



Parliamentarians for Global Action  
Parlamentarios para la Acción Global  
Action Mondiale des Parlementaires  
برلمانيون من أجل التحرك العالمي

## Parliamentarians around the world welcome the arrest of ICC fugitive, Sudanese President Al- Bashir

*New York/The Hague, 11 April 2019*

Parliamentarians for Global Action (PGA) welcomes the stepping down and house-arrest of President Omar Al-Bashir imposed by the armed forces and instigated by the civilian opposition, which had denounced the illegality and illegitimacy of the electoral process that led in 2015 to his re-election as President of Sudan. International media are reporting that 30 years of Bashir-regime in Sudan has been brought to an end and that all political prisoners have been released in Khartoum.

PGA has closely observed the situation in Sudan since the UN Commission of Enquiry on Darfur issued a report recommending that the UN Security Council refer the situation in Sudan/Darfur to the jurisdiction of the International Criminal Court (ICC), which took place in 2005 with the adoption of Resolution 1593 (2005) that was *not vetoed* by any Permanent Member of the Council. The Resolution renders applicable the entire Rome Statute of the ICC to the territories or the nationals of Sudan, including the provisions on inapplicability of immunities regarding which the ICC Appeals Chamber held recently hearings that were criticized by scholars for the risk of re-opening the well-established norm on irrelevance of official capacity before International Tribunals, which binds all States under International Law since World War II.

At this crucial juncture for the future of Sudan, PGA calls upon all relevant parties engaged in the reconstruction of democracy and the Rule of Law to undertake the following changes:

- 1) Immediately cease the suspension of civil and political rights and the state of emergency notified to the UN Secretary General on 8 March 2019 in accordance with the International Covenant on Civil and Political Rights (ICCPR) to which Sudan is a Party since 1986, three years before the coup d'état that started the Al-Bashir regime;
- 2) Embark in a transition towards the restoration of democracy based on separation of powers under the Rule of Law, to be followed by free and fair elections and to be sustained by institutional reforms that reinstate the checks and balances within a peaceful Sudanese State;
- 3) Surrender without delay Mr. Omar al- Bashir and all other Sudanese individuals charged with genocide, crimes against humanity or war crimes in Darfur to the ICC in The Hague, so that the course of justice for the victims of atrocities may finally take place;
- 4) Make apologies and reparations on behalf of the State for the harm and devastation caused by the al-Bashir-regime to all victims and affected communities in Darfur and other regions of Sudan, regarding which the territorial State has the obligation under International Law to set up reparations programmes to assist victims and their families and to offer credible guarantees of non-repetition;

- 5) Set up appropriate legislative, jurisdictional, prosecutorial, administrative and policy measures to put an end to the impunity through which the Al-Bashir regime has been fueling bloody armed conflicts within and outside Sudan, including in the Central African Republic, Democratic Republic of Congo, northern Uganda and South Sudan. In particular, PGA calls upon the new transitional authorities of Sudan to undertake their best efforts to arrest and surrender to the ICC Mr. Joseph Kony, who has been a fugitive from justice for crimes against humanity since 2005 and has exported its practices of mass atrocities from northern Uganda to other countries, including the enslavement of child soldiers by groups like Seleka in the Central African Republic;
- 6) Ratify the revised Cotonou Agreement of the Africa-Caribbean-Pacific (ACP)—European Union (EU) and all relevant human rights and justice treaties, including the Rome Statute of the International Criminal Court and the Optional Protocol to the ICCPR.

Impunity for mass atrocity crimes has been a factor that allowed Mr. al-Bashir to acquire and maintain power, and engage in criminal conduct in several scenarios of crisis and armed conflict throughout Africa. The time has come for justice for victims and an end to his impunity.

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***About PGA***

Parliamentarians for Global Action is a non-profit, non-partisan international network of approximately 1,350 legislators in 140 democratically-elected parliaments worldwide, which aims to promote peace, democracy, the rule of law, and gender equality, *inter alia*, by informing, convening, and mobilizing parliamentarians as human rights champions.

Through its *Campaign on the Universality and Effectiveness of the Rome Statute System of the International Criminal Court*, PGA has contributed to 76 out of the 122 ratifications or accessions to the Rome Statute that remain legally valid to date, as well as to the adoption of legislative packages on domestic implementation of the Rome Statute in 37 countries. PGA Members also made direct contributions to the ratification process of the two States (Burundi and the Philippines) that have withdrawn from the Rome Statute as a consequence of governmental policies allegedly implying the use of crimes against humanity against targeted segments of the civilian population. PGA made efforts to halt and reverse the withdrawal processes by the Gambia and South Africa and continues to engage with Parliamentarians and other actors to revert the withdrawals by the Philippines and Burundi. PGA Members have championed the recent accession to the Rome Statute by Malaysia, and are currently engaged in efforts to reverse the sudden decision to withdraw from this accession. PGA is a member of the Steering Committee of the Coalition for the International Criminal Court (CICC).

The Convenors of the International Law and Human Rights Programme of the PGA network are Hon. Kula Segaran, MP (Malaysia) and Hon. Hryhoriy Nemyria, MP (Ukraine), and the Deputy Convenors are Dip. Carla Pitiot (Argentina) and Hon. Ali Ehsassi, MP (Canada). The PGA network is assisted by a Secretariat that facilitates cooperation between member-parliamentarians, provides technical assistance, and offers policy and legal advice to help realize the organization's overarching goal (vision) "*to contribute to the creation of a Rules-Based International Order for a more equitable, safe, and democratic world.*"

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*PGA'S ROME STATUTE CAMPAIGN IS SUPPORTED BY:*



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