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Breaking the cycle of impunity and bringing justice to victims in Darfur: ICC issues a warrant of arrest against Sudanese President for crimes against humanity and war crimes

The International Commission of Jurists (ICJ) today welcomed the decision of the Pre-Trial Chamber I of the International Criminal Court (ICC) to issue a warrant of arrest against the President of Sudan, Omar Hassan Ahmad AL BASHIR, for crimes against humanity and war crimes. This first decision, in which an international tribunal has sought the arrest of a sitting head of State, is a significant step forward towards breaking the cycle of impunity and bringing justice to victims in Darfur.

The Pre-Trial Chamber I of the ICC found that there are reasonable grounds to believe that President AL BASHIR, as the President of Sudan and Commander-in-Chief of the Sudanese Armed Forces, is criminally responsible, as an indirect co-perpetrator, for intentionally directing attacks against an important part of the civilian population of Darfur, murdering, exterminating, raping, torturing and forcibly transferring large numbers of civilians, and pillaging their property.

This Pre-Trial Chamber decision reaffirms a well-recognised principle of international criminal law according to which the position of Head of State or Government does not exempt a person from criminal responsibility for crimes against humanity and war crimes. It is also a major move toward breaking the cycle of impunity that has prevailed in Darfur during the last six years.

"The courts and other investigatory bodies established by the Sudanese Government to address human rights violations in Darfur have failed to produce any transparent findings or to lead to state and militia perpetrators being brought to justice in a way that reflects the gravity and the magnitude of the crimes committed in Darfur," the ICJ said. *"The ICC's decision is a significant step forward towards ending impunity in Darfur and ensuring the rights of victims of gross human rights violations committed during this conflict to truth, remedy and reparation,"* the ICJ added.

The ICJ urges the international community, especially the United Nations' Security Council, to take the necessary measures to arrest and surrender President AL BASHIR to the ICC. *"It is the responsibility of the Security Council and its members to stop the ongoing gross human rights violations committed in Darfur, and to this end ensure that the warrants of arrest against President AL BASHIR and other political and militia leaders, suspected of being criminally responsible for war crimes and crimes against humanity, are fully implemented,"* said the ICJ.

The Sudanese Government must fully cooperate with the ICC in its investigations and prosecutions for crimes committed in Darfur, and facilitate victims' cooperation with, and access to the ICC. *"It is also the responsibility of the Sudanese Government to implement the ICC's warrant of arrest against President AL BASHIR,"* the ICJ said.

The ICJ is an international non-governmental organisation comprising fifty-two of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

33, rue des Bains, P.O. Box 91, 1211 Geneva 8, Switzerland
Tel: +41(0) 22 979 3800 – Fax: +41(0) 22 979 3801 – Website: <http://www.icj.org> - E-mail: info@icj.org

The ICJ also calls on the Sudanese Government to comply with its obligations under international law and the United Nations' Security Council Resolutions, especially Resolutions 1769 and 1593, to stop the gross human rights violations committed in Darfur, protect civilians, and pave the way for restoring peace and stability. *"It is the obligation and the responsibility of the Sudanese Government to protect the civilian population in Darfur and to refrain from any act of retaliation or reprisal against them,"* the ICJ concluded.

For more information, please contact Saïd Benarbia, Middle East & North Africa Legal Officer, at + 41 22 979 38 17