

Research Report

Forum: Security Council

Issue: Combating impunity in conflict zones in Africa

Student Officer: Nika Engelen & Ties Peters

Position: President & Deputy President



Introduction

Impunity in conflict zones has always been in use and it has always been an important issue. It generally means that people get the freedom to do anything, usually illegal things, they wish to do, and will not get punished for it. In conflict zones in Africa, for example in Somalia, South Sudan and Nigeria, this generally has to do a lot with reckless murder, abuse and other atrocities. The main target of these illegal activities includes both locals as well as journalists and tourists. Only 3% of the murder allegations were “full justice”, which includes a full and unbiased trial.

The reason why this issue is of such important is because the freedom that people get to do whatever they want leads to aforementioned things, as there are no consequences whatsoever to one’s actions. Furthermore, criminals will go unpunished and the crimes will never be justified, leaving the victims helpless.

It is important that fair trials become available for all people in the world, as this is also included in the Universal Declaration of Human Rights, one of the most vital declarations worldwide nowadays.

Definition of Key Terms

Impunity

Impunity means “exemption from punishment or freedom from the injurious consequences of an action” (Oxford Dictionaries), i.e. the ability to act without negative consequences. This term should not be confused with immunity, which is defined as legally granted freedom from prosecution.

General Overview

Right now, there are several ongoing conflicts on the African continent. A few notable ones are the Somali civil war, communal conflicts in Nigeria, and the conflict in Darfur, Sudan. These conflicts bring a lot of crimes with them, like rape, murder and other forms of abuse. For example, a Somali woman was brutally raped by Somali troops in the summer of 2013, after they investigated whether she had ties to the terrorist group al-Shabaab. No one has been held accountable for this crime and studies suggest that this might be one of thousands, as well in Somalia as elsewhere.

Not only do local citizens get victimized by this sort of crimes, journalists and politicians are also a main target in many of these conflicts. An outspoken opposition politician in Tanzania, Tundu Lissu, was for instance shot and wounded by unidentified gunmen in September 2017, and there are currently no investigations on the whole situation. There is a great possibility that the gunmen will once again get away with the crime they committed and there will be no justice for the oppositional voices in Tanzania, inter alia.

The crimes committed against journalists led to the creation of the “International Day to End Impunity for Crimes Against Journalists”, which is a day, recognized by the UN, committed to end impunity for crimes against journalists. The day draws attention to the low global conviction rate for violent crimes against journalists and media workers, estimated at only one in every ten cases. As these individuals play a critical role in informing the public about important social issues, impunity for attacks against them has a particularly damaging impact, limiting public awareness and constructive debate.

Major Parties Involved

International Criminal Court (ICC)

The ICC is one of the most important parties in this issue, as it is the world’s first permanent independent tribunal established to end impunity for the worst crimes under international law: genocide, war crimes, crimes against humanity and crimes of aggression. This organisation has been empowered to hold leaders accountable who are responsible for the most serious forms of the illegal use of force against other States, and the Court will thus have a direct role in promoting the United Nations Charter and its quest for peace and security.

Somalia

Somalia is one of the countries in which a heavy ongoing civil war has been dominating the country since 1991. The current phase of the conflict, which started in 2009 and is now ongoing, is being fought between forces of the Federal Government of Somalia and Islamist militants.

Sudan

The conflict in Darfur, Sudan started in 2003 when several rebel groups accused the Sudanese government of oppressing the non-Arab population of Darfur (a region in Sudan). Following these accusations, the government carried out several attacks and a campaign of ethnic cleansing against the non-Arabs. This resulted in the indictment of president al-Bashir by the ICC.

Timeline

1991	Somali civil war started
------	--------------------------

July 1998	Rome Statute is signed and the ICC is created
2003	Conflict in Darfur, Sudan started
7 September 2017	Tanzanian opposition politician Tundu Lissu is shot

Previous Attempts to Solve the Issue

One of the biggest previous attempts to solve the issue is, naturally, the creation of the International Criminal Court. More about the key targets of the ICC can be found under “Major Parties Involved”, but its main function is to prosecute state leaders to end impunity for the worst crimes under international law.

The International Day to End Impunity for Crimes Against Journalists is also one of the previous attempts to solve the issue, as its primary purpose is to end impunity for crimes against journalists, by for example raising awareness on the issue.

The UN Commission on Human Rights have adopted Resolution 2005/81 and previous resolutions on impunity, which call on all states to put an end to impunity and to prosecute or extradite perpetrators, in accordance with their obligations under international law. The UN General Assembly also adopted Resolution A/RES/68/63 on Safety of Journalists and the Issue of Impunity of December 18th 2013. The resolution calls upon States to promote a safe and enabling environment for journalists to perform their work independently without undue interference and invites stakeholders to identify focal points to exchange information on the implementation of the UN Plan of Action with UNESCO as the overall coordinator. Lastly, the UN Security Council adopted Resolution 1738 (2006), condemning all attacks against journalists in conflict situations and emphasizes “the responsibility of States to comply with the relevant obligations under international law to end impunity and to prosecute those responsible for serious violations of international humanitarian law”.

There are also multiple regional instruments such as the African Charter on Human and Peoples’ Rights and the Declaration of Principles on Freedom of Expression in Africa adopted in 2002. Despite these efforts, impunity has not yet been resolved.

Possible Solutions

There have been a lot of previous attempts to solve this issue already, but still a lot of possible solutions remain. One very important thing that could be set up is an independent organisation that has the power to intervene in any conflict to investigate the crimes that are being committed and whether the criminals will get prosecuted, and if not, to do so in order.

Many international advocates feel that the ICC should receive support from the Security Council in their battle against impunity, which could greatly favour the battle against impunity.

Bibliography

Ahmed, K. "Sexual Terror and Impunity in Somalia." Foreign Policy in Focus, 1 April 2015.

<http://fpif.org/sexual-terror-and-impunity-in-somalia/>. 7 September 2017.

"Tanzania: Outspoken opposition politician shot and wounded by unidentified gunmen." Amnesty

International, 7 September 2017. [https://www.amnesty.org/en/latest/news/2017/09/tanzania-](https://www.amnesty.org/en/latest/news/2017/09/tanzania-outspoken-opposition-politician-shot-and-wounded-by-unidentified-gunmen/)

[outspoken-opposition-politician-shot-and-wounded-by-unidentified-gunmen/](https://www.amnesty.org/en/latest/news/2017/09/tanzania-outspoken-opposition-politician-shot-and-wounded-by-unidentified-gunmen/). 10 September 2017.

"The international criminal court is vital to our fight against impunity in Africa." The Guardian, 17 July

2016. [https://www.theguardian.com/global-development/2016/jul/17/international-criminal-court-](https://www.theguardian.com/global-development/2016/jul/17/international-criminal-court-vital-fight-against-impunity-africa-group-for-justice-accountability)

[vital-fight-against-impunity-africa-group-for-justice-accountability](https://www.theguardian.com/global-development/2016/jul/17/international-criminal-court-vital-fight-against-impunity-africa-group-for-justice-accountability) . 30 August 2017.

"International Day to End Impunity for Crimes Against Journalists." Wikipedia, n.d.

https://en.wikipedia.org/wiki/International_Day_to_End_Impunity_for_Crimes_Against_Journalists.

30 August 2017.

"The Role of the ICC." Global Campaign for the Prevention of Aggression, n.d.

<https://crimeofaggression.info/role-of-the-icc/> . 30 August 2017.

"War in Somalia (2009-present)." Wikipedia, n.d.

[https://en.wikipedia.org/wiki/War_in_Somalia_\(2009%E2%80%93present\)](https://en.wikipedia.org/wiki/War_in_Somalia_(2009%E2%80%93present)) . 30 August 2017.

"War in Darfur." Wikipedia, n.d. https://en.wikipedia.org/wiki/War_in_Darfur . 30 August 2017.