



Fédération internationale des ligues des droits de l'Homme

ORGANISATION INTERNATIONALE NON GOUVERNEMENTALE AYANT STATUT CONSULTATIF AUPRES DES NATIONS UNIES, DE L'UNESCO,  
DU CONSEIL DE L'EUROPE ET D'OBSERVATEUR AUPRES DE LA COMMISSION AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

International Federation  
for Human Rights

Federación Internacional  
de los Derechos Humanos

الغدرالية الدولية لحقوق الانسان

## Press release

ICC/Sudan

### The International Criminal Court issues an arrest warrant for President Omar Al-Bashir

**Paris, The Hague – 4 March 2009** - The International Federation for Human Rights (FIDH) welcomes the issuance of an arrest warrant by the International Criminal Court (ICC) for Sudanese President Omar Al-Bashir. The organisation considers that the judges' decision is significant because it confirms the hypothesis according to which the whole state apparatus has been involved in the commission of crimes in Darfur. FIDH calls upon all States to respect the ICC decision and act towards an immediate execution of the arrest warrant.

"Today's decision is a landmark for international justice. For the first time since its establishment in 2002, the ICC issues a warrant of arrest for a sitting Head of State. It is also a historic day for the victims of Darfur, who have been waiting for too long for justice to be made in relation to the horrendous crimes they have suffered. We urge States to take all the necessary steps for President Al-Bashir to appear before the Court in order to answer for the charges brought against him", said Souhayr Belhassen, FIDH President.

According to the decision, there are "reasonable grounds to believe" that Al-Bashir is responsible for crimes against humanity and war crimes, including murder, extermination, forcible transfer of population, torture, rape, intentionally directing attacks against the civilian population and pillaging. The Pre-Trial Chamber concluded that the Prosecutor failed to provide reasonable ground proving the intent to destroy in whole or in part the ethnic groups, constituting the crime of genocide. The Prosecutor may present additional information at a later stage.

The decision also confirms that Sudan is not committed to justice, as it has failed to bring those responsible for the atrocities to justice. The Sudanese government has also repeatedly and adamantly refused to cooperate with the ICC and has rather put its efforts in trying to convince the world that a suspension of the Court's investigations and prosecutions in Sudan by the Security Council was the way to go. Today's decision confirms that Al-Bashir has been doing nothing but trying to get himself off the hook. This is also demonstrated by the numerous unfulfilled promises of justice within Sudan and the lack of commitment to a true peace process.

FIDH believes that the decision offers the international community an opportunity to act promptly to stop the ongoing crimes in Darfur. States must now show their commitment to justice for the victims of the atrocities, by cooperating to execute the arrest warrant and by refusing any renewed attempt at the Security Council to suspend investigations or prosecutions in respect of Darfur. States must remind Sudan that justice is not negotiable.

FIDH fears that the ICC decision might bring about negative reactions from the Sudanese government, who has lately been harassing and persecuting persons suspected of collaborating with the ICC. Sudan's government has also uttered threats over the last few months that it could inflict violence in particular upon humanitarian personnel should an arrest warrant be issued. "All this is highly unacceptable", said Ms. Belhassen. "So is the harassment faced by human rights defenders. States must react strongly by calling upon Sudan to comply with its obligations and by denouncing any eventual retaliation measure."

#### Background

A civil war pitting Sudan's Khartoum-based government against rebel movements seeking power-sharing has ravaged Darfur for the last six years.

The ICC is a permanent court with mandate to try individuals allegedly responsible for the most serious crimes, ie. genocide, crimes against humanity and war crimes. According to Article 27 of the ICC Statute, the official capacity as Head of State or Government, as well as immunities attached to such official capacity do not exempt a person from criminal prosecution.

The ICC has been investigating crimes in Darfur since the Security Council referred the situation to Court in March 2005, considering that the conflict in the Western region of Sudan posed a threat to international peace and security.

The Court had previously issued two arrest warrants against Sudanese Minister Ahmed Harun and Janaweed militia leader Ali Kushayb, which remain outstanding. The Sudanese authorities not only failed to arrest these two men, but have also openly protected them.

Today's decision follows the request submitted by ICC Prosecutor Luis Moreno Ocampo on 14 July 2008. The Sudanese government has been defying the ICC at every step of the way, including by fuelling an "anti-ICC" campaign within the African Union and the League of Arab States, following the Prosecutor's request for an arrest warrant against Al-Bashir. Its efforts to obtain a deferral of investigations and prosecutions by the Security Council, in accordance with Article 16 of the ICC Statute, have nonetheless been fruitless to-date.

On 21 November 2008, the ICC Prosecutor requested the issuance of arrest warrants against the rebel leaders who allegedly planned and ordered the 29 September 2007 attack against members of the African Union peacekeeping mission (AMIS) in northern Darfur, Sudan. The judges have not yet decided on this application.

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