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Civil Society Opposes Al-Bashir UN Appearance

Fugitive Head of State Reportedly Cancels Attendance at General Assembly

New York/The Hague—Following an outcry from civil society and government leaders, International Criminal Court (ICC) fugitive Omar Al-Bashir will reportedly not attend the UN General Assembly in New York, the Coalition for the ICC said today.

“Giving the highest platform at the UN to a man who has arrest warrants issued accusing him of committing the most heinous crimes against humanity would be an insult to the Charter, to the UN, to the secretary-general, to the Security Council and to the international community.,” **said William Pace, convenor of the Coalition for the ICC.** “Al-Bashir should be standing in front of ICC judges in The Hague, not circulating among world leaders at the UN.”

Al-Bashir had sought a visa from the United States (US) last week in order to attend the General Assembly. Under the UN Headquarters Agreement Act, the US is obligated to allow state representatives to attend meetings at the UN. The Coalition calls upon the UN to review its policies.

“Major international organizations such as the AU, OAS and EU do not allow the participation of representatives of governments that are not considered legitimate—for example governments arising from coups d’états. The UN should follow these principles and not allow the participation of representatives that are fugitives from international justice,” **said Pace.** “Two thirds of the world’s nations—122 in total—have agreed that there should be no immunity for those responsible for war crimes, crimes against humanity and genocide, no matter what their official positions.”

After learning of Al-Bashir’s intent to attend the General Assembly, civil society members of the Coalition for the ICC immediately took action, exploring all possible legal avenues to block the visit and calling for all parties involved—the US, the UN and all UN member states—to bar his attendance or arrest him.

“The world needs to catch this criminal. He continues to make people—women, children and the elderly—suffer in Sudan,” **said Fatima Haroun, vice president of the Darfur Alliance Coalition.** “He should not be allowed in the US, a country that respects human rights. He should be captured and brought to justice, not be treated as an eminent person at high-level meetings.”

“It would have been insulting to the victims of Darfur to have Al-Bashir speak at the UN General Assembly,” **said Morasim Adam, executive member of Darfur People’s Association of New York.** “UN Secretary-General Ban Ki-moon should lift the immunity offered to heads of state like Al-Bashir, because those who violate international law should not enjoy protection and immunity under those laws.”

“If the UN and the Security Council cannot arrest or help to arrest Al-Bashir, who else can?” Adam added.

Ambassador Tiina Intelmann, president of the ICC’s Assembly of States Parties, reminded ICC member states over whose territory Al-Bashir’s flight path might take him of their obligations to arrest him, as well as the obligations of all UN member states to cooperate with

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the Court's investigation in Darfur. The Coalition welcomed that statement and calls on states parties to undertake any efforts they can to arrest or prohibit the travel of Al-Bashir and other ICC suspects in the future.

Al-Bashir's decision not to attend the UN General Assembly comes on the heels of a trip to Nigeria for an AU health summit which saw him unexpectedly leave after less than 24 hours in the country. Civil society had encouraged Nigeria to arrest Al-Bashir or bar his entry, and the Nigerian Coalition for the ICC filing a petition in the Nigerian courts seeking to compel his arrest.

The ICC investigation in Darfur began in June 2005 after being referred to the Court by the United Nations Security Council, which had determined the conflict there a threat to international peace and security. However, the Council has subsequently failed to ensure the cooperation necessary for ICC prosecutions to take place.

BACKGROUND: 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.

The Coalition for the International Criminal Court is a global network of civil society organizations in 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