



NPWJ calls on ICC and States Parties to respond strongly to Chad's failure to arrest President Bashir of Sudan

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In defiance of its international obligations, the Government of Chad today allowed the President of Sudan, Omar al-Bashir, to leave the country after a three day stay. As a State Party to the Rome Statute of the International Criminal Court, Chad is obliged to arrest any person against whom the Court has issued an arrest warrant. President al-Bashir is the subject of an ICC arrest warrant for charges of genocide, war crimes and crimes against humanity against civilians in Darfur.

Statement by Alison Smith, Legal Counsel of No Peace Without Justice:

“Chad is the first ICC State Party that has knowingly and willingly harboured a fugitive wanted by the Court. By failing to arrest President al-Bashir, the Government of Chad has missed an opportunity to demonstrate its commitment to justice for the victims of the crimes for which President al-Bashir allegedly bears the greatest responsibility.

“No Peace Without Justice and the Transnational Nonviolent Radical Party call upon the ICC and its State Parties to respond in the strongest terms to this stark display of non-cooperation by the Republic of Chad. We call on the Bureau of the Assembly of States Parties to convene a special session of the Assembly to determine the appropriate response in a case of non-cooperation. We also urge the Court, in accordance with article 87(7) of the Rome Statute, to initiate immediate proceedings to determine if Chad has failed to comply with a request to cooperate by the Court and thereby prevented the Court from exercising its functions and powers under the Statute. If the judges reach such a conclusion, they could then refer the matter to the ICC Assembly of States Parties, or even to the UN Security Council, since Council referred the Darfur situation to the ICC in the first place.

“The ICC depends on cooperation of its States Parties to implement its decisions. It must show that when States fail to support it as they should, the Court will respond with every tool in its possession. ICC States Parties can take this opportunity to deter future non-compliance by demonstrating that Chad's behaviour must be the exception and not the rule. A special session of the Assembly would show that blatant non-cooperation will not be allowed simply to pass unnoticed and unremarked.

“The ICC has found there are reasonable grounds to believe that President al-Bashir may be responsible for genocide, war crimes and crimes against humanity in Darfur. For President al-Bashir, it can no longer be business as usual: there are consequences and it is for every State Party of the ICC to ensure the arrest warrant is not simply swept under the carpet. We call on all States Parties to stand up for justice and stand up for the victims in Darfur.”

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