African Leaders OK Strategy for Mass Withdrawal From ICC

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<https://www.nytimes.com/aponline/2017/01/31/world/africa/ap-af-africa-international-criminal-court.html?_r=0>

African leaders on Tuesday adopted a strategy calling for a collective withdrawal from the International Criminal Court. The non-binding decision came behind closed doors near the end of an African Union summit.

It was the latest expression of impatience by African leaders with the court, which some say has focused too narrowly on Africa while pursuing cases of genocide, war crimes and crimes against humanity. Late last year, South Africa, Burundi and Gambia all announced plans to leave the court, leading to concerns that other states would follow.

Desire Assogbavi, head of Oxfam International's liaison office to the AU, confirmed the adoption of the strategy. A source close to the continental body's legal council also confirmed it, saying countries had been divided on whether to call for leaving the court individually or together.

The source said the majority of countries also wanted the meaning of immunity and impunity amended in the Rome Statute, the treaty that set up the court in 2002. The source spoke on condition of anonymity because he was not authorized to speak to the press.

Some African countries have been especially critical of the ICC for pursuing heads of state. Sudanese President Omar al-Bashir has been wanted by the court since 2009 for allegedly orchestrating atrocities in Darfur. The ICC also caused an uproar among some African nations by indicting Kenyan President Uhuru Kenyatta on charges of crimes against humanity for 2007 post-election violence in which more than 1,000 died. The case collapsed because of what the ICC prosecutor called lack of cooperation by Kenya's government.

Elise Keppler with Human Rights Watch's international justice program said the ICC withdrawal strategy has no timeline and "few concrete recommendations for action." She pointed out that several African countries, including Nigeria, Senegal and Congo, have spoken up in support of the ICC in recent months.

A draft of the strategy, obtained by The Associated Press, recommends that African countries strengthen their own judicial mechanisms and expand the jurisdiction of the African Court of Justice and Human Rights "in order to reduce the deference to the ICC."