STATEMENT
from the IGAD Secretariat

In relation to the High Court decision on the arrest warrant of His Excellency President Hassan Omar Al Bashir of the Republic of Sudan, our position is as follows:

- We respect the courts of member states. However, IGAD's position is that courts cannot work in a vacuum and decision has to be rendered considering the law and balancing it with the wider IGAD regional interests. We are currently looking at the judgment and are aware that there is a right of appeal that is guaranteed, and this decision may or may not stand. We would give comprehensive comments once we have studied the judgment holistically.

- The arrest of H.E President Hassan Omar Al Bashir would have adverse effects to peace and stability in the Sudan and this is vitally linked to Kenya's continued peace and well-being. Kenya's accountability to the ICC notwithstanding, it has a legitimate and strategic interest in ensuring peace and stability in the sub-region and promoting peace, justice and reconciliation in the Sudan. It should be noted that Kenya is the current chair of the IGAD sub committee of the peace process that resulted in the Comprehensive Peace Agreement (CPA).

- IGAD as a regional body reiterates the AU position on this matter; "the search for justice should be pursued in a manner not detrimental to the search for peace". This indicates that the ICC process has to be balanced with the wider regional stability and peace process in the Sudan. In order for peace, stability and economic development to prevail in the volatile Horn of Africa region, it's imperative that member countries of IGAD spearhead the AU agenda on this matter. The warrant issued by the Kenyan High Court curtails this, and puts the fragile peace processes undertaken by IGAD at great risk.

- It is important to pay attention to the AU concerns and its request for an article 16 deferral of H.E Hassan Omar Al Bashir's indictment because the matter underlying the tension is how ICC prosecution may be reconciled with peacemaking initiatives. IGAD believes that solutions to these issues are not judicial but political in nature and therefore should be approached with great sensitivity to the challenges currently affecting the IGAD region.

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