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Justice across borders

Richard Goldstone ("Prosecuting Sudan's leader," Views, July 16) is right to question the short-sighted argument that the International Criminal Court's indictment of President Omar al-Bashir of Sudan would jeopardize a peace agreement. In many instances, the ICC's action has actually strengthened the prospects for a sustainable and just peace. Uganda suffered civil war for most of two decades, and it was only after the court started its investigations that real peace talks commenced.

The International Criminal Court can only act when a state is unwilling or genuinely unable to investigate and prosecute crimes within its jurisdiction. The impetus and responsibility for dealing with war crimes, crimes against humanity, and genocide continues to lie primarily at the national level, and the international court acts as a catalyst, a guardian, and a last resort for victims to obtain justice.

This is one of the court's strengths because it allows the court to act as a driving force for national efforts to overcome impunity.

A durable peace can only be achieved by providing accountability and redress for victims of war crimes. Whatever mechanisms are adopted to provide accountability and redress - international or local prosecutions or truth and reconciliation commissions - they must be designed in a way that will promote restoration of the rule of law.

Failing to account for past wrongs weakens the rule of law. It allows impunity to prevail and a vicious cycle of violence to continue. Peace and justice are two sides of the same coin: There cannot be one without the other.

The ICC has been operating for five years. It will need more time to affirm itself as a significant instrument for justice. Instead of criticizing it for its current shortcomings, we must work to improve its operations and its efficiency. The U.S. and other powerful countries have not ratified the court's statute - I hope this will change after the U.S. elections - but this is no reason for critics to view the court as ineffective in countries where it does have jurisdiction.

Supporters of the effort to end impunity for crimes against humanity and genocide must continue to promote the universal ratification of the court's statute.

Emma Bonino, *Rome Vice president of the Italian Senate and a founder of No Peace Without Justice*

I recall standing in front of the world's press on June 4, 2003, announcing that I had unsealed the

indictment of former President Charles Taylor of Liberia for 17 counts of war crimes and crimes against humanity as he walked up the steps for the opening ceremony of the Accra peace accords.

The international community reacted with praise - and condemnation. Many politicians voiced concern that I had put in jeopardy the newly organized peace process. Yet five years later, Liberia is stable, and a fairly elected government is in place with a real possibility that it is on the correct path to a sustainable peace. Taylor sits in The Hague on trial before a judicial chamber of the Special Court of Sierra Leone.

The recent actions by the International Criminal Court related to the indictment of President Omar al-Bashir of the Sudan for war crimes, genocide, and crimes against humanity has resulted in similar rhetoric from politicians.

But the indictment of these two African heads of state tells the people of Africa that their lives matter and that those members of the "club" of African dictators today are on notice that they are accountable for their actions. The action against Bashir tells the people of Africa that no one is above the law, that the law is fair, and that the rule of law is more powerful than the rule of the gun.

Yet, the current leadership in Africa does not get it. Their silence or mumbled condemnation of the actions by the ICC reflects their true attitude toward the law.

President Robert Mugabe of Zimbabwe is the next head of state who must be held accountable. His arrogant rule has brought great shame on himself, his country, and the south of Africa

These indictments are the building blocks by which the African continent can move forward. Accountability, good governance, and the rule of law will bring the stability needed for economic growth and long term investment.

David M. Crane, Syracuse, New York Professor, Syracuse University and founding chief prosecutor of the international war crimes tribunal in West Africa, called the Special Court for Sierra Leone