

For Immediate Release

AU: Support Justice for Gravest Crimes *125 Groups Across Africa Call for ICC Support at Summit*

(New York, June 23, 2011) – Civil society groups from more than 25 countries in Africa issued a report today urging African member countries of the International Criminal Court (ICC) to show support for the court at the upcoming African Union (AU) summit meeting. The report, “Observations and Recommendations on the ICC,” is endorsed by 125 African organizations and international groups with a presence in Africa.

The 17th AU summit will hold its assembly of heads of state from June 30 to July 1, 2011, in Malabo, Equatorial Guinea. Meetings of ministry-level officials in advance of the heads of state discussions begin on June 23.

“Africa was a major player in creating the International Criminal Court,” said Stephen Tumwesigye of Human Rights Network Uganda. “African states should urge the AU to increase – not scale down – support for holding the worst rights abusers to account.”

The civil society report is the latest initiative of an informal network of African and international organizations that have come together to promote principled support for the ICC. Each section was drafted by a different organization, and a number of other organizations provided editorial comments. Many of the groups involved are members of the global Coalition for the International Criminal Court.

The organizations said in the report that African ICC states parties should call for the AU to direct any outstanding concerns on its requests to suspend ICC cases to the Security Council. After the ICC issued warrants for President Omar al-Bashir of Sudan for international crimes committed in Darfur, the AU called for its members not to cooperate with his arrest because the council is unwilling to grant the case’s delay. But the court has no authority to defer cases. The AU has also called for the council to delay ICC investigation of post-election violence in Kenya.

“The AU should take greater steps to promote justice for heinous crimes committed in Darfur and Kenya,” said George Kegoro of the Kenyan section of the International Commission of Jurists. “Africa’s leaders should work to serve the victims of atrocities, not those allegedly responsible for their suffering.”

The report also raises concerns about the proposed expansion of the African Court of Justice and Human Rights to prosecute serious crimes in violation of international law. The African Court’s authority is currently limited to cases concerning the responsibility of countries for human rights violations and to interpreting treaties.

“Expanding the African Court to prosecute criminal cases would put enormous burdens on the court,” said Obiageli Oraka of the West African Bar Association. “African countries should insist on more consultation on expansion. They should also ensure that an expanded African Court would not impede the ICC’s role as a crucial court of last resort.”

The report addresses a May decision by the AU raising concern over two UN Security Council resolutions on Libya. It says that concerns over the use of force in Libya under resolution 1973 should not be conflated with the council's referral of Libya to the ICC under resolution 1970.

“The ICC’s investigation and prosecution of crimes in Libya is separate from the use of force,” said Anton du Plessis of the Institute for Security Studies’ International Crime in Africa Programme of South Africa. “The AU should distinguish its concerns about the use of force from the ICC’s role in promoting accountability in Libya.”

The report also calls for African ICC states parties to ensure the election at the end of 2011 of the most qualified candidate as the next ICC prosecutor through a fair and merit-based process.

To read the “Observations and Recommendations on the International Criminal Court and the African Union,” please visit: <http://www.hrw.org/node/99945>

For other material by African civil society and international organizations with a presence in Africa on the ICC, see <http://www.hrw.org/node/84766> and <http://www.hrw.org/node/90633>

For more information, please contact:

In Cotonou, for Coalition for the ICC (CICC), Francis Dako (French): +229 21 32 2806; or +229 97 15 97 15.

In Enugu, for the Civil Resource Development and Documentation Centre (CIRDDOC), Oby Nwankwo: +234-42-303315; or 0803-313-2494; or 0805-237-9449.

In Kampala, for the Human Rights Network-Uganda (HURINET-U), Mohammed Ndifuna: +256-71-441-9229.

In Nairobi, for the International Commission of Jurists - Kenya (ICJ-Kenya), Stella Ndirangu: cell: +254-722-33-63-99.

In Pretoria, for the International Crime in Africa Programme, Institute for Security Studies (ISS), Anton du Plessis: +27-(0)12-346-9500; or +27-78-7813619.

In Johannesburg, for Human Rights Watch, Tiseke Kasambala (English): +27-11-484-2640; or +27-79-220-5254; +27 79 220 5254 (mobile); or kasambt@hrw.org