

African Union Summit Lambastes ICC

by Douglas DeGroot

Oct. 13—An extraordinary two-day African Union (AU) summit was held Oct. 11-12 to further mobilize opposition to the Hague, Netherlands-based International Criminal Court (ICC) for its selective, arbitrary political targeting of African leaders. The summit gave the ICC an ultimatum: If the Court does not respond to the AU's requests, it will take its case to the UN Security Council. The ICC, founded by George Soros, is not a UN agency, but the UNSC has the right to defer ICC cases.

Since the ICC has refused all AU requests, the AU resolution calls on the Security Council to defer the trial of Kenyan President Uhuru Kenyatta under Article 16 of the Court's Rome Statute, under which the UNSC can delay a proceeding for a year, which can then be renewed.

The move by the AU puts the issue before the Security Council. If, in the UNSC proceedings, the former colonial powers, the U.K. and France, with Obama firmly in tow, refuse the deferral, it will be clear to all that the ICC is a mere tool of these imperial powers, as Kenyatta charged (see box), to subjugate Africa. The AU's fight with the ICC is part of the fight to break Africa out of the status as a mere provider of raw materials to the colonial powers. This is the real crime against humanity, carried out with impunity!

The AU is focusing on the ICC's prosecutions against sitting heads of state from Kenya and Sudan. The summit began Oct. 11 at the AU headquarters in Addis Abeba, Ethiopia, with a ministerial meeting to set the agenda, and concluded the next day with a meeting of heads of state or government.

At the heads of state session yesterday, Ethiopian Prime Minister and AU chairman Hailemariam Desalegn said, "The unfair treatment that we have been subjected to by the ICC is completely unacceptable." Desalegn added that the ICC's cases against the Sudanese and Kenyan presidents could harm efforts at peace and reconciliation in their respective countries.

Desalegn issued a separate statement after the

summit saying that if the request for a deferral of the ICC case against Kenya, and the upcoming trial of Kenyan President Kenyatta and Deputy President William Ruto were not granted, "Heads of State agreed to request postponement of the trial."

Because the ICC had not answered previous requests by the AU, Desalegn emphasized: "What the summit decided is that President Kenyatta should not appear until the request we have made is actually answered," adding, "It is very unfortunate that the court has continued to operate in complete disregard of the concerns that we have expressed."

Several African nations have charged that the ICC actions toward Africa are unfair and politically motivated. Of the eight ongoing cases before the ICC, all involve prosecutions of Africans.

Desalegn said the purpose of the summit was not to mount a "crusade" against the ICC, but was a demand that the ICC take Africa's concerns seriously.

Ethiopian Foreign Minister Tedros Adhanom Ghebreyesus opened the summit with a strong attack on the ICC: "The manner in which the Court has been operating, particularly its unfair treatment of Africa and Africans, leaves much to be desired." He charged: "Far from promoting justice and reconciliation . . . the court has transformed itself into a political instrument. This unfair and unjust treatment is totally unacceptable."

AU Commission President Nkosazana Dlamini-Zuma, the former foreign minister of South Africa, pointed out the strong role of reconciliation that Kenyatta has played in Kenya. His ticket partner in the March 2013 elections was the present Deputy President, William Ruto, from a different ethnic group than Kenyatta. The ticket, which won on the first ballot, thus combined leaders who are of the two opposing ethnic groups that were the cause of much of the violence in 2007.

Ethnic conflicts were either deliberately provoked or strengthened in African countries during the period of colonial rule, and were used by the colonial powers as a mechanism to control their subject nations. Still plaguing Africa, these problems are now further aggravated by the lack of economic growth and widespread unemployment, resulting from the restrictive credit conditions imposed by the IMF. The ICC has extensively targeted African leaders for prosecution for alleged human rights violations resulting from this type of inherited problem.

Concern for Kenya's Security

The AU's concern has been greatly augmented by the ongoing trial of Ruto, and the upcoming trial of Kenyatta, since this will be the first trial by the ICC of a sitting head of state, establishing a precedent for decapitating any African state.

The trial also comes at a time that Kenya is threatened with more attacks by global jihadists, following the murderous Sept. 21 attack on Westgate Mall in Nairobi.

The ICC demand that both leaders leave Kenya, thus impeding their ability to carry out their constitutional responsibilities, is ringing alarm bells for the AU. In a Sept. 10 letter to the ICC, the AU explicitly stated this concern.

The Kenyan leaders are being tried for deaths from violence following the 2007 election of the previous Kenyan President, Mwai Kibaki. Both have voluntarily agreed to trial by the ICC, and therefore no criminal warrants have been issued for them. Ruto's trial has already begun. Kenyatta's is scheduled to begin Nov. 12. The Kenyan government had requested that Kenyatta be allowed to appear by video-link, and on Oct. 10, his lawyers filed a request to the ICC for a halt in proceedings.

Kenya is critical for the development of the nations of East Africa, because of its strategic location as the

only access to the sea for Rwanda, Eastern Democratic Republic of Congo, and Uganda. In addition, Kenya plans a high-capacity transportation corridor and new port, to provide easier sea access to northern Kenya, South Sudan, and Ethiopia.¹

Record of AU vs. ICC in Kenya Case

- At its May 2013 summit, the AU Assembly urgently requested that the ICC refer the cases back to Kenya courts.

- The ICC started the trial of Ruto in September anyway.

- In an additional snub of African governments, the ICC reversed an earlier agreement to allow the trial of the Kenyan leaders in absentia.

- When the Ruto trial began, the AU repeated a previous request that Kenyatta and Ruto be allowed to choose which sessions they would attend, so as to be able to carry out their constitutional duties at home.

- When the ICC haughtily responded that it didn't consider this request up to its legal standards, Kenya called for the extraordinary summit, and received support of two-thirds of the AU membership.

1. See Douglas DeGroot, "Kenyan Mall Attack Designed To Launch Permanent War on Terror in East Africa," *EIR*, Oct. 11, 2013.

Kenyatta: ICC a Toy of Western Imperial Powers

Kenyan President Uhuru Kenyatta addressed the Oct. 12 African Union Heads of State Special Session, and denounced the ICC as having been turned into a toy of Western imperial interests, and not what the original signers thought it was going to be:

"The ICC has been reduced into a painfully farcical pantomime, a travesty that adds insult to the injury of victims. It stopped being the home of justice the day it became the toy of declining imperial powers."

Kenyatta charged the ICC with being contemptuous of the AU, since all AU objections have been rejected, while unsubstantiated claims by Western-supported civil society activists are taken as a basis for the Court's actions.

He singled out the United States and United Kingdom for using the ICC against African countries, but noted that those countries would never submit to such procedures themselves:

"The British Foreign Secretary Robin Cook said at the time, that the International Criminal Court was not set up to bring to book Prime Ministers of the United Kingdom or Presidents of the United States. Had someone other than a Western leader said those fateful words, the word 'impunity' would have been thrown at them with an emphatic alacrity."

He also singled out the use of the ICC as a tool for U.S.-U.K. policies, i.e., colonize Africa:

"The threat of prosecution usually suffices to have pliant countries execute policies favorable to these countries. Through it, regime-change sleights of hand have been attempted in Africa. A number of them have succeeded."

—Douglas DeGroot