

The African Union Creates a New Hybrid Court for Darfur

In March 2009, the African Union Peace and Security Council established a High-Level Panel to look at ways to bring peace to Darfur. Headed by former South African president, Thabo Mbeki, the Panel released a report on the conflict and presented it to the AU Peace and Security Council on 29 October 2009 at its meeting of Heads of State and Government in Abuja, Nigeria.

The Panel concluded that, "the people of Darfur have suffered extreme violence and gross violations of human rights," and made several recommendations including the establishment of a truth and reconciliation commission, several reforms within the Justice System in Sudan, and a new hybrid court to investigate perpetrators of the violence. This court would consist of both Sudanese and AU-appointed judges. The Panel did not take a position on whether the new hybrid court would aim to try cases currently before the International Criminal Court.

On 30 October, African leaders agreed to establish the new court. Human Rights Watch published an article supporting the new court, but clarified that the new court would not replace the ICC.

See [the report](#) of the panel and [the Darfur Communiqué](#) from the AU-PSC meeting.

1. AU: Back Mbeki Panel Call for Darfur Prosecutions
Human Rights Watch
28 October 2009

The African Union (AU) should support the High-Level Panel on Darfur's call for prosecutions to provide justice for victims in Darfur, Human Rights Watch said today. Human Rights Watch said that the panel's recommendation to create a "hybrid court" - along with establishing a truth and reconciliation commission and strengthening the domestic criminal justice system - could usefully supplement justice efforts in Darfur, but not replace International Criminal Court (ICC) cases. (...)

The establishment of a new hybrid court - which Human Rights Watch said should conform to international standards for fair trials - is likely to face major obstacles, Human Rights Watch said. The Sudanese leadership has previously undercut efforts by domestic courts to prosecute Darfur atrocities. A hybrid court that has Sudanese participation could be plagued by a similar lack of political will to hold perpetrators to account. In addition, new courts can take a long time to create and can be very expensive. (...)

A genuine law reform process requires the Sudanese legislature to repeal or amend existing laws to bring them into conformity with applicable international human rights standards, Human Rights Watch said. These should include, as a matter of urgency, reform of the National Security Forces Act, which currently grants sweeping powers of arrest and detention to national security authorities who continue to commit human rights violations in Darfur and across Sudan." The Mbeki Panel's call for real legal reform in Sudan as one key element in improving accountability for human rights violations is welcome," said Georgette Gagnon, Africa director at

Human Rights Watch. "Genuine reforms could also help create the conditions necessary for free and fair national elections in April 2010." (...)

Read HRW full [analysis](#) .