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Uganda: Stand with victims, arrest ICC fugitive al-Bashir

High Court to hear civil society application for arrest of Sudanese President wanted for grave crimes in Darfur

Kampala/The Hague—Ugandan authorities must arrest International Criminal Court (ICC) fugitive Omar al-Bashir following his arrival in Kampala, Uganda for a three-day state visit, Ugandan and global civil society said today.

The Uganda Victims Foundation has filed an application seeking a provisional and standing arrest warrant against the Sudanese President which will be heard at 2:30pm on 15 November 2017 at the International Crimes Division of the High Court in Kampala.

“Inviting an international criminal suspect to Uganda not only undermines the fight against impunity which Uganda has for long championed but also betrays the concerns and interests of the victims of the most heinous crimes. We therefore call upon the government of Uganda to fulfill its obligations under international and domestic laws by arresting and surrendering President Omar al Bashir should he be found on Ugandan territory,” said **Mohamed Ndufina, executive director, Human Rights Network—Uganda and president of the Uganda coalition for the ICC.** “Uganda also has obligations under the Constitutive Act of the African Union that obliges states to take measures to fight impunity; this is in addition to obligations under the Great Lakes Protocols that call upon states to arrest and surrender persons who may have committed serious crimes.”

“As an ICC member state, Uganda is bound to uphold the unequivocal commitments set out in the Rome Statute to bring to justice perpetrators of ICC crimes,” said **Coalition Convenor William R. Pace in a letter to Uganda President Yoseweni Museveni.** “The presence of an ICC fugitive in Uganda undermines its reputation as a leading state in the advancement of international law. It is Uganda’s legal obligation set out in both the Rome Statute and in UN Security Council Resolution 1593 to fully cooperate with the Court and arrest President al-Bashir without delay.”

“State parties have a duty comply with ICC arrest warrants especially in the face of serious allegations of genocide, war crimes and crimes against humanity,” said **Angela Mudukuti, international criminal justice lawyer.** “Uganda has yet another chance to be on the right side of history and assist the victims of these egregious crimes in their quest for justice.”

“We also urge the President of Uganda and other Government representatives to support the ICC in its endeavor to fight impunity and achieve global justice,” **Ndufina continued.** “We finally urge the Government of Uganda to maintain a consistent approach to its already existing and embraced commitments to Rome Statute System.

Background

President al-Bashir is subject to two outstanding arrest warrants issued by the ICC in 2009 and 2010 on charges of war crimes, crimes against humanity, and genocide committed in Darfur, Sudan. These arrest warrants resulted from United Nations (UN) Security Council Resolution 1593 which referred the situation in Darfur to the Court – a situation the Security Council deemed a threat to international peace and security. According to United Nations reports, approximately 300,000 people were killed, and over two million people were forced to leave their homes between 2003 and 2008, as part of the

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Government of Sudan's counter-insurgency campaign in Darfur. In authorizing the arrest warrants for al-Bashir, the independent ICC judges agreed that there are substantial reasons to believe al-Bashir is responsible for the alleged crimes.

The success of the ICC depends on the strong support of those who brought it into existence: governments. To date, the different steps undertaken by the ICC governing body, the Assembly of States Parties, states parties or other stakeholders have not proven their effect to this day. The different actions are non-coercive and it has proven difficult to bring states to comply with their obligation under the Rome Statute. President al-Bashir has continued travelling to different states despite the Court's decisions and the ASP's efforts.

Uganda ratified the Rome Statute in June 2002. The International Criminal Court Act of 2010 allows Uganda to cooperate with the ICC, including in investigating and prosecuting individuals accused of crimes under the Rome Statute. The law also provides for the arrest and surrender of ICC suspects.

Uganda country webpage <http://www.coalitionfortheicc.org/country/uganda>

Omar al-Bashir webpage <http://www.coalitionfortheicc.org/cases/omar-albashir>

About the ICC

The ICC is the world's first permanent international court to have jurisdiction over 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 unable or unwilling to investigate and prosecute perpetrators of genocide, crimes against humanity and war crimes. As one of the most historic advances in the protection of global human rights, the innovative system established by the Rome Statute is designed to punish perpetrators, bring justice to victims and contribute to stable, peaceful societies. The Court has already made significant progress in holding those most responsible for atrocities to account. Victims are already receiving help to rebuild their lives. But global access to justice remains uneven, and many governments continue to deny the ICC jurisdiction where it is most needed.

There are currently 11 active investigations before the ICC: Burundi, the Central African Republic I & II; Democratic Republic of Congo; Darfur, Sudan; Kenya; Libya; Uganda; Côte d'Ivoire; Mali and Georgia. The ICC has publicly issued 32 arrest warrants and nine summonses to appear. Four trials are ongoing. There have been two convictions and one acquittal. Nine preliminary examinations are currently ongoing, including into situations in Afghanistan, Colombia, Guinea, Palestine, Iraq/UK, Nigeria, Ukraine, Gabon and the Registered Vessels of Comoros, Greece and Cambodia. The OTP has concluded preliminary examinations relating to Honduras, Venezuela, Palestine and the Republic of Korea, declining in each case to open an investigation.

About us

The Coalition for the ICC is a network of 2,500 civil society organizations, small and big, in 150 countries fighting for global justice for war crimes, crimes against humanity and genocide for over 20 years. We made international justice happen; now we're making it work. www.coalitionfortheicc.org

Experts from human rights organizations members of the Coalition are available for background information and comment. Contact: communications@coalitionfortheicc.org

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