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**AFRICAN UNION MAINTAINS CONTRADICTION STANCE ON JUSTICE**  
*Global Coalition Calls on AU Heads of State to Support ICC in Delivering Justice to Victims of Serious Crimes*

**(New York, USA)**— In documents publically released on 15 July 2011, African heads of state meeting at an African Union (AU) summit in Equatorial Guinea condemned the issuance of arrest warrants by the International Criminal Court (ICC) for Muammar Mohammed Abu Minyar Gaddafi and two other high-level Libyan officials. Participating states also criticized the United Nations Security Council (UNSC) for not suspending the ICC arrest warrant against Sudanese President Omar Al-Bashir.

These developments undermine the required and needed support from governments – particularly those from African states – to the ICC in order to deliver justice to the victims of grave crimes in the region, the Coalition for the International Criminal Court said today. The ICC is the world's first *permanent* international court to prosecute war crimes, crimes against humanity and genocide.

At a summit held in Malabo at the beginning of the month, the Assembly of the African Union – composed of African Heads of States - approved a decision calling on AU member states not to cooperate with the ICC in arresting and surrendering ICC suspects Omar Al-Bashir and Muammar Gaddafi. This decision runs contrary to the obligation of all states parties to the ICC including those in Africa, to cooperate with the Court in the execution of its arrest warrants.

Thirty-three African countries have ratified the Rome Statute. The input, involvement and support of the majority of African states are vital to the Court's continued fair, effective and independent functioning. "The 33 of 53 AU member states that have ratified the Rome Statute have clear obligations to arrest and surrender ICC suspects. All AU states are Member States of the UN and are obligated to respect the decisions of the UN Security Council," said William R. Pace, Convenor of the Coalition.

“For the heads of government to issue AU resolutions that contradict their legal obligations to the UN and ICC only undermines the legitimacy of the AU, and could weaken the effectiveness of the ICC and UN,” Pace stated. “The AU heads of governments’ anti-ICC resolutions ignore the plight of victims, violate the AU charter, and endorse impunity over justice and accountability for the worst crimes in international law,” he added.

The recent Malabo decision also urges African members of the UNSC to ensure that the investigations, arrests, and trials concerning the crimes in Sudan, Kenya and Libya are suspended. “Members of the Coalition based in the Africa region have consistently stated that a request for an article 16 deferral should never be used to shield those charged with war crimes, crimes against humanity, and genocide,” said Stephen Lamony, Africa Situations Adviser at the Coalition. “According to the Rome Statute, the UNSC should consider deferring a situation under article 16 of the Statute only in exceptional cases that pose a threat to international peace and security,” he added.

While an outcome of the summit was a refusal to cooperate with the ICC another outcome was the endorsement of candidates for crucial ICC posts. The AU Executive Council - composed of Ministers – approved the candidacy of ICC Deputy Prosecutor Fatou Bomm Bensouda (The Gambia) as the only candidate from Africa for the ICC chief prosecutor elections to be held at the ASP in December 2011 in New York. The Council also approved the candidacies of Judge Vinod Bolell (Mauritius) and Chile Eboe-Osuji (Nigeria) for ICC judicial elections to take place at the same ASP session in December 2011.

In view of the major impact these elections will have on the ICC and the Rome Statute system, the Coalition has launched a Campaign on ICC Elections, to promote the nomination and election of the most highly qualified officials through fair, merit-based, and transparent processes while upholding the Rome Statute principles of a fair, effective and independent ICC representing all of the world’s regions and major legal systems as well as maintaining equitable gender representation.

**More on the Coalition’s Campaign on ICC Elections:**

<http://www.coalitionfortheicc.org/?mod=elections>

**More on the Coalition’s activities in Africa:**

<http://www.coalitionfortheicc.org/?mod=region&idureq=1>

**Background:** The ICC is the world's first permanent international court to prosecute war crimes, crimes against humanity, and genocide. There are currently 116 ICC States Parties. Central to the Court's mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unwilling or unable to investigate and prosecute perpetrators of genocide, crimes against humanity, and war crimes. There are currently six active investigations before the Court: the Central African Republic; the Democratic Republic of the Congo; Darfur, the Sudan; Uganda, Kenya and Libya. The ICC has publicly issued 18 arrest warrants and nine summonses to appear. Three trials are ongoing. The ICC Prosecutor recently requested authorization from Judges to open an investigation in Côte d'Ivoire. His office has also made public that it is examining eight situations on four continents, including Afghanistan, Colombia, Georgia, Guinea, Honduras, Republic of Korea, Nigeria, and Palestine.

The Coalition for the International Criminal Court is a global network of civil society organizations in over 150 countries working in partnership to strengthen international cooperation with the ICC; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide. For more information, visit: [www.coalitionfortheicc.org](http://www.coalitionfortheicc.org)

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