

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, Ethiopia

P. O. Box 3243

Telephone: 5517 700

Fax: 5517844

Website: www.au.int

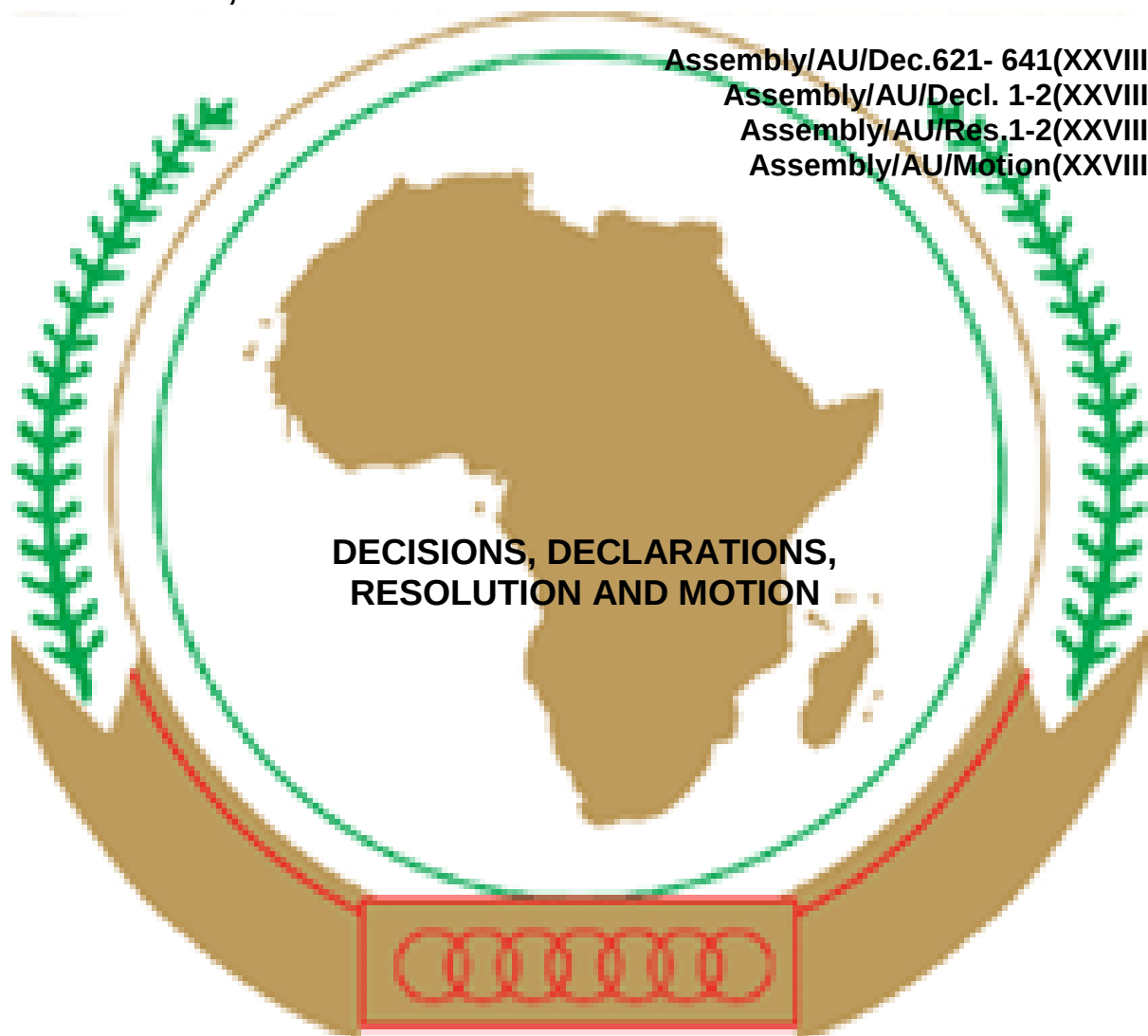
ASSEMBLY OF THE UNION
Twenty-Eighth Ordinary Session
30 - 31 January 2017
Addis Ababa, ETHIOPIA

Assembly/AU/Dec.621- 641(XXVIII)

Assembly/AU/Decl. 1-2(XXVIII)

Assembly/AU/Res.1-2(XXVIII)

Assembly/AU/Motion(XXVIII)



**DECISIONS, DECLARATIONS,
RESOLUTION AND MOTION**

DECISION ON THE INTERNATIONAL CRIMINAL COURT¹
Doc. EX.CL/1006(XXX)

The Assembly,

- 1. TAKES NOTE** of the recommendations of the Executive Council on the implementation of Decisions on the International Criminal Court (ICC);
- 2. REITERATES** the following:
 - i) The commitment of the African Union and its Member States to the fight against impunity in accordance with the Constitutive Act of the African Union;
 - ii) The suspension or termination of proceedings against President Omar Al Bashir of The Sudan and **URGES** the United Nations Security Council to withdraw the referral case in The Sudan;
 - iii) The need for all Member States to continue to comply with the Assembly Decisions on the warrants of arrest issued by the ICC against President Al Bashir of The Sudan pursuant to Article 23 (2) of the Constitutive Act of the African Union and Article 98 of the Rome Statute of the ICC;
- 3. EXPRESSES** its dissatisfaction that the meeting between Open Ended Ministerial Committee and the United Nations Security Council was aborted due to the inappropriate representation of the delegations of the latter, which prevented a constructive engagement, in the absence of officials with decision making powers **DECIDES** that the Open Ended Ministerial Committee discontinue any further engagement with the United Nations Security Council as no tangible result will come out of the exercise due to the recalcitrant position of some members of the UNSC;
- 4. FURTHER EXPRESSES** deep concern at the slow pace of ratification of the Protocol on Amendments to the Protocol of the African Court of Justice and Human and Peoples' Rights adopted on 27 June 2014 and **REITERATES** its previous call on Member States to sign and ratify the Protocol, as soon as possible;
- 5. COMMENDS** the Members of the Open Ended Committee of Foreign Ministers ("*Open ended Ministerial Committee*") and **REQUESTS** the Minister of Foreign Affairs of the Federal Democratic Republic of Ethiopia, H.E. Dr. Workneh Gebeyehu to continue to steer the work of the Committee;

¹Reservations entered by Benin, Botswana, Burkina Faso, Cabo Verde, Cote d'Ivoire, The Gambia, Lesotho, Liberia, Madagascar, Malawi, Mozambique, Nigeria, Senegal, Tanzania, Tunisia and Zambia

6. **WELCOMES** and **FULLY SUPPORTS** the sovereign decisions taken by Burundi, South Africa and The Gambia as pioneer implementers of the Withdrawal Strategy, regarding their notification of withdrawal from the ICC;
7. **ALSO TAKES NOTE** of the initiative by the President of the Assembly of States Parties, H.E Mr Sidiki Kaba from Senegal for creating the enabling environment for a constructive dialogue on Africa's concerns with the ICC as a catalyst for further open and transparent engagement on all issues including those related to the linkages between peace and justice;
8. **ADOPTS** the ICC Withdrawal Strategy along with its Annexes² and **CALLSON** Member States to consider implementing its recommendations;
9. **REQUESTS:**
 - i) The Group of African States Parties in New York in collaboration with the Commission to actively participate in the deliberations of the Working Group on Amendments to ensure that African proposals are adequately considered and addressed;
 - ii) The Commission to support the AU Mission in Brussels and The Hague in fulfilling its responsibility by providing secretariat services to the African Group in Brussels;
 - iii) The Open Ended Ministerial Committee to report on the implementation of this decision to the next Ordinary Session of the Assembly through the Executive Council in July 2017.



²Liberia entered reservations to the study on the Withdrawal Strategy.