



Wednesday, May 11, 2016

PRESS RELEASE: VISIT OF PRESIDENT OMAR AL BASHIR TO UGANDA

Human Rights Network-Uganda (HURINET-U), The Uganda Coalition on the International Criminal Court (UCICC), The International Center for Transitional Justice, Avocats Sans Frontiers and Atrocities Watch are dismayed to learn that Government of Uganda has extended an invitation to President Omar Al Bashir of Sudan to attend President Yoweri Museveni's swearing in on Thursday May 12, 2016. President Omar Al Bashir is wanted by the International Criminal Court (ICC) for the alleged perpetration of crimes against humanity, genocide and war crime. The warrants for his arrest remain outstanding.

Uganda is a State Party to the Rome Statute of the International Criminal Court having signed the treaty on 17 March 1999, and ratified it on 14 June 2002. The country further strengthened its commitment to end impunity for international crimes by enacting the International Criminal Court Act of 2010 (ICC Act), which domesticates the Rome Statute of the ICC. The ICC Act contains provisions that set out obligations for close cooperation with the court with regard to arrest and surrender of persons on who arrest warrants have been issued. Further, the United Nations Security Council (UNSC) Resolution 1593 that referred the Darfur situation to the ICC imposes obligations on all UNSC members to arrest and surrender all persons including President Bashir. Aware of these obligations, Uganda should not have invited Bashir unless it intends to arrest and surrender him to the ICC to face trial.

Article 27 of the Rome Statute disregards the official capacities of Heads of state and states that immunities of Heads of States are of no consequence to the court's processes. The Pretrial Chamber of the ICC in proceedings to determine whether [Malawi](#) and [Chad](#) had breached their obligations of cooperation under the Rome Statute by failing to arrest Bashir when he visited those countries in late 2011, held that President Bashir is not eligible for immunity under international law and ICC state parties are obliged to arrest and surrender him to 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.

The presence of President Al Bashir in Uganda, and the failure, refusal and neglect by the government of Uganda to arrest and surrender him to the ICC to face trial, would be in contravention to Ugandan's obligations under the Rome Statute and the ICC Act.

Further, 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. Besides, inviting such an international criminal suspect wanted by the ICC makes a mockery of the swearing in ceremony which is supposed to be a historic event in the democratization process.

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.

For any further information or clarifications regarding this press statement, please get back to us on pm@hurinet.or.ug, odongaustin@gmail.com or +256 772 750 669.

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For and on behalf of HURINET and UCiCC