

**FOR IMMEDIATE RELEASE**

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Statement on Al-Bashir's potential participation at the UN General Assembly

The Coalition for the International Criminal Court is seriously concerned by reports that Sudanese President Omar Al-Bashir has applied for a visa to attend the 68th session of the United Nations (UN) General Assembly in New York.

"If Al-Bashir comes to the UN, the Coalition will monitor very closely that UN officials and governments respect the principles of "non essential contact" with persons subject to international arrest warrants for the worst crimes against humanity," **said William Pace, convenor of the Coalition for the ICC.**

Al-Bashir—wanted for war crimes, crimes against humanity and genocide committed in Darfur, Sudan—has flouted for four years the arrest warrants issued by the judges of the International Criminal Court (ICC).

"Sudan's government and Al-Bashir's refusal to cooperate with the ICC is not only an insult to the UN and the Security Council, but especially to the millions of victims of the crimes still being committed by the government of Sudan," **Pace added.** "The time is coming when even the most powerful heads of state will be held accountable for violations of international humanitarian law and when the selectivity of impunity will end."

In response to the 2005 report of the UN Commission of Inquiry on Darfur, The UN Security Council adopted Resolution 1593 requesting the ICC Prosecutor to investigate and prosecute those responsible for the crimes committed in Darfur.

While not a state party to the ICC, Sudan is a member state of the UN and as such is obligated to cooperate with the jurisdiction of the Chapter 7 referral by the Security Council. All UN member states—and in particular the 122 governments that have joined the Rome Statute of the ICC—should cooperate in executing the arrest of Al-Bashir.

The Coalition congratulates the **President of the Assembly of State Parties to the ICC, Ambassador Tiina Intelmann**, for her message yesterday to the 122 state parties of the ICC, including:

"It has come to the knowledge of my office that the President of the Sudan, Mr. Omar Al-Bashir, has requested a U.S. visa for participation in the General Debate of the 68th session of the United Nations General Assembly. Two warrants of arrest by the International Criminal Court are outstanding against Mr. Omar Al-Bashir.

In this context, I would like to remind States Parties on whose territory the indictee might appear while in transit of their obligation to arrest and surrender Mr. Omar Al-

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Bashir to the ICC.

I would further like to draw attention to the fact that the United Nations Security Council, in its Resolution 1593 (2005), while referring the situation in Darfur to the Court, urges all States and concerned regional and other international organizations to cooperate fully with the Court.”

There are 34 state parties in Africa, 40 in greater Europe and 28 in the Americas and Caribbean. Al-Bashir’s airplane would almost certainly have to transit the territories of ICC state parties.

The Coalition also welcomes the strong statement of **US Ambassador to the UN, Samantha Power** on Al-Bashir’s travel plan, explaining:

“President Bashir, as you know, stands accused of genocide, war crimes and crimes against humanity by the International Criminal Court. Such a trip would be deplorable, cynical and hugely inappropriate.

We would suggest that given that he is under those charges, and that the ICC has indicted him, again, on genocide, war crimes, and crimes against humanity charges that it would be more appropriate for him to present himself to the ICC and travel to The Hague.”

While the 1947 UN Headquarters Agreement requires the United States government to cooperate in the attendance of representatives of governments, the Coalition takes note that the U.S. government assisted in the transfer of the DRC fugitive Bosco Ntaganda to the ICC in The Hague earlier this year.

“Al-Bashir should travel instead to The Hague. He will be treated as innocent until proven guilty as are all accused before the independent ICC,” **said Mr. Pace.**

Members of the Coalition are exploring all legal measures that could be taken by the UN, the ICC states parties and the U.S. government to secure the arrest and transfer of President Al-Bashir to the ICC. The Coalition will also assist in organizing political protests if Al-Bashir attends the UN General Assembly. Hundreds of the Coalitions’ 2,500 members are represented near the UN.

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.

There are currently eight investigations before the Court in the following states: the Central African Republic; Côte d'Ivoire; the Democratic Republic of the Congo; Darfur, the Sudan; Uganda; Kenya; Libya; and Mali. Four of these came from governments requesting the ICC to take jurisdiction (DRC, Uganda, CAR, Mali); two from UN Security Council referrals (Sudan,



Libya); and two on the prosecutor's initiative (Kenya and Côte d'Ivoire – the latter following a state acceptance of jurisdiction). The ICC has publicly issued 22 arrest warrants and nine summonses to appear. The Court issued a judgment in its first trial on 14 March 2012. Three trials are currently ongoing. The ICC Office of the Prosecutor has also made public that it is conducting eight preliminary examinations: Afghanistan, Colombia, the Comoros referral, Georgia, Guinea, Honduras, Republic of Korea and Nigeria.

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
