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AFRICAN UNION¹

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- Coalition of the International Criminal Court, 'African Union Heads of State Approve Anti-ICC Provisions: Global Coalition Calls on African States to Honor Obligations to the Court' (Press Release, 3 August 2010)
<http://coalitionfortheicc.org/documents/CICC_AdvisoryAU_3August2010_final.pdf>

The 18th Ordinary Session of the Assembly of the African Union (AU), which took place in Addis Ababa, Ethiopia, on 29–30 January 2012, reiterated its position not to cooperate with the International Criminal Court (ICC). The AU Assembly stressed that any AU State failing to abide by the AU decision would be subjected to sanctions and called on its members to ensure that the concerns of the AU, including the request to defer the situations in Kenya and Sudan, are heard by the United Nations Security Council. In addition, the AU argued that the *Rome Statute* cannot remove the immunity of State officials who are not States Parties to the *Rome Statute* and declared its intention to seek an advisory opinion from the International Court of Justice on the immunities of State officials under international law. Finally, the AU expressed disappointment that only one of the two African candidates endorsed for the position of judge was elected to the ICC bench.

On 27 July 2010, the Heads of State at the AU Summit in Kampala, Uganda, approved the much debated decision which once again condemned the ICC arrest warrant for President Omar Al Bashir, President of Sudan and called on AU member States not to arrest and surrender Omar Al Bashir. Furthermore, the decision criticized the UN Security Council for not suspending the arrest warrant. This decision seems to contradict the provisions of Article 4(o) the *Constitutive Act of the African Union* that commits Member States to reject impunity.² The decision also rejected the ICC's request to open a Liaison Office at the AU headquarters, which is a setback to facilitating formal and structured dialogue between the ICC and the AU and to addressing some of the AU's concerns about the ICC.

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² *Constitutive Act of the African Union*, opened for signature 11 July 2000, 2158 UNTS 3, Art. 4(o) (entered into force 26 May 2001) <http://www.au2002.gov.za/docs/key_oau/au_act.htm>.