

CAR Authorities Must Arrest Al-Bashir or Bar Him Entry in the Country

The Central African Republic (CAR) should bar Sudanese President Omar Al-Bashir from entering CAR or arrest him for trial at the International Criminal Court (ICC) if he enters its territory, CAR civil society organizations said today. Sources have indicated that Al-Bashir was invited to attend the ceremony marking the 50th anniversary of the independence of the Central African Republic on December 1, 2010.

Al-Bashir is subject to two arrest warrants issued by the ICC for atrocities committed in Darfur, Sudan. The first was issued in March 2009 on charges of war crimes and crimes against humanity. The second was issued in July 2010 on charges of genocide.

“As a state party, Central African Republic has the obligation to help the ICC in the execution of the arrest warrants against Al-Bashir,” recalled Lucille Mazangue, a lawyer at the Association of Female Magistrates of CAR. “For Al-Bashir to be allowed to enter Central African Republic without being arrested would be an affront to victims of Darfur and would put into question CAR’s commitment to justice.”

CAR is a state party to the ICC. The Court’s treaty, the Rome Statute, requires states to cooperate with the Court, which includes the execution of arrest warrants, as the ICC does not have its own police force and relies on Member States to execute its decisions. The UN Security Council referred the situation in Darfur to the ICC Prosecutor on 31 March 2005.

Central African Republic is also subject to an ongoing investigation by the ICC, regarding serious crimes committed during the 2002-2003 rebellion in the CAR. On 22 November 2010, ICC Judges began hearing evidence in the first trial stemming from the CAR investigation, in the case against Jean-Pierre Bemba Gombo, former vice-president of the Congo, rebel leader and leader of the main Congolese opposition party. Bemba is accused of war crimes and crimes against humanity allegedly committed by his Movement for the Liberation of Congo (MLC) rebel forces in the Central African Republic.

The ICC has charged Bemba with three counts of war crimes and two counts of crimes against humanity for murder, rape and pillage allegedly committed by his Movement for the Liberation of Congo (MLC) rebel forces in the Central African Republic (CAR). Bemba and his MLC troops were invited to intervene in 2002 by then-president Ange-Félix Patassé to help put down a coup. The coup was successful, and the rebel leader, François Bozizé, became president.

In December 2004, CAR President François Bozizé voluntarily asked the ICC to investigate the crimes committed during the rebellion. Bemba was arrested by Belgian authorities in Brussels on 24 May 2008, pursuant to an ICC arrest warrant.

The arrest of Jean-Pierre Bemba by the Belgian authorities emphasizes the importance states’ cooperation for the ICC to be able to effectively fulfill its mandate, the Central African civil society insisted.

“The victims here could never have seen Jean-Pierre Bemba answering for the crimes he is accused of without Belgium’s cooperation with the ICC,” said Sebastien Mbutou of the Central African Coalition for the ICC. “Central African Republic should either bar Al-Bashir from entering its territory, or do what Belgium did with Bemba and stop him.”

The CAR government has affirmed its support to the ICC and pledged its commitment to cooperate with the Court at the ICC Review Conference, which took place in Kampala, Uganda, from May 31 to June 11.

Al-Bashir’s visit to Central African Republic would be the third time that the Sudanese president entered the territory of an ICC Member State since the ICC issued arrest warrants for against him. Chad and Kenya both allowed Al-Bashir to enter their territory in July and August 2010, respectively.

“States must make it clear that alleged war criminals are not welcome in their country,” insisted Adolphe Ngouyombo, President of the Movement for the Defense of Human Rights and Humanitarian Action.

Some officials have pointed at a decision by the African Union (AU) to avoid the arrest of Al-Bashir. However, although the AU has issued a call for its members not to cooperate in the arrest of Al-Bashir, some African states – including Botswana and South Africa – have made clear that the call does not trump the obligations of ICC member states to cooperate with the Court. An AU decision on the ICC at the Union’s most recent summit in July itself recognizes the need for ICC members to balance AU obligations with obligations under the ICC Rome Statute.

Issued in Bangui, on 30 November 2010

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