



Coalition for the International Criminal Court
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**GLOBAL COALITION SAYS AU STATES PARTIES TO INTERNATIONAL
CRIMINAL COURT HAVE LEGAL OBLIGATION TO COOPERATE WITH ICC**
Calls on African ICC States Parties to Publicly Reaffirm 8-9 June Commitment to Justice

New York - The Coalition for the International Criminal Court (CICC) – a civil society network in 150 countries advocating for a fair, effective and independent ICC – is deeply concerned by reports of an African Union (AU) summit declaration that instructs African states not to cooperate with the International Criminal Court (ICC) in the execution of the international arrest warrant for Omar Hassan Ahmad Al-Bashir, the president of Sudan, on charges of war crimes and crimes against humanity. The 4 March 2009 decision requesting the arrest of Al-Bashir was made by an independent panel of ICC judges from Ghana, Latvia and Brazil.

The 3 July AU declaration, spearheaded by the Government of Sudan and current AU Chair and Libyan leader Mouammar Ghaddafi, contradicts the position taken by African ministers at a recent AU meeting from 8-9 June 2009 in Addis Ababa at which they reaffirmed their commitment to the integrity of the Rome Statute.

“We have heard from African government representatives to the 13th AU Summit in Sirte, Libya that there were extreme and unprecedented levels of intimidation and pressure by the host government and Chair,” said William R. Pace, convenor of the Coalition for the ICC (CICC). “Foreign Ministers were reportedly furious with Mr. Ghaddafi’s interference in their meeting and negotiations that preceded the Head of State summit. We heard reports that ministers were threatened by Ghaddafi, emails censored, faxes blocked. Government representatives who might have objected to the text were prohibited from commenting on the declaration.”

Pace added that “the AU declaration, if upheld, would leave AU leaders turning their back on African victims of massive crimes. As such, it does more to damage the reputation of the AU as an institution. Ultimately—and regardless of the AU’s declaration—international law prevails over declarations, ICC states parties still have a legal obligation to cooperate with the Court including to arrest and surrender all those for whom the Court issues a warrant.”

The CICC calls on all ICC state parties in the AU to join government representatives like the foreign minister of Botswana who have clarified their intention to fulfil their legal obligations to the Rome Statute. Last month, just before the presidential inauguration, the South African government announced that national laws required they arrest Al-Bashir if he attended.

“We call on the government of South Africa to reiterate its pledge to cooperate with the Court in the arrest and surrender of Al-Bashir,” said Oby Nwankwo, executive director of the Enugu, Nigeria-based Civil Resource and Documentation Center and CICC steering committee member.

Africa is the most heavily represented region at the Court: there are 43 African signatories to the Rome Statute, 30 African states parties that have ratified or acceded to the ICC treaty and approximately 20 African countries that have final or draft legislation that would incorporate Rome Statute crimes and/or enable cooperation with the Court in their national laws.

The International Criminal Court – the first permanent world court capable of trying individuals accused of war crimes, crimes against humanity and genocide when national courts are unable or unwilling to do so – is essential to the global fight against impunity. The input, involvement and support of the majority of African states has been vital to both the founding of the ICC and to its continued fair, effective and independent functioning.

“In the past decade alone, millions of Africans have lost their lives in conflicts and have been the target of grave crimes against them by their own leaders,” said Steve Lamony, the Coalition’s outreach liaison for Africa and situations adviser. “By attempting to punish those responsible for these crimes, the Court is standing up for African victims and attempting to prevent the future occurrence of atrocities.”

Background and information: Experts from human rights organizations are listed on the following page for interviews.

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Important notice: *The Coalition for the International Criminal Court (CICC), an independent NGO movement, is dedicated to the establishment of the International Criminal Court as a fair, effective, and independent international organization. The Coalition as a whole, and its secretariat, does not endorse or promote specific investigations or prosecutions or take a position on situations before the ICC. However, individual CICC members may endorse referrals, provide legal and other support on investigations, or develop partnerships with local and other organizations in the course of their efforts.*

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