DECISION ON THE APPLICATION BY THE INTERNATIONAL CRIMINAL COURT (ICC) PROSECUTOR FOR THE INDICTMENT OF THE PRESIDENT OF THE REPUBLIC OF THE SUDAN

The Assembly:

1. **EXPRESSES ITS DEEP CONCERN** at the indictment made by the Prosecutor of the International Criminal Court (ICC) against the President of the Republic of The Sudan, H.E. Mr. Omar Hassan Ahmed El Bashir;

2. **CAUTIONS** that, in view of the delicate nature of the peace processes underway in The Sudan, approval of this application would seriously undermine the ongoing efforts aimed at facilitating the early resolution of the conflict in Darfur;

3. **ENDORSES** the Communiqué issued by the Peace and Security Council (PSC) of the African Union (AU) at its 142nd meeting, held on 21 July 2008, and **URGES** the United Nations Security Council, in accordance with the provisions of Article 16 of the Rome Statute of the ICC, and as requested by the PSC at its above-mentioned meeting, to defer the process initiated by the ICC.

4. **REQUESTS** the Commission to implement this Decision by sending a high-level delegation from the African Union for necessary contacts with the UN Security Council;

5. **FURTHER REQUESTS** the Commission to convene as early as possible, a meeting of the African countries that are parties to the Rome Statute on the establishment of the International Criminal Court (ICC) 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;

6. **REITERATES** AU's unflinching commitment to combating impunity and promoting democracy, the rule of law and good governance throughout the entire Continent, in conformity with its Constitutive Act;

7. **CONDEMNS** the gross violations of human rights in Darfur, and **URGES** that the perpetrators be apprehended and brought to justice, and **SUPPORTS** the decision by the PSC to establish a High-Level Panel of Eminent Personalities under the chairmanship of former President of the Republic of South Africa, H.E. Mr. Thabo Mbeki, to examine the situation in depth, and to submit recommendations on how best the issues of accountability and combating impunity, on the one hand, and reconciliation and healing, on the other, could be effectively and comprehensively addressed;

8. **NOTES** the steps taken by the Republic of The Sudan to address human rights violations in Darfur, and **REITERATES** the call by various AU Organs for the Government of The Sudan to take immediate and concrete steps to investigate and bring the perpetrators to justice, and to take advantage of the availability of qualified lawyers to be seconded by the AU and the League of Arab States, and in this regard **CALLS UPON** all parties to scrupulously respect the values and principles of human rights.

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