

Sudan's government and the Arab Janjaweed militia are not guilty of genocide but did commit mass killings, torture, rape and other atrocities in the Darfur region that merit the trial of suspects by the International Criminal Court, a U.N.-appointed panel said in a new report.

The panel's report, released Monday, sets up a possible showdown with Washington, which opposes the court and has demanded that perpetrators of the violence be tried elsewhere.

The crisis in Darfur has gripped world attention but also drawn calls that international leaders are again standing by while a people is exterminated - as happened in Cambodia, Rwanda and Yugoslavia.

While the United States has labeled the destruction genocide, the U.N.-appointed panel of five lawyers said that there appeared to be no clear evidence of "genocidal intent" against the people of Darfur. Still, it said the atrocities committed there were horrific, and spread the blame among the government, the militias and the region's rebels.

"The conclusion that no genocidal policy has been pursued and implemented in Darfur by the government authorities ... should not be taken in any way as detracting from the gravity of the crimes perpetrated in the region," the report said

"We have a copy of that report and they didn't say that there is a genocide," Sudan's Foreign Minister Mustafa Osman Ismail said on the sidelines of an African Union summit in the Nigerian capital, Abuja.

The U.N. report on Darfur detailed a host of violations, including the government's failure to protect civilians from rebel attack, use of disproportionate force and attacks meant to force people to flee their homes.

It blamed the government for joining in the attacks and for complicity with the Janjaweed militia, and also accused rebels of massive violence

The panel collected a list of "likely suspects" in the worst crimes, including individuals on all sides - government officials, militia members, rebels, and even "certain foreign army officers acting in their personal capacity." But the names were not made public to ensure due process is carried out and to protect witnesses.

The panel did not rule out that a court could eventually find there may have been genocidal acts in Darfur and some individuals may be found guilty of having had "genocidal intent."

The Security Council is also considering elements of a possible resolution to push for new progress on Darfur, possibly including sanctions, an arms embargo and an asset freeze...

The panel recommended that the U.N. Security Council immediately refer the situation in Darfur to the International Criminal Court, the world's first permanent war crimes tribunal.

However, the recommendation to put the case before the International Criminal Court could

lead to a confrontation within the Security Council because the Bush administration strongly opposes the court and could use its veto to block a referral

In the meantime, Washington has lobbied council members for a new tribunal to prosecute alleged crimes from Darfur which would operate with the African Union

"We look to the council to take fast action on this recommendation which will put to the test the U.S. government's commitment to justice for the people of Darfur," said Richard Dicker, director of the International Justice Program at New York-based Human Rights Watch.

<http://www.signonsandiego.com/news/world/20050201-0731-sudan-darfur.html>