

On behalf of Atrocities Watch Africa we wish to offer the following observations to the ASP of the ICC concerning double standards in international justice, particularly regarding the need for equal and robust action in all situations in which the Court has jurisdiction.

AWA is concerned about double standards within international justice, particularly at the ICC, and particularly regarding the disparity in the attention given to certain situations. We call on the ASP to ensure increased resources for the court so that it is not forced to neglect some situations due to inadequate funding.

In this context, we would like to raise urgent concern about the situation in Sudan. The Sudan war has displaced roughly 11.2 million people and has been characterised by ground attacks on civilians, indiscriminate aerial bombardment, extrajudicial killings, conflict-related sexual violence, and obstruction of humanitarian aid. We agree with the prosecutor that the “absence of any meaningful justice for the serious crimes committed in Darfur twenty years ago, have sown the seeds for this latest cycle of violence and suffering”.

Nearly two decades since the Darfur situation was referred to the Court and the first arrest warrants were issued, only two cases have commenced and no final judgements have been issued. We welcome the new round of investigations announced by the prosecutor but encourage the office to act with greater urgency in filing additional cases, particularly in relation to well documented crimes in El Geneina in 2023 and in El Fasher over the past six months. In addition, the prosecutor should examine the role of external actors in facilitating ongoing violence in Darfur.

We call upon States Parties to support these investigations through appropriate cooperation. This should include both public and financial support for ongoing investigations and redoubling efforts to enforce existing arrest warrants in the Darfur situation, including by exerting diplomatic pressure on Sudan. *We also reiterate a continued call by Sudanese civil society for the UNSC to expand the mandate of the ICC investigation beyond Darfur to cover the entire country so as to enable the Court to address atrocities committed outside the region.*

Meanwhile more than seven million people have been displaced in the Democratic Republic of the Congo, more than 6.5 million in the eastern provinces of North and South Kivu and Ituri. Amid ongoing fighting, the displaced are facing acute food insecurity. While we welcome the Prosecutor’s October 2024 statement that additional investigations would be undertaken, we highlight that the situation is urgent.

In addition, we would like to ask the court and the ASP to prioritize the situation in Nigeria. The country has been suffering violence and insecurity at least for the last 15 years. Boko Haram has

killed civilians, attacked schools, abducted women and children and forced them to fight or serve as sex slaves. The Nigerian military has also committed a range of violations including extrajudicial executions, enforced disappearances, torture, sexual violence and other violations. Despite these serious crimes, the situation in Nigeria remained under preliminary investigation for ten years, with Fatou Bensouda only initiating investigations in 2020. In the last four years, although the preliminary examination has been closed, no investigation has been opened. This lack of action leaves victims feeling abandoned, and emboldens perpetrators. In addition, the lack of communication about the status of the case exacerbates the sense of neglect and leaves victims in limbo.