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African Union: Non-co-operation with Bashir Arrest Warrant an insult for victims

In response to reports on the decision by the African Union (AU) not to cooperate with a war crimes warrant of arrest, issued by the International Criminal Court against Sudan President Omar al-Bashir, Erwin van der Borgh, Amnesty International Africa Director said:

“This decision by the African Union member states shows a disdain for those in Darfur who suffered gross human rights violation and makes a mockery of the AU as an international body. By supporting a wanted person accused of war crimes and crimes against humanity, it undermines the credibility of states who are party to the Rome Statute and the AU as a whole”.

Background

The resolution, adopted at the end of the 13 th African Union Summit of Heads of States and Government Assembly held in Libya, would violate the obligations of African states parties to the Rome Statute to cooperate with the Court (article 86). This includes the obligation to cooperate for the execution of arrest warrants. Africa played a leading – indeed, decisive - role in 1998 in the establishment of the ICC. Thirty African states have ratified the Rome Statute of the International Criminal Court (Rome Statute) so far.

African states strongly supported the creation of the ICC as a court of last resort to ensure that African victims of genocide, crimes against humanity and war crimes receive justice and reparations whenever states were unable and unwilling to investigate and prosecute such crimes. Three African states, the Central African Republic, the Democratic Republic of the Congo and Uganda referred situations in their own countries to the ICC on the ground that they were not able to investigate and prosecute such crimes. A fourth country, Côte d’Ivoire, has recognized the ICC’s jurisdiction to investigate and prosecute crimes in its territory or by its citizens abroad.