

**International Federation for Human Rights (FIDH)
African Center for Justice and Peace Studies (ACJPS)
Sudan Human Rights Monitor (SUHRIM)**

PRESS RELEASE

**The African Union defies the International Criminal Court
and dares trample on the memory of Darfuri victims!**

Paris, Nairobi, Khartoum, Kampala, 30 July 2010 – The International Federation for Human Rights (FIDH) together with its Sudanese member organizations, the African Center for Justice and Peace Studies (ACJPS) and the Sudan Human Rights Monitor (SUHRIM), deeply regret the refusal of the African Union (AU) to cooperate with the International Criminal Court (ICC), as expressed at the 15th Summit of Heads of State and Government held in Kampala, Uganda, from 15 to 27 July 2010.

The AU reiterated its call for the prosecution of Sudanese President Omar El Bashir to be deferred, as well as for Article 16 of the Rome Statute to be amended in order to enable other UN bodies to request the suspension of the ICC prosecutions in case of inaction by the Security Council. The AU also refuses the establishment of an ICC liaison office at the AU and threatens to sanction African States Parties to the Rome Statute should they depart from AU's decisions.

Our organizations recall that, according to the objectives of the AU as defined in its Constitutive Act, Member States must promote and protect human rights according to the African Charter on Human and Peoples' Rights.

Our organizations stress that the ICC action on Darfur is the result of a referral to the Court by the UN Security Council on the basis of Chapter VII of the UN Charter, which is therefore binding on Sudan and other countries of the AU.

Our organizations also recall that the Security Council's decision to refer the situation in Darfur to the ICC was based on the utter lack of justice in Sudan despite the commission of the most serious crimes during the conflict that still pits government troops against rebel groups.

For the record, since 2003, this conflict has killed over 300,000 people and forced more than 2 million civilians to flee or to move. Nevertheless, no serious act of justice has been undertaken in Sudan, as confirmed in the 2004 report of the International Commission of Inquiry on Darfur, mandated by the United Nations, and the 2009 Report of the High Level Panel appointed by the African Union. In accordance with its Statute and under the principle of complementarity, the ICC would not have interfered should there have been an effective and fair justice process in Sudan.

The AU's position is based in particular on the claim that justice is in conflict with peace in Darfur. But this statement can be reversed, as explains Osman Hummada, President of ACJPS: *"it is because there is no justice process that no peace has been possible in Sudan. And it is certainly the action of international justice on this country which has led the key players to resume negotiations in order to find a settlement to the conflict"*.

The second argument put forward against the action of the ICC is the fact that it intervenes only in Africa even though other serious crimes are committed elsewhere, including by representatives of Western countries. Although this is true, is it acceptable to use the ICC's lack of universal jurisdiction as a pretext to trample on the memory of the 300,000 victims in Darfur and other African victims in Uganda, the Democratic Republic of Congo, Central African Republic or Kenya who demand the intervention of international justice to fight impunity?

Our organizations would have expected a more coherent and positive attitude from the AU. *'It should rather call for the universality of the ICC by asking all the States to submit to its jurisdiction and adopt domestic laws to prosecute perpetrators of serious crimes, thus avoiding international intervention.*

The AU should also accept dialogue with the ICC by authorizing the establishment of a liaison office at the AU ; it would then set an example on a continent that refuses impunity like 30 of its Member States did when they ratified the Rome Statute," said Sidiki Kaba, FIDH Honorary President .

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