



**Coalition for the International Criminal Court**  
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MEDIA ADVISORY  
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Contact  
*In New York:*  
Anaga Dalal,  
(+)1.646.465.8517, 201 600 4718 (cell)  
[dalal@iccnw.org](mailto:dalal@iccnw.org)

*In The Hague:*  
Oriane Maillet  
(+) 31 70 311 10 82, (+) 31 6 46 2006  
70 or +31 0627 344 778 (cell)  
[maillet@iccnw.org](mailto:maillet@iccnw.org)

**ICC PROSECUTOR REQUESTS ARREST OF SUDANESE PRESIDENT OMAR AL-BASHIR**

*Prosecutor Implicates First Head of State for Ten Counts of Genocide, Crimes against Humanity, and War Crimes in Darfur*

**WHAT:** On 14 July 2008, the Prosecutor of the International Criminal Court (ICC) Luis Moreno-Ocampo, requested Pre-Trial Chamber I to issue an arrest warrant for Omar Hassan Ahmad Al Bashir in the Darfur situation in Sudan. In his Application, the Prosecutor stated that there are reasonable grounds to believe that Al-Bashir bears criminal responsibility for genocide, crimes and war crimes committed in Darfur in the past five years. The Application lists ten counts, and alleges among other things that Al-Bashir “masterminded and implemented a plan to destroy in substantial part the Fur, Masalit and Zaghawa groups, on account of their ethnicity.”

**WHO:** Omar al-Bashir has been the President of Sudan since 1993.

**NEXT STEPS:** In accordance with Article 58 of the Rome Statute, it is now up to the Pre-Trial Chamber I to decide whether to issue a warrant of arrest based on the Prosecutor’s application and any related evidence or information. It is up to the judges to determine whether there are reasonable grounds to believe that the person has committed the crime and whether the arrest of the person is necessary to ensure his appearance at trial. The judges may also decide if an arrest warrant is necessary to ensure that this person does not obstruct or endanger the investigation or the court proceedings, or, where applicable, to prevent this person from continuing with the commission of the listed or any related crimes. The issuance of a warrant of arrest against Al Bashir would represent the Court’s first case against a sitting head of state. Since the ICC does not have its own police force, the execution of a request to arrest Al Bashir would require cooperation from relevant governments and international and regional organizations such as the United Nations and the African Union. In accordance with the ICC Statute, a person’s official capacity as a head of state shall in no case exempt them from criminal responsibility for crimes within the jurisdiction of the ICC.

**WHY:** On 31 March 2005, the United Nations Security Council referred the situation in Darfur, Sudan to the ICC Prosecutor through Resolution 1593, “determining that the situation in Sudan continues to constitute a threat to international peace and security.” On 6 June 2005, the ICC Prosecutor officially opened his investigation into the situation of Darfur, which was assigned to Pre-Trial Chamber I. Today’s request is the second made in the Darfur investigation, as on 27 February 2007, the Prosecutor requested summons to appear against Ahmad Muhammad Harun and Ali Kushayb for 51 counts of war crimes and crimes against humanity. On 2 May 2007, Pre-Trial Chamber I issued arrest warrants for the two suspects. Since the referral and the issuance of the warrants, the Sudanese government has consistently refused to cooperate with the Court and openly defied the Court and the international community.

**COMMENT AND BACKGROUND:**

Experts from international and Sudanese human rights organizations are listed on the following page for comment and background.

**List of NGO Experts on Darfur:**

<p><b>Mr. Richard Dicker, Director, International Justice Program, Human Rights Watch</b> (New York, USA) Mobile tel: +1 917 747 6731 E-mail: <a href="mailto:dickerr@hrw.org">dickerr@hrw.org</a></p>	<p><b>Mr. Dismas Nkunda, Darfur Consortium and International Refugee Rights Initiative</b> (Kampala, Uganda) Tel: +256414340274 Mobile tel: +256 75 331 0404 E-mail: <a href="mailto:dismas.nkunda@refugee-rights.org">dismas.nkunda@refugee-rights.org</a></p>
<p><b>Ms. Niemat Ahmadi, Save Darfur Coalition</b> (New York, USA) Mobile tel: +1 804 439 2022 E-mail: <a href="mailto:niemat2002@yahoo.com">niemat2002@yahoo.com</a></p>	<p><b>Mr. Osman Hummaida (for interviews in Arabic), former Director of the Sudanese Organization Against Torture</b>  <i>Please contact Dismas Nkunda for interviews.</i></p>
<p><b>Dr. Khalid Cherkaoui Semmouni</b> <b>President, Centre Marocain des Droits de l'Homme</b> (Rabat, Morocco) Mobile Tel: +212 68 68 11 38 E-mail: <a href="mailto:semmouni2003@yahoo.fr">semmouni2003@yahoo.fr</a></p>	<p><b>Mr. Salih Mahmoud Osman (for interviews in Arabic), Sudanese MP and Human Rights Lawyer</b>  <i>Please contact Dismas Nkunda for interviews.</i></p>
<p><b>Mr. Christopher Hall, Senior Legal Adviser, Amnesty International</b> (London, UK) Tel.: +44 207 413 5733 E-mail: <a href="mailto:chall@amnesty.org">chall@amnesty.org</a></p>	<p><b>Ms. Betsy Apple, Director, Crimes Against Humanity Program, Human Rights First</b> (New York, USA) Tel: +1 212 845 5243 E-mail: <a href="mailto:AppleB@HumanRightsFirst.org">AppleB@HumanRightsFirst.org</a></p>

<p><b>Mr. Nicolas Burniat, Pennoyer Fellow, Human Rights First</b> (New York, USA)  Tel: +1 212 845 5242  Mobile tel: +1 917 328 9252  E-mail: <a href="mailto:BurniatN@HumanRightsFirst.org">BurniatN@HumanRightsFirst.org</a></p>	<p><b>Anne Althaus, REDRESS Trust</b> (London, UK)  Tel: +44 (0) 20 7793 1777  E-mail: <a href="mailto:anne@redress.org">anne@redress.org</a></p>
<p><b>Ms. Brigid Inder, Executive Director, Women's Initiatives for Gender Justice</b> (The Hague, The Netherlands)  Tel: +31 70 302 9911  Mobile tel: +31 62 03807184  E-mail: <a href="mailto:brigid@iccwomen.org">brigid@iccwomen.org</a></p>	<p><b>Mr. John Washburn, Convener, American NGO Coalition for the ICC</b> (New York, USA)  Tel: +1 212 907 1317;  Email: <a href="mailto:jwashburn@unausa.org">jwashburn@unausa.org</a></p>
<p><b>Dr. Karine Bonneau, Director of the International Justice Desk, Fédération Internationale des Ligues des Droits de L'Homme (FIDH - International Federation for Human Rights)</b> (Paris, France)  Tel: +33 1 43 55 11 56  Mobile tel: +33 6 72 34 87 59  E-mail: <a href="mailto:kbonneau@fidh.org">kbonneau@fidh.org</a></p>	<p><b>Ms. Alison Smith, Legal Counsel, No Peace Without Justice</b> (Brussels, Belgium)  Mobile tel: +32 486 986 235  E-mail: <a href="mailto:alison@sensible.it">alison@sensible.it</a></p>

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