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**International community must take action over Al-Bashir**

*African civil society calls for UN and ICC members to address failure of South African government to arrest ICC fugitive*

**Cotonou/The Hague**—The South African government’s failure to arrest fugitive Omar Al-Bashir should be strongly addressed by the country’s judicial system, International Criminal Court (ICC) member states and the UN Security Council, over 30 African civil society organizations said in a statement today.

From 17-19 June 2015, civil society members of the Coalition for the ICC—a global network of 2500 non-governmental organizations—met in Cotonou, Benin for an Africa Regional Strategy Meeting to advance justice for war crimes, crimes against humanity and genocide through national, regional and international accountability mechanisms. The groups present represented more than 600 of the more than 800 NGO members of the Coalition for the ICC in Africa.

In a statement issued following the meeting, the groups applauded Pretoria’s North Gauteng High Court for its courage in ordering Al-Bashir not to leave South Africa before its decision on an application for the execution of outstanding two ICC arrest warrants.

On 24 June, the High Court found that that the departure of President Al-Bashir from South Africa demonstrated non-compliance with the court’s order. It stated that South African authorities are obliged to cooperate with the ICC in arresting suspects under the country’s law implementing the Rome Statute—the ICC’s founding treaty—into national law.

As a party to the Rome Statute, South Africa is obliged to arrest Al-Bashir, who is wanted for war crimes, crimes against humanity and genocide allegedly committed in Darfur, Sudan.

“We call for the sanctioning of those responsible for non-compliance with international and national court orders to send a clear message that there will be consequences for inaction on arresting ICC fugitives,” **said Roland Abeng, Cameroon national coordinator of the Coalition for the ICC.** “Judiciaries all over Africa should follow the South African example by taking their responsibilities and becoming a veritable, natural and independent arm of government for the enhancement of the rule of law both on a national and international scale.”

“It is vital that the ICC’s governing body, the Assembly of States Parties (ASP), fully consider any finding of non-cooperation that may be made against South Africa by ICC judges on this matter,” **said Stephen Lamony, Coalition for the ICC senior adviser on AU, UN and Africa situations.** “South Africa was made fully aware of its obligations to arrest Al-Bashir in the days preceding the African Union summit. The ASP must now take strong action to discourage such flagrant flouting of ICC decisions.”

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Following a 2005 referral by the United Nations Security Council (UNSC) to ICC of the situation in Darfur, Sudan, the ICC issued two arrest warrants for Omar Al-Bashir in 2009 and 2010 for several counts of crimes against humanity, genocide and war crimes he is alleged to have committed in Darfur from 2003.

“It is the responsibility of the UN Security Council to ensure cooperation with decisions arising from its referrals to the ICC,” said **Allan Ngari, researcher for the Institute for Security Studies’ Transnational Threats and International Crime Division**. “We urge the Council to strongly condemn the visit of President Al-Bashir to South Africa and for immediate steps to be taken to ensure his arrest. Grave international crimes continue to be committed with impunity in Sudan in the Blue Nile and South Kordofan states under Al-Bashir’s presidency.”

On 29 June 2015, ICC Prosecutor Fatou Bensouda will present a report to the UN Security Council on the status of her office’s investigation into the Darfur situation. In a letter today, the Coalition for the ICC urged ICC member states serving on the UNSC to actively and constructively participate in the upcoming meetings surrounding the prosecutor’s visit and to advance concrete proposals for improving the cooperation between the UNSC, UN and the ICC.

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**Background:** The ICC is the world’s first permanent international court to have jurisdiction over war crimes, crimes against humanity, and genocide. Central to the Court’s mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unable or unwilling to investigate and prosecute perpetrators of genocide, crimes against humanity and war crimes.

There are currently nine active investigations before the ICC: the Central African Republic I & II; DRC; Darfur, Sudan; Kenya; Libya; Uganda; Côte d’Ivoire and Mali. The ICC has publicly issued 31 arrest warrants and nine summonses to appear. Two trials are ongoing. There have been two convictions and one acquittal.

Nine preliminary examinations are currently ongoing, including into situations in Palestine, Honduras, Ukraine, Iraq, Afghanistan, Colombia, Georgia, Guinea and Nigeria. The Office of the Prosecutor has concluded preliminary examinations relating to Venezuela, Palestine, the Republic of Korea and the Comoros referral, declining in each case to open an investigation.

The Coalition for the International Criminal Court is a global network of civil society organizations in over 150 countries working in partnership to strengthen international cooperation with the ICC; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide. [www.coalitionfortheicc.org](http://www.coalitionfortheicc.org).

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