

## Comment

**DAILY MONITOR**

Truth Every Day

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## After Bashir, ICC should widen its scope

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The issuance of an arrest warrant for Sudan President Omar al-Bashir by the International Criminal Court (ICC) over alleged war crimes and crimes against humanity in Darfur sends one of the clearest messages that the world no longer has a hideout or political leaders who abuse the rights of their citizens with impunity.

Mr Bashir is the first sitting president to be indicted or any crime by the ICC, a move that has certainly broken new ground in showing that even the trappings of incumbency are no longer enough to stop a leader who wrongs his own people from being brought to book.

The messages of support for and condemnation of the ICC following the issuance of the arrest warrants against Mr Bashir have come thick and fast, an indication of just how divided opinion on this matter really is. Some groups that are forecasting doom warn that the warrants could lead to more instability in Sudan and the region, in addition to setting "a dangerous precedent in the system of international relations".

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But the logical thing for the parties involved in the matter to do is to rise above the sentiments and play their part. Consequently, Mr Bashir – who has proclaimed himself innocent – should go before the ICC and defend himself. In the same vein, the ICC – whose credibility has been a subject of debate in several quarters – should go the extra mile and prove that it is not "one mechanism of neo-colonialist policy used by the West against free and independent countries," as claimed by Sudanese Presidential Adviser Mustafa Osman Ismail.

Since the ICC was set up in 2002, all the 11 indictments that its officials have issued so far have been to political or rebel leaders on the African continent; five for LRA senior commanders, three for rebel leaders from the Democratic Republic of Congo, two for Sudanese government officials and one for a Janjaweed militia commander. It has been acknowledged that rebels, military men and politicians on other continents have committed crimes that should qualify them to be hauled before the ICC. The Hague-based Court should therefore widen its scope and start to bite them too if it is to be seen to exercise fairness in the execution of its mandated role.



Kenyan President Mwai Kibaki on Tuesday called a press conference at State House Nairobi to declare that he has only one wife.



## Nicholas D. Kristof

Justice

# A President, a boy and genocide

When the International Criminal Court issued its arrest warrant for Sudan's president on Wednesday, an 8-year-old boy named Bakit Musa would have clapped – if only he still had hands.

I met Bakit a couple of weeks ago in eastern Chad, near the border of Darfur. He and two friends had found a grenade left behind in fighting after Sudan's president, Omar Hassan al-Bashir, armed and dispatched a proxy force to wreak havoc in Chad. The boys played with the grenade, and it exploded, taking both of Bakit's hands, one eye and the skin on half of his face.

So Bakit became, inadvertently, one more casualty of the havoc and brutality that President Bashir has unleashed in Sudan and surrounding countries. Other children laugh at him, so Bakit plays by himself in the dust on the outskirts of a huge camp for people displaced by Mr Bashir.

One of Mr Bashir's first actions after the arrest warrant was to undertake yet another crime against humanity: He expelled major international aid groups, including the International Rescue Committee and the Dutch section of Doctors Without Borders. In effect, he is now preparing to massacre the Darfuri people in still another way, for Darfuris are living in camps and depend on aid workers for food, water and health care – even as deadly meningitis has broken out in one of the camps.

"The consequences are going to be dire," notes George Rupp, the president of the International Rescue Committee, on which 1.75 million Sudanese depend for water, sanitation, education and health care. "If Sudan persists in this decision, it's difficult to see how the outcome will be anything other than serious suffering and death for hundreds of thousands of people."

Mr Bashir is now testing the international community, and President Obama and other world leaders must respond immedi-

ately and decisively, in conjunction with as many non-Western nations as possible.

The first step is to insist that aid groups be reinstated immediately to prevent this genocide in slow motion. A second step could be to destroy one of Mr Bashir's military planes with a warning that if he takes his genocide to a new level by depriving Darfuris of food and medical care, he will lose the rest of his air force.

Yet it's also important to understand that Mr Bashir engages in a consistent pattern of destruction and slaughter, not because he is a sadistic monster, but because he is a calculating pragmatist.

Mr Bashir saw early in his career that

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atrocities can constitute an effective policy – shooting villagers and gang-raping women is quite useful to depopulate rural areas, thereby denying support to rebel militias. Best of all from Mr Bashir's perspective, there's no downside as long as the international community averts its eyes or backs down. His aim in expelling aid groups is apparently to divide the international community and to try to force the United Nations Security Council to delay International Criminal Court proceedings.

Mr Bashir assumes, not unreasonably, that he can get away with it. That culture of impunity is what the ICC arrest warrant may begin to change. It is one way of attaching costs to systematic brutality, and thus to change the calculations of pragmatists like Mr Bashir in Sudan and

elsewhere.

So now President Obama and other leaders – hello, Gordon Brown, you too – need to back up the ICC arrest warrant and push to reverse the expulsion of aid workers, while working with Arab countries like Qatar that want to help.

Intriguingly, Khartoum is full of rumors that the handful of leaders just below Mr Bashir are thinking of throwing him overboard to save themselves. We can encourage that by making it clear that Sudan will pay a price if the killing continues.

We also must call on China to stop touting the military pilots used by Mr Bashir to strafe villages, and to stop supplying weapons and spare parts to Sudan as long as Mr Bashir is in office. There are precedents: China was a strong supporter of Khmer Rouge and of Slobodan Milosevic but distanced itself from both when they came under the spotlight for genocide. President Obama could also announce that from now on, when Sudan violates the UN ban on offensive military flight in Darfur by bombing villagers, we will afterward destroy a Sudanese military aircraft on the ground in Darfur (we can do this from our base in Djibouti in the Horn of Africa).

I won't pretend that we can end all genocides. But we can attach enough cost so that it is no longer in a leader's interest to dispatch militias to throw babies in bonfires. The ICC arrest warrant marks a wobbly step toward accountability and deterrence.

So let's applaud the ICC's arrest warrant, on behalf of children like Bakit Musa, can't.

**Mr Kristof is an American journalist, author, op-ed columnist, and a winner of the Pulitzer Prize.**

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