

India: Do Not Welcome Bashir International Criminal Court Seeking His Arrest

India should not welcome Sudanese President Omar al-Bashir, 21 international and African nongovernmental organizations said today. The International Criminal Court (ICC) has warrants out for his arrest to face charges of war crimes, crimes against humanity, and genocide in Darfur.

India has invited al-Bashir and other African heads of state to attend the India-Africa Forum Summit from October 26 to October 29, 2015, in New Delhi.

“Al-Bashir is an alleged war criminal on the run from the law,” said Oby Nwankwo, steering committee member at the Nigerian Coalition of the ICC. “Hosting al-Bashir would tarnish India’s global standing and be an affront to the victims.”

Al-Bashir faces two ICC arrest warrants, issued in 2009 and 2010 over attacks that deliberately and systematically targeted civilians in violation of international law as part of the Sudan government’s counterinsurgency policy in Darfur. The attacks have led to the displacement of hundreds of thousands of people to refugee camps in Chad and to camps for internally displaced people in Darfur.

India, which has not joined the ICC, is not bound by the treaty that establishes the court to cooperate. But the United Nations Security Council has urged every country to cooperate with the Darfur cases. Security Council Resolution 1593 of 2005, which referred the situation in Darfur to the ICC, “urges all States and concerned regional and other international organizations to cooperate fully” in the ICC’s investigation.

“Many countries have avoided a visit from al-Bashir, and India should do the same,” said Elise Keppler, associate international justice director at Human Rights Watch. “India has said that it wants to play a leadership role on global issues, and this is an opportunity to be on the right side of history.”

Activists across Africa have campaigned for al-Bashir’s surrender, and his movements have been restricted. Trips to ICC member countries have been cancelled or curtailed, including to Kenya, Malawi, Zambia, Central African Republic, and Nigeria, while countries such as Botswana have made clear he is not welcome. Trips to countries that have not joined the ICC have also been cancelled, including Turkey, Malaysia, and Indonesia. In some instances, governments have invited Sudan to send other representatives.

In June 2015, al-Bashir traveled to South Africa amid diplomatic and public outcry. A domestic court issued an order that barred his movement, but he nevertheless left the country. The visit remains the subject of litigation in South Africa and before the ICC.

Serious abuses are still being committed in Darfur, as the Sudanese government has obstructed the ICC's cases, the groups said. In the first half of 2015, Sudanese government forces were implicated in abuses including killings, rape, torture, mass displacement, destruction of property, and looting of livestock.

“India should support the hundreds of thousands who have endured serious abuses in Darfur,” said Stella Ndirangu, program manager at the International Commission of Jurists-Kenya. “India should bar al-Bashir’s entry and assist in his arrest.”

The following organizations, which are active in efforts to promote justice for grave crimes in Africa, joined this statement: Affirmative Action Initiative for Women (Nigeria), Africa Legal Aid, African Centre for Justice and Peace Studies (Uganda), Centre for Human Rights and Rehabilitation (Malawi), Children Education Society (Tanzania), Civil Resource Development and Documentation Centre (Nigeria), Coalition of Eastern NGOs, East and Horn of Africa Human Rights Defender Project, Foundation for Human Rights Initiative (Uganda), Human Rights Network-Uganda, Human Rights Watch, Initiative for Civil Liberties (Zambia), International Commission of Jurists-Kenya, Kenya Human Rights Commission, Nigerian Coalition for the ICC, Center for Accountability and the Rule of Law-Sierra Leone, Rencontre Africaine Pour la Defense des Droits de l’Homme (Senegal), Sierra Leone Coalition for Justice and Accountability, Southern Africa Litigation Centre, Ugandan Coalition for the International Criminal Court, West African Bar Association.

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