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5 June 2009

Your Excellency,

MEETING OF AFRICAN STATES PARTIES TO THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT, 8-9 JUNE 2009, ADDIS ABABA, ETHIOPIA

I am writing to request that at the meeting of African states parties to the Rome Statute of the International Criminal Court (Rome Statute) which is scheduled to take place on Monday and Tuesday you reaffirm your country's commitment to ending impunity for crimes under international law.

I am especially requesting you to support international justice initiatives on the continent, including the work of the International Criminal Court.

The meeting has been convened pursuant to a decision adopted by the Assembly of the African Union in February 2009¹. In that decision, the Assembly expressed its concern about the arrest warrant issued by the International Criminal Court (ICC) for the President of the Republic of Sudan, H.E. Mr. Omar Hassan Ahmed El Bashir, who was accused of committing crimes against humanity and war crimes, and it requested African Commission to convene a meeting of African countries that are parties to the Rome Statute "to exchange views on the work of the ICC in relation to Africa, in particular in the light of the processes initiated against African personalities, and to submit recommendations thereon taking into account all relevant elements."

Africa played a leading – indeed, decisive - role in 1998 in the establishment of the ICC. Thirty African states have ratified the Rome Statute and three other African states have signed it. In addition, 17 states parties have enacted or drafted legislation implementing the Rome Statute.

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.

African civil society has recently reaffirmed its strong support for the ICC to bring perpetrators of genocide, crimes against humanity and war crimes committed against African victims to justice and to award reparations when their own courts are unable or unwilling to do so, for example, in statements adopted at meetings in Banjul, Cape Town and Kampala.²

¹ Decision Assembly/AU/Dec. 221 (XII), 12th Ord. Sess., Addis Ababa, Ethiopia, Feb. 2009.

² Forum on the Participation of NGOs preceding the 46th Ordinary Session of the African Commission on Human and Peoples' Rights, Karaiba Beach Hotel, the Gambia, 9

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It is important to recall that three of the four situations under investigation were referred by African states parties and the fourth was referred by the Security Council, including African members, without a dissenting vote. The Prosecutor is examining situations in other continents, including those in Afghanistan, Colombia, Georgia and the Occupied Palestinian Territories with a view to deciding whether investigations should be opened. Amnesty International strongly supports this initiative, which demonstrates that the ICC is a global court and hopes that decisions will be taken in the near future to open investigations.

In conclusion, Amnesty International calls upon African states parties attending the meeting on Monday and Tuesday to issue a statement reaffirming their commitment to ending impunity in Africa, including through supporting international justice initiatives.

Yours sincerely,

Tawanda Hondora,
Deputy Programme Director, Africa

Cc: African Union Ambassadors to Ethiopia

to 11 May 2009; Statement by Representatives of African Civil Society and the Legal Profession on the Implications of the African Union's Recent Decisions on Universal Jurisdiction and the Work of the International Criminal Court in Africa, 11 May 2009; Statement Expressing African Civil Society Support for International Justice, Kampala, 29 May 2009.