

**Statement by Russian MFA Spokesman Andrei Nesterenko Regarding the
Issuance by International Criminal Court of an Arrest Warrant against
Sudanese President Omar al-Bashir**

On March 4, the Pre-Trial Chamber of the International Criminal Court issued an arrest warrant for Omar al-Bashir, President of the Republic of Sudan, upon request from ICC Prosecutor Luis Moreno-Ocampo as part of the investigation of the situation in the Sudanese province of Darfur, referred to the ICC by UN Security Council resolution 1593 (2005).

It has to be noted that the ICC Prosecutor's July 2008 request for an arrest warrant against al-Bashir had been received by the African and Arab communities with concern about the possible adverse implications for a peaceful settlement in Sudan that this move could entail. The African Union, LAS, OIC and NAM had appealed to the UN Security Council to use the right envisaged by Article 16 of the Rome Statute to defer investigation or prosecution for one year.

The Russian side, guided by the interests of advancing a peaceful settlement in Darfur while ensuring justice and the norms of international law, treated that position with understanding. The question is on the UNSC agenda and Russia intends to take the most active part in its discussion.

It should also be remembered that Omar al-Bashir as the head of a state which is not a party to the Rome Statute of the ICC enjoys the immunities of a top state official under general international law.

We hope that the leadership of Sudan in this situation will continue to search for a negotiated solution to the problem of Darfur in cooperation with the UN, African Union and other mediators. We are convinced that the Darfur conflict can only be settled politically, taking into consideration the interests of the sides, with an indispensable respect for the sovereignty, unity, independence and territorial integrity of Sudan. We stand ready to continue facilitating attainment of this objective.

March 5, 2009