



## PARLIAMENTARIANS FOR GLOBAL ACTION (PGA)

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### **PGA WELCOMES VOLUNTARY SURRENDER OF DARFURIAN REBEL LEADER TO THE ICC**

PRE-TRIAL CHAMBER HEARS MR. ABU GARDA ON ALLEGED WAR CRIMES COMMITTED AGAINST AU PEACEKEEPERS

*The Hague/New York, 18 May 2009* – Parliamentarians for Global Action (PGA), a network of more than 1300 Legislators from 130 countries of all regions of the world, welcomes the voluntary surrender of Darfurian rebel Mr. Bahr Idriss Abu Garda today to the International Criminal Court (ICC). Mr. Abu Garda has been accused of war crimes allegedly committed against African Union peacekeepers in the base in Haskanita on 30 September 2007. Mr. Abu Garda has appeared today before Judge Tarfusser of ICC Pre-Trial Chamber I and will be afforded all guarantees of a fair and impartial trial. The same Chamber issued Arrest Warrants for crimes against humanity and war crimes against two Sudanese nationals on 2 May 2007 and against Sudanese President Mr. Omar Al-Bashir on 4 March 2009. Mr. Al-Bashir and the two other individuals remain at large.

“*Cooperation with international justice depends on the law-enforcement action of sovereign States on their own territories or the voluntary action of individuals wherever they are*”, said Mr. M.J. Nolan, MP, Ireland, Deputy Convenor of PGA’s International Law and Human Rights Programme. “*The President of Sudan must now follow the example of one of his opponents and deliver himself to the Court*”, said Mr. Nolan.

The ICC was created to give effect to the international obligation to investigate and prosecute all crimes of genocide, crimes against humanity and war crimes, wherever they are committed by whomever, and for whatever cause. “*This Court has jurisdiction over serious offenses against civilians, peacekeepers and all protected persons under international law: No one is above the law, and no one can claim as a defence that they were fighting for the right cause*”, said Senator Raynell Andreychuk, Chair of the Human Rights Committee in the Canadian Senate, also Deputy Convenor of the PGA International Law and Human Rights Programme. “*There is no immunity and there shall be no impunity for crimes under International Law*”, the Senator affirmed.

“*In the absence of effective international means to arrest and surrender suspects, voluntary surrender is legally (and morally) important*”, added Mr. David Musila, MP, Chair of the PGA Kenya National Group, who underscored that “*today’s development shows that the ICC is not only targeting the President of Sudan, who is accused of war crimes and crimes against humanity along one of his Ministers and a leader of the Janjaweed militia, but also insurrectional rebel leaders. Thus, the ICC applies the law equally to all and investigates crimes committed by all sides, as prescribed in the Rome Statute.*”

The President of Parliamentarians for Global Action (PGA), Senator Bassey Ewa-Henshaw of Nigeria, urged “*all parties involved in the Darfur conflict to refrain from the use of violence and retaliation, accept international law and agree to the peaceful settlement of any pending dispute as required in the African Union-led Inter-Sudanese Peace Talks on the Conflict in Darfur in Abuja and in relevant United Nations Security Council resolutions*”.

PGA is engaged in Africa and other regions of the world in promoting the universality and effectiveness of the Rome Statute of the ICC, which is a tool to prevent gross human rights abuses and serious violations of international humanitarian law when individuals understand that these atrocities will no longer be tolerated. “*The International Community faces many challenges to prevent the attacks against civilians, including torture and rape that are occurring today in Darfur and around the world. Bringing to justice the alleged perpetrators, albeit only one aspect of the solution to the problem, is not an easy task for the ICC, which depends on the cooperation of States to enforce its arrest warrants and on the good will of individuals to give effect to its summons to appear*”, stated Senator Marita Perceval, Chair of the National Defence and Security Committee of the Argentinean Senate and Convenor of the PGA ICC Campaign. “*That’s why we, as Lawmakers, are actively promoting the reform of National laws, procedures and rules of engagement of armed forces around the world, so to ensure that the ICC legal standards are known, respected and enforced in all our National systems*”, Senator Perceval concluded.

## BACKGROUND AND REFERENCES

- The ICC has jurisdiction over the situation of Darfur as *per* United Nations Security Council resolution 1593, adopted under Chapter VII of the UN Charter of 31 March 2005, see PGA Press Release and Commentary on the Adoption of UNSC 1593: [http://www.iccnw.org/documents/PGA\\_DARref\\_01Apr05.pdf](http://www.iccnw.org/documents/PGA_DARref_01Apr05.pdf)
- Parliamentarians around the world have stated the need to preserve the integrity of the ICC and use international justice mechanisms to support efforts in Darfur, see 14 May 2008: PGA Japan, Justice for Darfur Model Resolution: <http://www.pgaction.org/uploadedfiles/PGA%20Website%2003-2-1%20Tokyo%20Resolution%20on%20Darfur.pdf>
- On the decision of the ICC to issue an arrest warrant against President Al Bashir, given the reasonable grounds to believe he has committed crimes against humanity and war crimes, see 4 March 2009: PGA Welcomes Decision of ICC in connection with President of Sudan: [http://www.iccnw.org/documents/04-03-09\\_PGA\\_DARFUR\\_PR\\_eng.pdf](http://www.iccnw.org/documents/04-03-09_PGA_DARFUR_PR_eng.pdf) and 4 March 2009: Media Statement of “Justice for Darfur”: [www.justice4darfur.org/](http://www.justice4darfur.org/)

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### About PGA

Parliamentarians for Global Action is a network of more than 1300 members of parliament from 130 countries around the world who in their individual capacity have pledged to mobilize political will in favour of the establishment, effective and complementary operation of an independent ICC. While the main focus of work of the PGA ICC Campaign is on the ratification and implementation of the Rome Statute around the world, PGA also strongly encourages the full cooperation of States and international organizations in enforcing the judicial decisions of the ICC, in full respect for the principle of the presumption of innocence and other norms enshrined in the Rome Statute, including the rights of victims.

PGA is a member of the Steering Committee of the Coalition for the ICC. PGA receives the support of the European Commission (EU) and of the Governments of Belgium, The Netherlands, and Switzerland, as well as core support from Denmark and Sweden.

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