



Coalition for the International Criminal Court

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MEDIA ADVISORY
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ICC PROSECUTOR REQUESTS ARREST OF SUDAN'S DEFENCE MINISTER

*Abdelrahim Mohamed Hussein Suspected of Crimes Against Humanity and War Crimes
Committed in Darfur from August 2003 to March 2004*

WHAT: On 2 December 2011, the prosecutor of the International Criminal Court (ICC) Luis Moreno-Ocampo, requested ICC Pre-Trial Chamber I to issue an arrest warrant for Abdelrahim Mohamed Hussein, Sudan's defence minister. The prosecutor has stated that there are reasonable grounds to believe that Hussein bears criminal responsibility for crimes against humanity and war crimes committed in Darfur from August 2003 to March 2004.

WHO: Abdelrahim Mohamed Hussein is Sudan's current defence minister, and was interior minister and the Darfur special representative of the Sudanese president at the time of the alleged crimes. The Office of the Prosecutor believes that Hussein is one of those who bears the greatest criminal responsibility for the same crimes and incidents presented in ICC warrants of arrest for Ahmed Harun and Ali Kushayb issued by the Court on 27 April 2007. President of Sudan Omar Al Bashir is also wanted by the ICC for allegedly committing genocide, crimes against humanity and war crimes during the same period.

WHY: On 31 March 2005, the United Nations Security Council (UNSC) 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 of Darfur, which was assigned to Pre-Trial Chamber I. Today's request for an arrest warrant is the fourth case in the Darfur investigation.

HOW: In accordance with Article 58 of the Rome Statute—the Court’s founding treaty—it is now up to the judges of Pre-Trial Chamber I to decide whether to issue a warrant of arrest based on the prosecutor’s application and any related evidence or information. The judges will determine whether there are reasonable grounds to believe that Hussein has committed the crime and whether the arrest of the person is necessary to ensure his appearance at trial. The judges may also decide if an arrest warrant is necessary to ensure that this person does not obstruct or endanger the investigation or the court proceedings, or, where applicable, to prevent this person from continuing with the commission of the listed or any related crimes. Since the ICC does not have its own police force, the execution of a request to arrest suspects requires cooperation from governments and international and regional organizations such as the United Nations and the African Union.

COMMENT: “The Coalition hopes that the potential issuance of a fifth arrest warrant in the Darfur situation will increase the pressure on those responsible for grave crimes to be held to account,” said Sunil Pal, head of CICC Legal Section. “However, we must underline that the arrest warrants issued against Ahmad Muhammad Harun, Ali Kushayb and Omar Hassan Ahmad Al-Bashir have yet to be executed, and the Sudanese government has openly defied and consistently refused to cooperate with the Court and the international community,” he explained. “We reiterate our call on all states to ensure these suspects face justice, on the government of Sudan to cooperate with the Court in accordance with its UN Charter obligations and on all states parties to the ICC to robustly fulfill their obligations under the Rome Statute.” Pal added. “ In this same respect, the UN Security Council cannot avoid its responsibility to ensure greater assistance to the Court, particularly in the Darfur situation given that it referred the adjudication of crimes committed there to the Court in the first place.”

BACKGROUND: The investigation into the situation in Darfur, Sudan, was officially opened by the ICC Prosecutor on 6 June 2005, after being referred to the Court by the United Nations Security Council through Resolution 1593 on 31 March 2005. Since the referral, public arrest warrants have been issued in the Darfur investigation against Ahmad Muhammad Harun, Ali Kushayb—for crimes against humanity and war crimes—and Omar Hassan Ahmad Al-Bashir—for genocide, crimes against humanity and war crimes—and summonses to appear have been issued for Abu Garda and for Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus for war crimes.. None of the outstanding arrest warrants have been executed, and the Sudanese government has openly defied and consistently refused to cooperate with the Court and the international community, a finding of which was made by the Pre-trial Chamber by way of judicial decision and forwarded to the UN Security Council for their attention.

The ICC is the world's first permanent international court to prosecute 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 unwilling or unable to investigate and prosecute perpetrators of genocide, crimes against humanity and war crimes. There are currently seven investigations before the Court: Central African Republic; Cote d'Ivoire; Democratic Republic of the Congo; Darfur, the Sudan; Uganda; Kenya; and Libya. The ICC has publicly issued 19 arrest warrants and nine summonses to appear. Three trials are ongoing. The ICC prosecutor has also made public that it is examining eight situations on four continents:

Afghanistan, Colombia, Georgia, Guinea, Honduras, Republic of Korea, Nigeria and Palestine.

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. For more information, visit: www.coalitionfortheicc.org

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