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**STATEMENT OF H.E. DR. TEDROS ADHANOM GHEBREYESUS,  
MINISTER OF FOREIGN AFFAIRS OF THE FEDERAL  
DEMOCRATIC REPUBLIC OF ETHIOPIA  
“ON BEHALF OF THE AFRICAN UNION”**

**AT THE**

**14<sup>th</sup> ASSEMBLY OF STATES PARTIES TO THE ROME  
STATUTE OF THE INTERNATIONAL CRIMINAL COURT (ICC)**

**THE HAGUE, NETHERLANDS**

**18 NOVEMBER 2015**

**Mr. President,**  
**Distinguished Delegates and participants,**  
**Ladies and Gentlemen,**

I have the honour, on behalf of the African Union to deliver this statement at this 14<sup>th</sup> Assembly of States Parties of the International Criminal Court. I would like to thank you Mr. President and the Secretariat, for availing us this opportunity.

At the outset, let me for the records reiterate the African Union's unflinching commitment to combating impunity and promoting democracy, the rule of law and good governance throughout the continent, in conformity with its Constitutive Act. In fact, the African Union is the only institution that has enunciated in its constitutive instruments the right of the Union to intervene in a member state to stem mass atrocities in "grave circumstances", namely, genocide, crimes against humanity and war crimes. This self-imposed legal obligation to address Rome Statue offenses is unprecedented in international law.

The fight against impunity constitutes a fundamental principle in the basic law of the African Union, and is part of our shared values of the Union to which all our Member States have committed themselves. As such, this principle is well articulated and pursued within the Union at several occasions and is not negotiable.

**Distinguished Delegates**  
**Ladies and Gentlemen**

The African Union on numerous occasions has expressed its strong conviction that the search for justice should be pursued in a way that does not impede or jeopardize efforts aimed at promoting

lasting peace and stability. However, the cooperation from the side of the Court has been not encouraging.

I wish to recall that the AU has been requesting the UN Security Council to defer the proceedings initiated against President Omar Al Bashir of The Sudan, which has seriously undermined the on going efforts aimed at facilitating the resolution of the conflict in Darfur. That request was never acknowledged by UN Security Council, let alone acted upon. It is for this reasons that we reiterate the need for the working group and this august Assembly to expedite the consideration of the AU proposed amendments to Article 16 of the Rome Statute. In a similar vein, the African Union believes that if Kenya did not qualify for use of Article 16 as well as the principle of complementarity, then no other State Party will. And we have arrived at the conclusion that, the ICC, whose establishment Africa strongly supported, and advocated for is no longer a Court for all but only to deal with Africans in the most rigid ways with lack of trust and respect of Customary International Law.

The African Union is well aware that the Vice President of Kenya H.E. Mr. William Ruto has been cooperating with the Court and the AU strongly believes that the attempt to use recanted evidence is not acceptable. In fact, as the Prosecutor has no evidence against the Vice President, the case should have been terminated.

### **Ladies and Gentlemen**

In order to safeguard the constitutional order, stability and, integrity of States, it is imperative that due consideration be given

to the proposed amendments by South Africa to Article 27 of the Rome Statute, which principally deriving from national laws and international customary law, provides that sitting Heads of State and Government as well as Senior Officials are granted immunities during their term of office. It is regrettable that in spite of the request by a number of African States Parties during the 13<sup>th</sup> Session this issue was not considered. In order not to give the impression that Africans are only good for the docket, I hope that due consideration will be given to these proposals during this 14<sup>th</sup> session.

I also wish to reiterate the Declaration made by African Ministers of Justice and Attorneys General at their just concluded meeting that held on 13-14 November 2015 in Addis Ababa, supporting the supplementary agenda items on Kenya's request to review the amended Rule 68, as its retroactive application has serious adverse implications for the rights of accused persons to fair trial as well as the proposal by South Africa on the application and implementation of Articles 97 and 98 of the Rome Statute of the ICC.

I hope that this Assembly will give due consideration to these issues as part of its oversight and legislative functions prescribed in the Statute.

**Mr. President**

The time has come for both the ICC and the UN Security Council to stop ignoring the voices of Africa. Our common resolve should not be tested, as the continent may be left with no other choice than to reserve its right to take any measures that may be

necessary in the interest of preserving and safeguarding peace, security and stability, as well as the dignity, sovereignty and integrity of the continent. We firmly believe that, Africa's commitment to solve its problems by itself should be appreciated, and the trend of lack of trust must come to its end. Africa is in the right direction and deserves the support of the international community in its fight against terrorism that is shaking global peace and stability. Intimidating African leaders will serve no purpose than derailing their attentions and efforts in their fight against the scourges of terrorism; the case in point is what Kenya is facing today and the recent events in Paris.

I thank you for your attention.