



Coalition for the International Criminal Court
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ICC ISSUES ARREST WARRANT FOR SUDANESE PRESIDENT OMAR AL-BASHIR
Pre-trial Judges Request Arrest of Sudanese Head of State for Crimes against Humanity and War Crimes in Darfur

The Hague. On 4 March 2009 the judges of Pre-Trial Chamber I issued an arrest warrant for Sudanese President Omar Hassan Ahmad al-Bashir named by the Prosecutor of the International Criminal Court (ICC) Luis Moreno-Ocampo in his July filing in the Darfur situation. Omar Hassan Ahmad al-Bashir has been the president of Sudan since 1993.

The Chamber held that there are reasonable grounds to believe that President al-Bashir bears criminal responsibility for crimes against humanity and war crimes allegedly committed in Darfur in the past five years. The judges decided, with a dissenting opinion, not to seek the arrest of al-Bashir for the crime of genocide, but stated that the decision does not prevent the Prosecutor from requesting amendments, based on additional evidence, at a later stage.

"The ICC was created to enforce the principle that no one, not even the president of a country, is above the law and that any one who commits mass atrocities should face justice," said William R. Pace, convener of the Coalition for the International Criminal Court (CICC), a network of civil society organizations in 150 countries advocating for a fair, effective and independent ICC.

"The President of Sudan is now a fugitive from justice in his own country. Sudan has a clear obligation, imposed by the UN Security Council, to arrest and surrender Mr. Bashir to the ICC. It is now up to ICC states parties and other governments and international organizations to do what they can to ensure that this happens without delay," said Pace. "In the meanwhile, there must be zero tolerance for any retaliatory violence against civilians, humanitarian workers or others in Sudan by Mr. Bashir and his government."

The Rome Statute does not differentiate between the gravity of any of the three crimes currently under the Court's jurisdiction. "What is essential is that an arrest warrant against Bashir has been issued. Crimes against humanity and war crimes are as serious as genocide," said Osman Hummaida, human rights researcher and former Director of the Sudanese Organization Against Torture. "That Bashir is being held accountable for the widespread and systematic attacks against

civilians that took place in Darfur as part of the counterinsurgency campaign is what matters most.”

“The arrest warrant issued today against President Al-Bashir sends a positive message within Sudan and across the whole of Africa that impunity will no longer be tolerated,” Osman Hummaida added. “Today’s precedent-setting decision marks the beginning of the end of impunity. Those who rule by oppressive means and by committing war crimes will not go unpunished. Victims and their families long affected by the vicious cycle of impunity and violence in the country are seeing that for the first time in Sudan’s history since independence, there must be accountability for heinous crimes. Justice will bring peace. Today’s decision has the power to get more people engaged in the peace process in Darfur.”

This is the Court’s first case against a sitting head of state. Since the ICC does not have its own police force, the execution of a request to arrest President al-Bashir requires cooperation from Sudan, or any other government capable of arresting him. Security Council Resolution 1593, which referred the Darfur situation to the ICC, obliges Sudan to fully cooperate with the Court and urges all states and international organizations to cooperate with the Court. In accordance with the ICC Statute, a person’s official capacity as a head of state shall in no way prevent the ICC from prosecuting that person for acts amounting to crimes within the jurisdiction of the Court.

On 31 March 2005, the United Nations Security Council referred the situation in Darfur, Sudan to the ICC prosecutor through Resolution 1593, “determining that the situation in Sudan continues to constitute a threat to international peace and security.” On 6 June 2005, the ICC prosecutor officially opened his investigation into the situation in Darfur.

On 14 July 2008, the prosecutor requested pre-trial judges to issue an arrest warrant for President al-Bashir. Notwithstanding the possible existence of sealed arrest warrants, today’s warrant is the third issued in the Darfur investigation.

On 2 May 2007, arrest warrants were issued for Ahmad Muhammad Harun and Ali Kushayb for war crimes and crimes against humanity allegedly committed in Darfur in 2003 and 2004. On 20 November 2008, the prosecutor also requested an arrest warrant for three rebel commanders for war crimes allegedly committed against the African Union peacekeeping forces at the Haskanita base (Darfur) on 29 September 2007.

Since the referral and the issuance of the warrants, the Sudanese government has openly defied and consistently refused to cooperate with the Court and the international community. To date, none of the outstanding arrest warrants have been executed.

FOR ADDITIONAL INFORMATION: Please visit the Coalition’s website at <http://www.iccnw.org/?mod=darfur>.

COMMENT AND BACKGROUND:

Experts from international and Sudanese human rights organizations are listed on the following page for comment and background.

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***Important notice:** The Coalition for the International Criminal Court (CICC), an independent NGO movement, is dedicated to the establishment of the International Criminal Court as a fair, effective, and independent international organization. The Coalition as a whole, and its secretariat, does not endorse or promote specific investigations or prosecutions or take a position on situations before the ICC. However, individual CICC members may endorse referrals, provide legal and other support on investigations, or develop partnerships with local and other organizations in the course of their efforts.*

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