



Coalition for the International Criminal Court

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MEDIA ADVISORY

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ICC ISSUES SUMMONS TO APPEAR FOR REBEL LEADER IN THIRD DARFUR CASE CITING CRIMES AGAINST AU PEACEKEEPERS

Alleged war crimes suspect to appear in The Hague on 18 May 2009

WHAT: On 17 May 2009, the International Criminal Court (ICC) announced that a summons to appear had been issued for Bahr Idriss Abu Garda for war crimes allegedly committed against the African Union peacekeeping forces at the Haskanita military base (Darfur, Sudan). The suspect, who arrived in The Hague on the same day, was ordered to appear before the Court on Monday, 18 May 2009 at 3 p.m. in The Hague.

WHO: Bahr Idriss Abu Garda is a rebel commander and a member of the Zaghawa tribe of Sudan. The Chamber held that there are reasonable grounds to believe that Abu Garda bears criminal responsibility for war crimes allegedly committed on 29 September 2007 when 12 peacekeepers were killed and 8 were wounded. On 20 November 2008, the prosecution also requested arrest warrant or summons to appear for two other persons who allegedly participated in the Haskanita attack.

WHY: The judges have examined the application of the prosecutor and concluded that there are reasonable grounds to believe that Abu Garda co-perpetrated the following three counts of war crimes: 1.) violence to life in the form of murder, whether committed or attempted; 2.) attacking personnel or objects involved in a peacekeeping mission; and 3) pillaging.

HOW: The decision was issued under seal on 7 May 2009 and unsealed on 17 May 2009. For the first time and upon the request of the prosecutor, ICC judges issued a summons to appear instead of an arrest warrant. This procedure is available when judges determine that a summons is sufficient to ensure the appearance of the suspect before the Court. The summons is served on the suspect himself, not on a state.

Following the unsealing of the summons, the Court announced that Abu Garda had arrived in The Hague on 17 May 2009. After a meeting with his lawyer and notification by the Court that he has been ordered to appear before ICC judges on 18 May 2009, Garda was escorted by the Court to an undisclosed location. In a public statement, the prosecution alleged Abu Garda's appearance had been facilitated by the assistance of a number of African and European states, including The Netherlands, Chad, Senegal, Nigeria, Mali and the Gambia.

BACKGROUND: In addition to today's summons, three public arrest warrants have been issued in the Darfur investigation.

On 2 May 2007, Pre-Trial Chamber I issued arrest warrants for Ahmad Muhammad Harun and Ali Kushayb for war crimes and crimes against humanity allegedly committed in Darfur in 2003 and 2004. On 4 March 2009, an arrest warrant for crimes against humanity and war crimes was issued for Omar Hassan Ahmad al-Bashir, the president of Sudan.

The investigation into the situation in Darfur, Sudan was officially opened by the ICC prosecutor on 6 June 2005. The situation in Sudan was referred to the Court by the United Nations Security Council through Resolution 1593 on 31 March 2005.

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 three outstanding arrest warrants have been executed.

FOR ADDITIONAL INFORMATION: Please visit the Coalition's website at <http://www.iccnw.org/?mod=darfur> and participate in our blog "*In Situ: See justice through the eyes of civil society*" at www.iccnw.org/blog

COMMENT AND BACKGROUND:

"Attacks on international peacekeepers constitute a grave threat to the international community's ability to protect civilian populations and to maintain international peace and security," said William R. Pace, Convenor of the Coalition for the ICC, stressing the significance of these developments. "With this, both the suspect and a number of cooperating states, mainly African, have shown confidence in the ICC's ability to offer a fair trial and contribute to justice in Darfur. Such confidence and level of cooperation are necessary to end impunity and serve as an important precedence for the other ICC cases, in Darfur and beyond," Pace concluded.

"The Court's decision sends a clear message that it is targeting all parties involved in the conflict," said Dismas Nkunda, Chair of Darfur Consortium. "These developments prove that nobody will be able to hide behind impunity, whatever their role in the conflict, either rebels or those in government," he added.

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

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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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