



Coalition for the International Criminal Court

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**PRESS RELEASE**

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**Contact:**

**In New York:** Brigitte Suhr  
Director of Regional Programs, CICC  
Tel: +1-917-974-3274  
Email: [suhr@coalitionfortheicc.org](mailto:suhr@coalitionfortheicc.org)

**AFRICAN UNION HEADS OF STATE APPROVE ANTI-ICC PROVISIONS**

*Global Coalition Calls on African States to Honor Obligations to the Court*

**(New York, The Hague)** - Heads of State at the African Union (AU) Summit in Kampala, Uganda, approved on Tuesday July 27<sup>th</sup> a much debated decision which once again condemns the International Criminal Court's (ICC) arrest warrant for Omar al-Bashir, President of Sudan, and criticizes the UN Security Council for not suspending the arrest warrant, said the Coalition for the International Criminal Court (CICC) today.

The decision on the Progress Report calls on AU member states not to arrest and surrender Omar al-Bashir and rejects the ICC's request to open a Liaison Office at the AU headquarters.

On July 2, 2010, the judges of one of the three Pre Trial Chambers of the ICC issued a second arrest warrant against al-Bashir, for genocide. In 2008, the judges had previously issued an arrest warrant for al-Bashir for war crimes and crimes against humanity. "Al-Bashir is widely considered a fugitive from justice, especially in Africa. Rather than throw support behind crucial accountability processes in line with the Constitutive Act of the AU that commits Member States to reject impunity, the Heads of State are playing a political game to show support for their colleague al-Bashir," says Oby Nwankwo, Executive Director, Civil Resource Development and Documentation Centre. "African victims deserve more than this from our Heads of State; indeed the African continent deserves more."

A previous version of the decision, approved by AU Foreign Ministers (FM), had excluded certain clauses after intense negotiations among AU member states. "We were glad to hear that ICC states parties had defended their obligations to the ICC in

negotiating the Foreign Ministers' version," said Stephen Lamony, CICC Africa Situations Adviser. "It's a pity that Heads of State chose to restack the decision with politically charged rhetoric."

Botswana published a press release by the Ministry of Foreign Affairs on July 28, 2010, in which it states that it will ignore the AU decision and cooperate with the Court. "We call on more African states parties to the ICC to make clear their continued obligations to the Court," added Mr. Lamony.

Another provision in the decision is related to the AU-ICC liaison office, which had been under discussions for several years with some signs of progress as recently as at the June 2010 ICC Review Conference held in Kampala. The Heads of State decision makes clear that the issue is rejected for now. "We are disappointed that the decision to establish an ICC-AU Liaison Office was postponed," said William R. Pace, CICC Convenor. "An ICC-AU office would facilitate formal and structured dialogue between the Court and the AU and could go far to address some of the AU's concerns about the Court. We urge the AU to re-open discussions on this matter promptly."

*The ICC is the world's first permanent international court to prosecute war crimes, crimes against humanity and genocide. There are currently 111 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 unable or unwilling to investigate and prosecute. To date, the ICC has opened investigations in five situations: the Central African Republic; Darfur, Sudan; Uganda; Democratic Republic of Congo and Kenya and it has publicly issued twelve arrest warrants and three summonses to appear. Two trials are ongoing and a third is expected to open in 2010. The ICC Office of the Prosecutor has made public that it is examining at least eight situations on four continents, including Afghanistan, Colombia, Côte d'Ivoire, Georgia, Guinea and Palestine.*

**FOR ADDITIONAL INFORMATION:** Please visit the Coalition's website at <http://www.coalitionfortheicc.org/> and participate in our blog "In Situ: See justice through the eyes of civil society" at [www.coalitionfortheicc.org/blog](http://www.coalitionfortheicc.org/blog)

*Experts from international human rights organizations are listed on the following pages for comment and background on these developments.*

Mr. William Pace, Convenor, Coalition for the International Criminal Court (New York, USA)  
Tel: +1 212 687 2863  
Mobile tel: 917 214 5535  
E-mail: [pace@wfm-igp.org](mailto:pace@wfm-igp.org)

Mr. Stephen Lamony, Situations Advisor, Coalition for the International Criminal Court (New York, USA)  
Tel: +1-646-465-8514  
Email : [lamony@coalitionfortheicc.org](mailto:lamony@coalitionfortheicc.org)

Mr. Mohammed Ndifuna, Executive Director, Human Rights Network-Uganda  
Email: [executive@hurinet.or.ug](mailto:executive@hurinet.or.ug)  
Telephone: +256714419229

Mr. Richard Dicker, Director, International Justice Program, Human Rights Watch (New York, USA)  
Mobile tel: +1 917 747 6731  
Email: [dickerr@hrw.org](mailto:dickerr@hrw.org)

Dr. Comfort Ero, Deputy Director- Africa, ICTJ, Cape Town,  
Email: [comfortero@ictj.org.za](mailto:comfortero@ictj.org.za)  
Telephone: +27 (0) 21 448 6464

Mr. Christopher Hall, Senior Legal Adviser, Amnesty International (London, UK)  
Tel.: +44 207 241 1728,  
+44 207 413 5733  
E-mail: [chall@amnesty.org](mailto:chall@amnesty.org)

Ms. Brigid Inder, Executive Director, Women's Initiatives for Gender Justice  
(The Hague, Netherlands)  
Tel: +317 03 02 99 11  
Mobile tel: +31 62 038 071 84  
E-mail: [brigid@iccwomen.org](mailto:brigid@iccwomen.org)

Ms. Alison Smith, Legal Counsel, No Peace Without Justice (Brussels, Belgium)  
Mobile tel: +32 486 986 235  
Email: [alison@sensible.it](mailto:alison@sensible.it)

Ms. Obiageli Oraka, Programme Lawyer, West Africa Bar Association  
Email: [obiagelioraka@yahoo.com](mailto:obiagelioraka@yahoo.com)  
Telephone: +234 8035902259

Ms. Mariana Pena, Permanent Representative, International Federation for Human Rights (FIDH)  
(The Hague, The Netherlands)  
Tel: +31 (0) 70 3560259  
Email: [mpena@fidh.org](mailto:mpena@fidh.org)

Ms. Carla Ferstman, Director, REDRESS Trust  
(London, UK)  
Tel: +44 20 7793 1777  
E-mail: [carla@redress.org](mailto:carla@redress.org)

Ms. Oby Nwankwo, Executive Director, Civil Resource Development and Documentation Centre  
(Enugu, Nigeria)  
Mobile tel: +234 803 313 2494  
E-mail: [nwankwooby@yahoo.com](mailto:nwankwooby@yahoo.com)

Dr. David Donat Cattin, Director, International Law and Human Rights Program, Parliamentarians for  
Global Action (PGA)  
Mobile tel: +39 333 166 0309 (Rome)  
Email: [donat@pgaction.org](mailto:donat@pgaction.org)

Mr. John Washburn, Convener, American NGO Coalition for the ICC (New York, USA)  
Tel: +1 212 907 1317;

Email: [jwashburn@unausa.org](mailto:jwashburn@unausa.org)

Ms. Christine Muthoga, legal Officer, International Commission of Jurists- Kenya

Email: [christine.muthoga@icj-kenya.org](mailto:christine.muthoga@icj-kenya.org).

Telephone: +254 (020) 387 5980 Ext 1, +254 (020) 6750996, +254 (0) 722 60 11 66

Dr. Karine Bonneau, Director of the International Justice Desk, FIDH - International Federation for Human Rights (Paris, France)

Tel: +33 1 43 55 11 56

Mobile tel: +33 6 72 34 87 59

Email: [kbonneau@fidh.org](mailto:kbonneau@fidh.org)

Charles Mbugua, Regional President, International Federation of social Workers Africa Region- Nairobi (Kenya).

Tel : +25 4 85 60 775

Mobile +25 4 722 51 7852

**Important notice:** *The Coalition for the International Criminal Court (CICC) is a civil society network in 150 countries advocating for a fair, effective and independent ICC and improved access to justice for victims of genocide, war crimes and crimes against humanity. The Coalition as a whole, and its secretariat, does not endorse or promote specific investigations or prosecutions or take a position on situations before the ICC. However, individual CICC members may endorse referrals, provide legal and other support on investigations, or develop partnerships with local and other organizations in the course of their efforts.*

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