

African civil society urges African States Parties to the Rome Statute to reaffirm their commitment to the ICC

30 July 2009

On 3 July 2009 the African Union (AU) agreed that its members should withhold cooperation from the International Criminal Court (ICC) in the arrest and surrender of Sudanese President Omar al-Bashir. The court issued its arrest warrant for President al-Bashir on 4 March 2009 for alleged war crimes and crimes against humanity committed in Darfur.

The AU's decision threatens to block justice for victims of the worst crimes committed on the continent. It is inconsistent with article 4 of the AU's constitutive act that rejects impunity, as well as the treaty obligations of the 30 African governments that ratified the Rome Statute of the ICC. The decision also undermines the consensus reached by African ICC States Parties at a meeting in Addis Ababa in June 2009.

Recognizing our obligation to help protect human rights and uphold the rule of law, we, the undersigned civil society organizations, appeal to African ICC States Parties to reaffirm their support for the ICC and their commitment to abide by their obligations under the Rome Statute, particularly in relation to the arrest and transfer of the President of Sudan to the ICC.

The ICC was created to bring accountability for the most serious crimes of international concern: genocide, war crimes and crimes against humanity. African governments, together with civil society, played an active role in establishing the court and African governments were among the founding ratifiers of the Rome Statute.

A majority of African countries are now Parties to the ICC: Benin, Botswana, Burkina Faso, Burundi, Central African Republic, Chad, Comoros, Republic of Congo, Democratic Republic of Congo, Djibouti, Gabon, Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritius, Namibia, Niger, Nigeria, Senegal, Sierra Leone, South Africa, Tanzania, Uganda, and Zambia. In ratifying the Rome Statute, these states signaled their dedication to cooperate with the ICC to defend the rights of victims and to ensure that the perpetrators of the most serious crimes known to humankind, whoever they might be, are brought to justice.

In Addis Ababa in June, those states underscored their continued support for the court. Proposals to consider making recommendations in relation to possible withdrawal from the ICC or withholding cooperation from the court failed to win a consensus.

The decision adopted at the AU summit just three weeks later is a backward step. The basis provided by the AU for withholding cooperation with the ICC is the UN Security Council's lack of response to the AU's request for a deferral of the ICC's case against President al-Bashir. Consistent with States Parties' obligations under the Rome Statute, this is a matter to direct to the Security Council and does not warrant withholding cooperation from the ICC.

Following the AU summit, the governments of Botswana and Uganda issued statements reiterating their commitment to cooperating with the ICC. These statements are important.

Civil society across the continent has expressed concern about the AU decision. Ensuring that the determined steps to end impunity on our continent are not undermined requires a collective effort by all Africans. Instead of retreating from important achievements to date, we look to our governments to remain steadfast in their support for justice for victims of the worst crimes, including by reaffirming their commitment to cooperate with the ICC.

Organisations supporting the statement

1. Action des Chrétiens Activistes des Droits de l'Homme à Shabunda (ACADHOSHA), South Kivu, DRC
2. Adala Association, Rabat, Morocco
3. Africa Internally Displaced Persons Voice (Africa IDP Voice), Lusaka, Zambia
4. Africa Legal Aid, Accra, Ghana
5. Africa Talks, Accra, Ghana
6. African Association for the Defense of Human Rights (ASADHO), Kinshasa, DRC
7. African Development and Peace Initiative (ADPI), Adjumani, Uganda
8. AIDS Consortium, Johannesburg, South Africa
9. Amnesty International Burkina Faso
10. Amnesty International Senegal
11. Amnesty International South Africa
12. Amnesty International Zimbabwe
13. Antenne Social Alert Burkina (ASAB), Ouagadougou, Burkina Faso
14. Anti-Corruption Trust of Southern Africa, Windhoek, Namibia
15. Arab Center for the Independence of Judiciary and Legal Profession (ACIJLP), Cairo, Egypt
16. Arche d'Alliance, Bukavu, DRC
17. Associations Africaine de Defense des Droits de l'Homme, section du Sud-kivu (ASADHO/SUD-KIVU), DRC
18. Association des animateurs sur le Lac Kivu, Bukavu, DRC
19. Association des Victimes de Crimes et Répressions Politiques au Tchad (AVCRP), N'Djaména, Chad
20. Association of Environmental Lawyers of Liberia (Green Advocates), Monrovia, Liberia
21. Association pour la promotion et la defense de la dignite des victims (APRODIVI), Ituri, DRC
22. Association pour les Droits de l'Homme et l'Univers Carcéral (ADHUC), Moundali, Brazzaville – Congo
23. Association Tchadienne pour la Promotion et la Défense et des Droits de l'Homme, N'Djaména, Chad
24. Breaking The Wall of Silence, Windhoek, Namibia
25. Bureau de Coordination Société Civile du Sud Kivu, Bukavu, DRC
26. Bushenyi District CSO Forum, Bushenyi, Uganda
27. Carrefour d'Idées pour le Développement Intégral (CIDI), Nord-Kivu, DRC
28. Catholic Justice and Peace Commission (JPC), Monrovia, Liberia
29. Centre d'études sur la Justice et la Résolution, Kinshasa, DRC
30. Centre for Applied Legal Studies (CALS), Johannesburg, South Africa
31. Centre for Constitutional Rights, Cape Town, South Africa
32. Centre for Coordination of Youth Activities (CCYA), Freetown, Sierra Leone
33. Centre for Democracy and Development, Abuja, Nigeria
34. Centre for Human Rights, Faculty of Law, University of Pretoria, South Africa
35. Center for Human Rights and Rehabilitation (CHRR), Lilongwe, Malawi
36. Centre for Justice and Crime Prevention (CJCP), Cape Town, South Africa
37. Center for Justice for Accused Persons, Kampala, Uganda
38. Center for Research and Development, Mutare, Zimbabwe
39. Center for Trauma Counseling and Conflict Resolution (CETCCOR), Monrovia, Liberia
40. Children Education Society (CHESO), Dar Es Salaam, Tanzania
41. Cite des Droits de l'Homme et de Paix (CIDHOP), Bukavu, DRC
42. Civic Initiative, Monrovia, Liberia
43. Civil Resource Development and Documentation Centre (CIRDDOC), Enugu, Nigeria
44. Civil Society Alternative Process of Sierra Leone (CSAP-SL), Freetown
45. Coalition Congolaise pour la Justice Transitionnelle (CCJT), Bukavu, DRC
46. Coalition Ivoirienne pour la Cour Pénale Internationale, Abidjan, Côte d'Ivoire
47. Coalition of Justice and Accountability, Sierra Leone
48. Collectif des Organisations des Jeunes Solidaires du Congo-Kinshasa (COJESKI-RDC), North Kivu, DRC

49. Coordonnateur de la Coalition nationale pour la CPI, Kinshasa, DRC
50. Crisis in Zimbabwe Coalition, Harare
51. Culture pour la Paix et la Justice (CPJ), Kinshasa, DRC
52. Darfur Democratic Forum (DDF), Khartoum, Sudan
53. Dauphins Munzihirwa-Kataliko (DMK), Bukavu, DRC
54. Démocratie et les Droits de l'Homme (CREDDHO), Goma, DRC
55. DITSHWANELO – The Botswana Centre for Human Rights, Gaborone
56. Dynamique des Femmes Juristes, Goma, DRC
57. Duport Rd Union for Community Empowerment and Development, Monrovia, Liberia
58. East Africa Law Society (EALS)
59. East and Horn of Africa Human Rights Defenders Project, Kampala, Uganda
60. Federation of Women Lawyers (FIDA), Nairobi, Kenya
61. Foundation for Human Rights & Democracy (FOHRD), Monrovia, Liberia
62. Foundation for Human Rights Initiative (FHRI), Uganda
63. Greater Northern Uganda Transitional Justice Working Group (GNTJWG), Gulu, Uganda
64. Group JEREMIE, Bukavu, DRC
65. Groupe Lufalanga Pour La Justice et La Paix, Makiso, DRC
66. Gulu NGO Forum, Uganda
67. Heritiers de la justice, Bukavu, DRC
68. Human Rights and Documentation Centre (HRDC), Windhoek, Namibia
69. Human Rights and Protection Forum (HRPF), Monrovia, Liberia
70. Human Rights Concern – Eritrea
71. Human Rights First Association for Rwanda (HRFA-R)
72. Human Rights Network, Uganda (HURINET (U))
73. Human Rights Watch, Johannesburg, South Africa
74. Initiative Congolaise pour la Justice et la Paix (ICJP), Bukavu, DRC
75. Institute for Accountability in Southern Africa, Cape Town, South Africa
76. Institute for Human Rights and Development in Africa, Banjul, The Gambia
77. International Center for Policy and Conflict (ICPC), Nairobi, Kenya
78. International Centre for Transitional Justice (ICTJ), Cape Town, South Africa
79. International Crime in Africa Programme, Institute for Security Studies, Pretoria, South Africa
80. International Society for Civil Liberties and the Rule of Law (Intersociety), Anambra state, Nigeria
81. Justice and Peace Commission (JPC), Northern Uganda Arch diocese, Gulu, Uganda
82. Justice and Reconciliation Project (JRP), Gulu, Uganda
83. Kenya Human Rights Commission (KHRC), Nairobi
84. Kenyan Section of the International Commission of Jurists (ICJ-Kenya), Nairobi
85. Khartoum Center for Human Rights & Environmental Development, Sudan
86. Khulumani Support Group, Pretoria, South Africa
87. La coalition Centrafricaine pour la CPI, Central Africa Republic
88. La Maison des Droits de l'Homme du Cameroun, Douala, Cameroon
89. La Solidarité pour la Promotion sociale et la Paix (SOPROP), DRC and Rwanda
90. L'Association africaine de défense des droits de l'Homme (ASADHO), DRC
91. L'Association ACAT (Action des Chrétiens pour l'abolition de la torture), Madagascar
92. L'Association pour la Renaissance des droits humains au Congo (ARC-ONDH), Kinshasa, DRC
93. L'Organisation Marocaine des Droits Humains, Rabat, Morocco
94. Legal Assistance Centre, Windhoek, Namibia
95. Liberia Media Center, Monrovia
96. Lutheran Church Massacre Survival and Victims' Association (LUMASA), Monrovia, Liberia
97. Malawi Law Society, Blantyre
98. Manifesto99, Freetown, Sierra Leone
99. Mouvement Ivoirien des Droits Humains (MIDH), Côte d'Ivoire
100. Muslim Human Rights Forum (MHRF), Nairobi, Kenya
101. Network Movement for Democracy and Human Rights (NMDHR), Freetown, Sierra Leone

102. Observatoire congolais des droits de l'Homme (OCDH), Brazzaville – Congo
103. Oeuvre communautaire pour l'éducation pour tous (OCET), Bukavu, DRC
104. Open Society Foundation for South Africa, Cape Town
105. Open Society Initiative for Southern Africa, Johannesburg, South Africa
106. Organisation dénommée Action Sociale pour la Paix et le Développement (ASPD), DRC
107. Peace Pen Communications, Nairobi, Kenya
108. Prepared Society, Mombasa, Kenya
109. Promotion de la Démocratie et protection des Droits Humains (PDH), Goma, DRC
110. Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO) Guinée
111. Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO) Senegal
112. Réseau des Associations des Droits de l'Homme du Sud Kivu (RADHOSKI), Bukavu, DRC
113. Réseau d'Initiatives locales pour le Développement durable (REID), Goma, DRC
114. Réseaux Provincial des ONGDH en RDC, North Kivu, DRC
115. Rights and Rice Foundation (RRF), Monrovia, Liberia
116. SADC Lawyers Association, Gaborone, Botswana
117. Samotalis Coalition of Human Rights, Hargeisa, Republic of Somaliland
118. Securitas Congo, Kinshasa, DRC
119. Sierra Leone Coalition for the International Criminal Court (SLCICC), Freetown
120. Sierra Leone Court Monitoring Programme, Freetown, Sierra Leone
121. Society Against Poverty and Hunger, Lagos, Nigeria
122. Society of Law Teachers of Southern Africa, Pretoria, South Africa
123. Solidarité des familles pour le développement (SOFADE), Bukavu, DRC
124. Solidarité féminine pour la paix et le développement intégral, Beni, DRC
125. Solidarité Paysanne pour la Santé et le Développement Communautaire (SPSDC), Bukavu, DRC
126. Sonke Gender Justice Network, Cape Town, South Africa
127. South African History Archive (SAHA), Johannesburg, South Africa
128. Southern African Centre for Survivors of Torture (SACST), Johannesburg, South Africa
129. Southern African Litigation Centre (SALC), Johannesburg, South Africa
130. Synergie des Femmes pour le Victimes des Violences sexuelles (SFVS), Goma, DRC
131. Union des femmes Paysannes du Sud-Kivu (UWAKI Sud-Kivu), Bukavu, DRC
132. West Africa Bar Association (WABA), Nigeria
133. Zimbabwe Exiles Forum, Pretoria, South Africa
134. Zimbabwe Human Rights NGO Forum, Harare
135. Zimbabwe Lawyers for Human Rights (ZLHR), Harare