

**For Immediate Release**

## **ICC: African Countries Support Court**

### *Annual Meeting of Member Countries*

(New York, December 17, 2014) – African countries expressed strong support for the International Criminal Court (ICC) at the 13th Assembly of States Parties to the Rome Statute, the court’s founding document, African and international organizations present at the session said today. The governments showed a more positive picture of Africa’s relationship with the ICC than is often reflected in public debates, the organizations said.

The ICC’s Assembly of States Parties met from December 8-17, 2014, at the United Nations headquarters for its regular annual session. ICC members approved the court’s budget and elected six new judges to the court, in addition to discussing topics such as cooperation with the court.

“While a few vocal African governments are intent on portraying the ICC as anti-African and trying to undermine the court, the real picture is quite different,” said Esther Waweru of the Kenya Human Rights Commission. “Just ask the president of the Central African Republic, who expressed deep gratitude to the ICC for assisting her country in the wake of serious crimes there, and the many other African countries that took the floor in support of the ICC.”

This year the Assembly of States Parties elected the first African to be its president, Justice Minister Sidiki Kaba of Senegal. Kaba stressed Senegal’s “unwavering determination to defend the essential principles and values” of the ICC and made a commitment to reconcile the ICC with all regions of the world, including Africa. [He pointed out](#) that Africa has the largest number of ICC members and that Africans form a considerable percentage of ICC staff, including four judges and the prosecutor. He also noted that Africans have been the first to seek the court’s intervention.

More than a dozen African countries represented by senior government officials [expressed strong support](#) for the court’s work at the session. The president of the Central African Republic, Catherine Samba-Panza, affirmed the court’s role as a crucial tool in the fight against impunity, and said that the court was essential in delivering justice for victims of grave international crimes. Others included officials from Burkina Faso, Central African Republic, Côte d’Ivoire, Democratic Republic of the Congo, Gambia, Ghana, Lesotho, Malawi, Namibia, Nigeria, Senegal, Sierra Leone, South Africa, and Zambia.

South Africa highlighted the ICC as a “bastion in the fight against impunity.” Ghana affirmed that it remains “committed to the importance” of the ICC to punishing and deterring crimes, and Nigeria indicated that the ICC is “increasingly becoming a critical global institution.” Côte d’Ivoire stressed the court’s “positive value” in prosecuting serious crimes, Sierra Leone highlighted its “deep commitment to the court,” and Lesotho called the ICC a “key instrument” in advancing justice. The Democratic Republic of Congo noted that the ICC is “a gift of hope” for future generations.

Ghana, Gambia, and Lesotho also affirmed the need to protect the court's independence, which ran counter to Kenya's unsuccessful initiative to have a special session at the meeting on the conduct of court officials in relation to current cases.

Zambia highlighted the role of African governments in requesting the ICC's involvement, while other countries such as Nigeria conveyed their commitment to adopt laws to implement the ICC statute domestically and to cooperate with the court. Namibia, Burkina Faso, and Ghana urged other countries to join the court.

"With the general debate of the assembly's 13th session, most African states showed strong support for the ICC," said Aboubacry Mbodji of the African Assembly for the Defense of Human Rights, based in Senegal. "A minority of African states remains hostile to the court, but civil society will continue to mobilize to bring them along to ensure the court is able to function with the full support that it needs."

Kenya and Uganda, and to a lesser extent Tanzania, criticized the court in their interventions, while also expressing support. Kenya even indicated it would remain "a strong champion" of the ICC.

African ICC members also offered [a group statement](#), delivered by Lesotho, which affirmed their "unwavering support" for the ICC and their "highest regard for the Rome Statute." The statement also noted that the African Union's calls for non-cooperation with the court "should not obscure the consistent, active backing for the ICC among African governments and civil society across the African continent." The statement said that the AU's concerns with the ICC relate in large part to Security Council action around the AU's request to defer to the Darfur situation, and not to any action taken by the court itself.

At the same time, the African group statement reaffirmed the AU's call for the court's statute to be amended to include immunity before the court for sitting officials. Such immunity was included in the protocol to expand the regional African Court on Justice and Human Rights, which was adopted in July.

At the Assembly of States Parties session, a judge from the Democratic Republic of Congo, Antoine Kesia-Mbe Mindua, was elected to an ICC judgeship, along with five other judges from France, Germany, Hungary, South Korea, and Poland. The election of Mindua brings the total number of African judges at the ICC to five. The other African judges are from Botswana, Kenya, Nigeria, and Ghana.

"Africans are playing a significant role at the ICC," said Ibrahim Tommy of the Centre for Accountability and Rule of Law in Sierra Leone. "In addition to an African prosecutor, we have five African judges and the president of the court's assembly is now the Senegalese justice minister. This reflects strategic engagement by significant segments of Africa in the court's important work."

All of the court's current investigations are of situations in Africa, which the court's critics frequently raise. But the majority of the court's situations came about as a result of requests by

the specific country for the ICC to open an investigation. Central African Republic, Côte d'Ivoire, the Democratic Republic of Congo, Mali, and Uganda asked the ICC to investigate crimes. The UN Security Council referred Darfur, Sudan, and Libya to the ICC. The Office of the Prosecutor acted solely on its own initiative in only one situation: Kenya.

At the same time, the Security Council has allowed political considerations to affect its decisions on referring situations to the court arising in countries that are not ICC members. This undermines the cause of justice and should be addressed by more universal ratification of the court's treaty, which allows the court to exercise its authority without the Security Council, and more consistent action in support of justice by the council, the organizations said.

Nongovernmental groups from Burundi, Central African Republic, Côte d'Ivoire, Democratic Republic of Congo, Kenya, Malawi, Nigeria, Senegal, Sierra Leone, South Africa, Sudan, Uganda, and Zambia were present for the session. Ahead of the session, African groups and international organizations with a presence in Africa, the Coalition for the ICC, International Federation for Human Rights, and Human Rights Watch [issued recommendations to African ICC countries for the session](#).

“Justice – and not immunity – when serious crimes are committed is central to democratic societies,” said Timothy Mtambo of Malawi's Center for Human Rights and Rehabilitation. “We have asked our leaders to remain true to the ICC's Rome Statute and other instruments they ascribe to.”

**To see full texts of country interventions, please visit:**

[http://www.icc-cpi.int/en\\_menus/asp/sessions/general%20debate/Pages/GeneralDebate\\_13th\\_session.aspx](http://www.icc-cpi.int/en_menus/asp/sessions/general%20debate/Pages/GeneralDebate_13th_session.aspx)

**To see other group initiatives on Africa and the ICC, please visit:**

- <http://www.icj-kenya.org/index.php/media-centre/press-releases/20-press-statement/598-letter-to-the-justice-ministers-and-attorneys-general-of-the-african-on-immunity-of-heads-of-states>
- <http://www.southernafricalitigationcentre.org/2013/11/18/salc-in-the-news-icc-africa-should-reject-free-pass-for-leaders/>
- <http://www.issafrica.org/uploads/African-civil-society-letter-to-AU-on-ICC-withdrawal-Oct-2013.pdf>

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