

ACHPR/Res.87(XXXVIII)05: RESOLUTION ON ENDING IMPUNITY IN AFRICA AND ON THE DOMESTICATION AND IMPLEMENTATION OF THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

The African Commission on Human and Peoples' Rights meeting at its 38th Ordinary Session held in Banjul, The Gambia from 21 November to 5 December 2005;

Recalling the *Resolution on the Ratification of the Treaty on the International Criminal Court* (the Rome Statute) by the African Commission on Human and Peoples' Rights, Banjul, 31st October 1998 and the *Resolution on the Ratification of the Statute of the International Criminal Court* by OAU Member States, Pretoria, 16 May 2002;

Noting with concern the numerous human rights abuses in parts of the African continent, most notably that men, women and children have been the victims of genocide, war crimes, crimes against humanity and other crimes recognised under international human rights law and international humanitarian law;

Noting that the perpetrators of these crimes are rarely brought to justice, while the victims are frequently denied an effective remedy;

Noting that the *Constitutive Act of the African Union*, Art. 3(h) and 4(o), expressly condemns and rejects impunity;

Further noting that 27 African states have ratified the Rome statute and that some of them have made efforts to give legal effect to the application of the Rome Statute nationally;

Deeply Concerned that some African governments that have ratified the Rome Statute have not taken the necessary measures to incorporate it at the national level;

Considering that, under the Rome Statute, the International Criminal Court has jurisdiction to try individuals suspected of having committed genocide, war crimes and crimes against humanity;

1. **Urges** the Member States of the African Union to ensure that the perpetrators of crimes under international human rights law and international humanitarian law should not benefit from impunity;
2. **Urges** Member States of the African Union that have not yet done so to ratify the Rome Statute and to adopt a national action plan for the effective implementation of the Rome Statute at the national level;
3. **Urges** African governments to withdraw from the Article 98 Bilateral Immunity Agreements and refrain from engaging in acts that would weaken the effectiveness of the Court in line with their international obligations;

4. **Calls** on civil society organizations in Africa to work in collaboration and develop partnerships in order to further respect for the rule of law internationally and to strengthen the Rome Statute;
5. **Encourages** the Assembly of Heads of State and Government of the African Union to urge its Members States to condemn and reject impunity.