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ASSEMBLY OF THE UNION

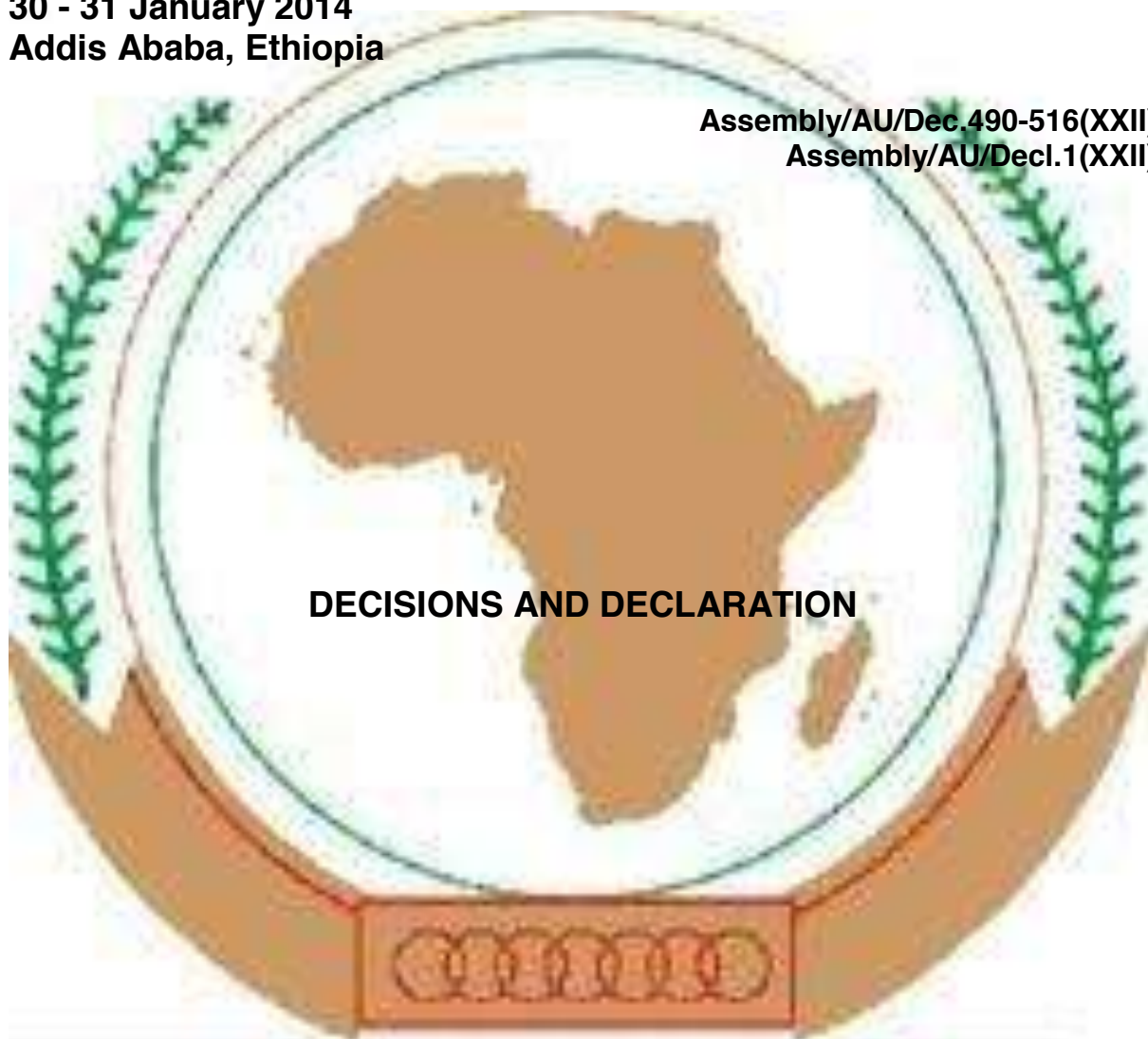
Twenty-Second Ordinary Session

30 - 31 January 2014

Addis Ababa, Ethiopia

Assembly/AU/Dec.490-516(XXII)

Assembly/AU/Decl.1(XXII)



DECISIONS AND DECLARATION

**DECISION ON THE PROGRESS REPORT OF THE COMMISSION ON
THE IMPLEMENTATION OF THE DECISIONS ON
THE INTERNATIONAL CRIMINAL COURT
Doc. Assembly/AU/13(XXII)**

The Assembly,

1. **TAKES NOTE** of the Progress Report of the Commission on the implementation of the Assembly Decisions on the International Criminal Court (ICC) and **ENDORSES** the recommendations contained therein;
2. **REITERATES** the unflinching commitment of the African Union and its Member States to combating impunity and promoting democracy, the rule of law and good governance throughout the entire continent, in conformity with the Constitutive Act of the African Union;
3. **COMMENDS** Member States which are parties to the Rome Statute of ICC for the unity of action demonstrated at the last Assembly of States Parties in the Hague in November 2013;
4. **THANKS** the Member State of the United Nations Security Council that supported the request of Kenya and the African Union to defer the proceedings initiated by the ICC against the President and Deputy President of the Republic of Kenya in accordance with Article 16 of the Rome Statute of ICC;
5. **ALSO THANKS** members of the Contact Group and the African Group in New York for their action in support of the African request;
6. **EXPRESSES** its deep disappointment that the request by Kenya supported by AU, to the United Nations (UN) Security Council to defer the proceedings initiated against the President and Deputy President of the Republic of Kenya in accordance with Article 16 of the Rome Statute of ICC on deferral of cases by the UN Security Council, has not yield the positive result expected;
7. **ALSO EXPRESSES** its deep disappointment that the request by the African Union to the UN Security Council to defer the proceedings initiated against the President of the Republic of The Sudan in accordance with Article 16 of the Rome Statute of ICC on deferral of cases by the UN Security Council, has not been acted upon to date;
8. **STRESSES** the need for the UN Security Council to reserve a timely and appropriate response to requests made by the AU on deferral in accordance with Article 16 of the Rome Statute under Chapter VII of the UN Charter so as to avoid the sense of lack of consideration of a whole continent;
9. **DECIDES** that the African Union and its Member States, in particular the African States Parties to the Rome Statute, reserve the right to take any further decisions or measures that may be necessary in order to preserve and

safeguard peace, security and stability, as well as the dignity, sovereignty and integrity of the continent;

10. **TAKES NOTE** of the outcome of the 12th Session of the Assembly of States Parties (ASP) of the Rome Statute to the ICC and **WELCOMES** the inclusion on its agenda of a Special Segment on “Indictment of Sitting Heads of State and Government and its Consequences on Peace and Stability and Reconciliation” and the amendments to Rule 134 of the Rules of Procedure and Evidence of the ICC;
11. **ALSO TAKES NOTE** of the Decision of the 12th ASP inviting its Working Group on amendments to continue its consideration of amendments to the Rome Statute submitted prior to the Review Conference and those submitted following the decision by the Extraordinary Summit of the African Union held on 12 October 2013 and **CALLS UPON** all African States Parties to support the proposed amendment to Articles 16 and 27 of the Rome Statute ;
12. **DECIDES that:**
 - (i) African States Parties should comply with African Union Decisions on ICC and continue to speak with one voice to ensure that the African proposals for amendments to Articles 16 and 27 of the Rome Statute of the ICC are considered by the ASP working Group on amendments as well as by the forthcoming sessions of the Assembly of States Parties (ASP) to the Rome Statute;
 - (ii) There is an imperative need for all Member States to ensure that they adhere and articulate commonly agreed positions in line with their obligations under the Constitutive Act of the African Union;
 - (iii) The Group of African States Parties in New York and the African Members of the Bureau of ASP should follow-up on the implementation of various Decisions of the Assembly on ICC, in collaboration with the Commission and ensure that the African proposals and concerns are properly considered/addressed by the ASP and report to the Assembly through the Commission on actions taken regularly;
13. **RECALLS** its decision aimed at extending the jurisdiction of the African Court of Justice and Human Rights to hear international crimes in the Continent and **REQUESTS** the Commission in collaboration with all stakeholders to speed up the process with a view to reporting thereon to the Assembly in June 2014;
14. **REQUESTS** the Commission to present a report on new developments in the issue, which is important to Africa, at its 24th Ordinary Session in January 2015.