant Step in the Right Direction?

Rachel Bradshaw

James Cook University

Abstract

The establishment of the International Criminal Court (ICC) in 2002 was to be humanity's swift and just response to the most heinous of international crimes. The momentum that had gathered in the 1990s facilitated clear goals and high aspirations for the world's first permanent international criminal court. However, concessions made to entice universal support for the institution, ultimately weakened its practical ability to provide an effective alternative to impunity. The Darfur region of Sudan has been described as one of the world's worst humanitarian crisis, with UN records suggesting approximately 200,000 people have died and 2.5 million people have been displaced since 2003. The residents of Darfur have been subjected to many human rights abuses including murder, rape, torture and forcible removal, at the hands of government officials and supporters. Although the Office of the Prosecutor has commenced fervent investigations, the jurisdictional limits of the Rome Statute have impeded the ability of the Prosecutor to bring those responsible for the atrocities that have occurred in Darfur to justice. Investigations have shown that the government of Sudan has tolerated and even actively supported the alleged perpetrators of these war crimes and crimes against humanity. The Sudanese government has declined to cooperate with the Prosecutor and has refused to take any further action in relation to the arrest warrant for government minister Ahmad Huran. It has also rejected the option to domestically investigate Ahmad Huran, and in demonstration of defiance has appointed Huran as the Minister of State and Humanitarian Affairs. The present situation therefore raises the question as to whether the ICC can be the powerful international force against impunity that can effectively deliver justice to the people of Darfur.

From Paris to Dhaka: The Paris Principles, National Human Rights Institutions, and the Effective Protection of Human Rights

Professor Andrew Byrnes, Associate Professor Andrea Durbach and Catherine Renshaw

Australian Human Rights Centre, Faculty of Law, University of New South Wales

Abstract

During the 1990s the United Nations and a number of governments promoted the establishment of national human rights institutions (NHRIs) in all regions of the world. In order to ensure that such institutions were not simply window-dressing, but effective independent institutions for the promotion and protection of a wide range of rights, standards were developed in the early 1990s with which new and existing institutions should comply – the UN Principles Relating to the Status and Functions of National Institutions for the Promotion and Protection of Human Rights (the *Paris Principles*).

Those standards have become internationally accepted as the minimum standards that NHRIs must satisfy to be seen as credible institutions, and to be accredited as members of the International Coordinating Committee of NHRIs and in this region the Asia Pacific Forum of NHRIs. At the same time the *Principles* have been criticized as limited, focusing on form rather than substance, and privileging a particular model of NHRI over other, equally legitimate models.

This paper will examine the doctrine and practice of the *Paris Principles* in their application by the ICC, the APF and other actors. It will assess the continuing relevance of the *Principles*, as well as their limitations and the steps that could be taken to address those limitations.
