



Immediate Press Release  
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### **Respect International Legal Obligations; Arrest President Al Bashir**

The International Center for Policy and Conflict (ICPC) is calling upon the government of Kenya to immediately arrest or facilitate arrest of President Omar Al-Bashir if he was to ever set foot inside the country for the Inter-Governmental Authority for Development (IGAD) and or for any other eventuality. Failure to do so would amount to clear violation of the arrest warrant issued by the International Criminal Court (ICC) on March 4, 2009 for President Al-Bashir.

We wish to state that under the principle *aut dedere aut judicare*, (extradite or prosecute); Kenya has a legal obligation to extradite a suspect of crimes against humanity and war crimes and surrender the same to the International Criminal Court (ICC) for prosecution or to submit the case to its competent authorities for the same purpose. President Al Bashir was stripped off guarantee of not being arrested if he visited South Africa, Nigeria and Uganda recently. All are signatory to the Rome Statute. Since the issuance of the arrest warrant, President Al-Bashir has visited seven states namely Eritrea, Egypt, Libya, Qatar, Saudi Arabia, Ethiopia and Zimbabwe, none of which is a party to Rome Statute treaty.

Also we do observe that Kenya has ratified the 1984 Convention Against Torture, which requires it to extradite or submit cases of persons found in territory subject to their jurisdiction suspected of torture.

In case the government of Kenya does not act, we will be compelled to file necessary applications before the United Nations (UN) Security Council for appropriate measures and sanctions in the circumstances. Under Article 87 (7) of the Rome Statute of ICC, the Court can refer the case of non-compliance back to the Security Council which may decide to take further measures.

Despite Kenya's international legal obligations, including the Rome Statute of the International Criminal Court (ICC), it has shown no will and commitment in investigating and prosecuting people responsible for atrocious international and domestic crimes. Kenya must arrest and surrender President Al-Bashir to the ICC to avoid complicity in the crimes against humanity and war crimes he is alleged to have committed in Darfur.

Given that Kenya was recently elected to sit in the African Union Peace and Security Council it has a legal responsibility to deny a safe haven to the Sudanese President and such other suspect who is wanted by the ICC or any other international criminal tribunal.

President al-Bashir is accused of orchestrating heinous crimes – including widespread murder and rape – in Darfur. However, some African leaders have expressed hostility to the ICC. These leaders seem to fear accountability; but there is strong backing for the court in Africa. We are confident that the voices trying to discredit the ICC will not drown out the support for the court from human rights defenders and victims.

Some African officials have also criticized the court for not investigating situations outside Africa. The court makes decisions about its investigations on a variety of factors, including whether it has jurisdiction. Some of the worst crimes perpetrated since 2002 around the world have been committed in states that are not parties to the court and are thus outside the court's authority.

Despite its limitations, International Criminal Court and other international justice mechanisms should not be denied to African victims where it can be achieved because it is not yet possible to ensure justice for all with territories where some of the human rights atrocities have occurred. Instead the reach of accountability should be extended and supported to wherever serious international crimes occur.

**Signed by**

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