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African Union: Support Victims by Rejecting Impunity at Summit

Civil society urges African leaders to uphold commitment to rule of law and accountability through ICC and Rome Statute system

New York/The Hague—African leaders who support human rights, justice and the rule of law should attend the African Union special meeting next week and defend the Rome Statute and the International Criminal Court (ICC). The African leaders who have been accused of war crimes, crimes against humanity and genocide must not be allowed to claim that *they* are victims, instead of the millions of innocent women, children and men who have been killed or whose lives have been destroyed by armed conflicts. African leaders should firmly and publicly reject proposals for African states to not cooperate with the ICC or for governments to withdraw from the Rome Statute, the Coalition for the ICC said today.

An “extraordinary summit” of the African Union (AU) has been scheduled in Addis Ababa for 11-12 October.

Statement by Coalition Convenor William Pace

“African leaders who support ending impunity for the gravest crimes in international law must categorically reject any efforts to undermine the ICC at the upcoming AU summit. Those propagating withdrawal from, or ending cooperation with, the Court are endangering one of the strongest tools for peace ever—a treaty and Court that would not exist without the strong and overwhelming support of African governments since 1998. It is true that governments in Africa have been the primary ones to use the new Court, but the ICC is needed in every region of the world.

“Since 2004, six African governments have asked the ICC to investigate and prosecute crimes committed in their territories—the Central African Republic, Côte d’Ivoire, the Democratic Republic of Congo, Kenya, Mali and Uganda. Crimes committed on the territory of two non-states parties that are members of the UN—Sudan and Libya—have been referred by the UN Security Council.

“One of the great achievements of the Rome Statute was not granting immunity to anyone regardless of their position. Of course, we knew there would be fierce opposition to charging sitting presidents and ministers. This is the precedent the ICC is implementing that is causing major controversy.

“African participation in the Rome Statute has allowed the ICC to assist states in their efforts to advance the rule of law. This system respects state sovereignty by encouraging national authorities to undertake prosecutions of those responsible for grave crimes in the first instance.

“The ICC’s ability to provide both retributive and restorative justice gives millions of victims of violent conflict in Africa hope of redress for the great harms they have suffered.

“In establishing the Court, the international community—34 African states included—ensured that it would have the highest standards of fair trial guarantees in place. The Court has already demonstrated its independence and fairness. The judges will not convict an accused if the prosecutor cannot prove guilt beyond a reasonable doubt.

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“Instead of criticizing the Court, African leaders should instead encourage states around the world to follow their example by joining the Rome Statute and working to make it effective. One hundred and twenty-two states have ratified the Rome Statute. For a truly universal Court, we need the 71 other states, including some major powers, to join the treaty.

Civil society around the world is calling on African states that have consistently shown their support for the ICC and justice through the Rome Statute system to do so once again next week.”

Background on the ICC and Africa

African governments have been largely supportive of the ICC and were instrumental in its founding. With 34 states parties and 43 signatories to the Rome Statute, Africa has been one of the ICC’s largest bases of support. The ICC’s interventions in Africa were called for and supported by African states. In four instances—in the DRC, Uganda, the Central African Republic and Mali—the situations were referred to the ICC prosecutor by those very states. In those situations where investigations were opened on the volition of the prosecutor, there was also support from African governments. In Kenya, the prosecutor was given evidence of crimes allegedly committed during 2007-08 post-election violence by an international commission established by the Kenyan government. Even then, an investigation was only formally opened after the Kenyan government failed to meet an agreed upon deadline for starting its own prosecutions. Similarly, the investigation in Côte d’Ivoire was supported by the Ivorian government, under the leadership of the then president, Laurent Gbagbo, which voluntarily accepted ICC jurisdiction in 2003. The remaining investigations—in Darfur and Libya—were referred to the ICC prosecutor by the UN Security Council, with both referrals receiving support from African states sitting on the Council at the time.

The Coalition for the International Criminal Court is a global network of civil society organizations in 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

Experts from human rights organizations members of the Coalition are available for background information and comment. Contact: communications@coalitionfortheicc.org