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## **AU Summit call for immunity of senior government officials is deplorable**

The African Union's declaration that no senior government officials should appear before the International Criminal Court (ICC) and their call for deferral of the cases against Kenya's leaders is deplorable, said Amnesty International. The declaration was made at an Extraordinary Summit of the AU on the question of Africa's relationship with the ICC in Addis Ababa on 11 and 12 October.

"This declaration sends the wrong message, that politicians on the African continent will place their political interests above those of victims of war crimes, crimes against humanity and genocide," said Tawanda Hondora, Amnesty International's Deputy Director of Law and Policy.

The summit called for the deferral of the ICC trials of Kenya's President Uhuru Kenyatta and Deputy President William Ruto by the UN Security Council, and set up a contact group of the AU Executive Council to take up the matter with the United Nations Security Council.

"Requesting the deferral of the trials of Kenyatta and Ruto would send a strong message that the victims of the post-election violence in Kenya don't matter," said Tawanda Hondora,

"Amnesty International recognises that Kenya suffered a horrendous assault during the attack on the Westgate shopping mall in Nairobi last month, with significant loss of life and livelihoods, but this must not be used to insulate the Kenyan president and his deputy from appearing before the ICC."

"Victims of the post-election violence have waited over five years to see the cogs of justice turn after Kenya failed to deliver justice and the ICC stepped in. These trials should and must go ahead. Any move by the Security Council on foot of the AU's request to delay justice would be political interference in independent judicial proceedings."

AU leaders debated calling for the withdrawal of the 34 African countries that are members of the Rome Statute of the ICC if the Kenyan cases are not dropped or deferred, but did not go that far. Amnesty International had called on African leaders not to support such a move amid fears that states critical of the ICC would follow the example of the Kenyan parliament which on 5 September voted to leave the Court.

"African states played a vital role in setting up the ICC and have an unquestionable stake in producing a just, fair and effective court," said Tawanda Hondora.

### **Relevant background**

The Security Council is able to defer International Criminal Court proceedings for one year under Article 16 of the Rome Statute.

Kenya asked the UN Security Council to defer the cases against President Kenyatta and Deputy President Ruto in May 2013.

See previous Amnesty International press releases on the AU Summit and the ICC

[African states must reject calls to withdraw from ICC 10 October 2013](#)

[Kenya's withdrawal from ICC a travesty for justice 5 September 2013](#)