

8 June 2009: letter from african NGOs to the African Union and African Union Member States

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We, the undersigned, write to urge you to act in the best interest of the African people at the forthcoming meeting of the African Union (AU) on 8 and 9 June 2009.

The AU is meeting to discuss African nations' membership to the International Criminal Court in light of the indictment of Sudanese President al Bashir. African leaders are being called on to decide whether to protect the victims of human rights abuses, or the perpetrators.

If African nations withdraw from the International Criminal Court, their leaders will send a damaging message, undermining the continent's commitment to justice. As human rights atrocities continue in Kivu, Northern Uganda, Darfur and Zimbabwe, the fight to end the culture of impunity and uphold justice for human rights abuses is more important than ever.

It is vital that the AU continues to wholeheartedly support the ICC's work to provide accountability for human rights abuses worldwide. The AU must not succumb to pressure from the indicted Sudanese President al Bashir and his allies to undermine the Court. The AU must also reject the unfounded charges against the ICC, namely that it is biased and unfairly targets African leaders.

We call on the AU to reaffirm its commitment to seeking justice for the victims of human rights abuses and war crimes through the ICC. We recognise that the ICC would lack credibility as an international organisation without the active involvement of African nations. The African bloc is the single largest regional group in the ICC and it has great influence over the work of the Court. Africans also occupy some of the highest posts within the Court, including the positions of Deputy Prosecutor, Deputy Registrar and Vice-President of the Court.

Darfur was referred to the Court by the Security Council and the three other African cases were brought to the ICC by the countries themselves. In the case of Darfur, the Court has acted even-handedly by indicting Government, militia and rebel leaders. Far from being biased against Africans, the Court believes that African lives are worthy of protection, and violations of their rights deserve accountability.

In the past six years, the African Union has performed a challenging peacemaking and peacekeeping mission in Darfur. The AU's efforts to seek a peaceful solution to the

conflict led to the signing on 5 of May 2006 of the Darfur Peace Agreement (DPA) between the Government of Sudan and Minawi's faction of the Sudan Liberation Movement (SLM (M)).

Sadly the DPA has largely failed, and some African leaders have maintained that the ICC's work has impeded efforts to bring peace to Sudan. Yet, as our involvement in various peace processes has taught us, justice is a pre-requisite for long term and genuine peace. Sidelining justice and accountability in order to reach a short-term peace deal is not in the interest of African people.

The most profound impediment to peace in Darfur is the lack of commitment of the part of the rebel and Government sides. Only last month, the Sudanese regime blocked the work of Mandate Darfur, a meeting of civil society groups aimed at moving talks on the peace process forward.

By initially ratifying the Rome Statute of the ICC, African nations have shown their willingness to ending human rights abuses on the continent. Withdrawing their membership of the Court now would be widely interpreted as a lack of commitment to accountability and justice

This is a critical moment in the history of the African Union. It must not give in to the pressure to compromise its role as guarantor of peace, security and justice in Africa. History will judge the African Union harshly if it puts the interests of a few powerful elites over those of its people dying needlessly in Darfur, DRC, Uganda, Central African Republic and elsewhere.

If the African Union is to assume its rightful place at the head of regional peacekeeping and peacemaking efforts, it must truly represent the will of the African people by putting justice at the heart of its agenda. The AU has an opportunity to strengthen its reputation as promoter and protector of human rights in Africa by standing up for the victims of human rights abuses and supporting the ICC's quest to bring accountability for these atrocities. We urge you to support this aim.

Organisations

- Mohamed Elzaki Abubeker, Darfur Union in the UK, UK
- T. Thompson Ade-Bayor, Liberia Watch for Human Rights, Liberia
- Hannah Forster, African Centre for Democracy and Human Rights Studies (ACDHRS), the Gambia
- Nicole Fritz, Southern Africa Litigation Centre, South Africa
- Kat Harrison, Darfur Alert Coalition, USA
- Professeur Kapet de Bana, La Ligue Camerounaise des Droits de l'Homme, Cameroon
- Georges Kapiamba, Association Africaine des Droits de l'Homme (ASADHO), DRC

- Adetokunbo Mumuni, Socio-Economic Rights & Accountability Project (SERAP), Nigeria
- Hellen Mutio, Peace Pen Communications, Kenya
- Patric M Mtshaulana, General Council of the Bar of South Africa, South Africa
- Aggrey Mwamu, Law Society of Kenya, Kenya
- David Nahimana, Ligue Iteka Burundaise des Droits de l'Homme, Burundi
- Patrick N'Gouan, La Ligue Ivoirienne des Droits de l'Homme (LIDHO), Ivory Coast
la Convention de la Société Civile Ivoirienne (CSCI), Ivory Coast
- Gladwell Otieno, The Africa Centre for Open Governance, Kenya
- Harold Sungusia, Legal and Human Rights Centre, Tanzania.
- Alioune Tine, Rencontre africaine pour la défense des droits de l'Homme (RADDHO), Senegal
- Norman Tjombe, Legal Assistance Centre, Namibia
- L. Muthoni Wanyeki, Kenya Human Rights Commission (KHRC), Kenya
- Lina Zedriga, Advocates for Public International Law, Uganda

Individuals:

- The Archbishop Desmond Tutu, South Africa
- Halima Bashir, Darfuri refugee and author of "*Tears of the Desert*"
- Biong Deng, South Africa

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