

**DECISION ON THE IMPLEMENTATION OF THE DECISIONS
ON THE INTERNATIONAL CRIMINAL COURT (ICC)
Doc. EX.CL/731(XXI)**

The Assembly,

1. **TAKES NOTE** of the Report of the meeting of Ministers of Justice and/or Attorneys General held in Addis Ababa, Ethiopia on 14 and 15 May 2012 and the recommendations contained therein;
2. **REITERATES** its commitment to fight impunity in conformity with the provisions of Article 4(h) and 4 (o) of the Constitutive Act of the African Union and **UNDERScores** the importance of putting the interests of victims at the centre of all actions in sustaining the fight against impunity;
3. **ENDORSES** the recommendation of the Meeting of Ministers of Justice/Attorneys General to approach the International Court of Justice (ICJ), through the United Nations General Assembly (UNAG), for seeking an advisory opinion on the question of immunities, under international law, of Heads of State and senior state officials from States that are not Parties to the Rome Statute of ICC and this regard, **REQUESTS** the Commission to undertake further study on the advisability and implications of seeking such advisory opinion from ICJ and to report thereon to the Executive Council;
4. **REITERATES** its request to the United Nations Security Council (UNSC) for deferral of the proceedings against President Omar al Bashir of the Sudan and those issued in the Kenyan situation;
5. **URGES** African State Parties to the Rome Statute to implement Decision Assembly/ AU/Dec. 296 (XV) adopted by the Fifteenth Ordinary Session in Kampala, Uganda in July 2010 which requested Member States to balance, where applicable, their obligations to the African Union (AU) with their obligations to ICC;
6. **ENDORSES** Libya's request to put on trial in Libya its own citizens charged with committing international crimes;
7. **ENCOURAGES**, for effective reliance on Article 98 of the Rome Statute, African State Parties to the Rome Statute of ICC and African non-State Parties to consider concluding bilateral agreements on the immunities of their Senior State officials;
8. **URGES** African States Parties to the Rome Statute to enhance African representation on the Bench of the ICC in order to ensure that Africa contributes optimally to the evolution of the Court's jurisprudence and in this context, Member

States shall in the future respect the decisions of the AU endorsing candidatures to international institutions;

9. **REQUESTS** the AU Chairperson, the Permanent Representatives Committee (PRC) and the African Groups in New York and in The Hague to promote and support the African common position on ICC;
10. **ALSO REQUESTS** the Commission, the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights to publicize, within the continent, what it has done towards the protection of civilians in situations where international crimes have been perpetrated;
11. **WELCOMES** the steps taken by the Commission to follow up on various Assembly Decisions on the Abuse of the principle of Universal Jurisdiction by some non-African States, in particular the elaboration of a Model National Law on Universal Jurisdiction over International Crimes and **ENCOURAGES** Member States to fully take advantage of this Model National Law in order to expeditiously enact or strengthen their National Laws in this area;
12. **REQUESTS** the Commission to follow-up on this matter and to report regularly on the implementation of the various Assembly decisions on ICC.



2012

Decision on the Implementation of the Decisions on the International Criminal Court (Icc) Doc. Ex.CI/731(Xxi)

The Assembly

The Assembly

<http://archives.au.int/handle/123456789/59>

Downloaded from African Union Common Repository