

CIVIL SOCIETY STATEMENT ON MALAWI DECISION'S TO WITHDRAW FROM HOSTING THE 19TH SUMMIT OF THE AFRICA UNION

For publication

Issued today the 9th June 2012 in Lilongwe/MALAWI

We, representatives of national civil society organizations, undersigned, having met today the 9th of June 2011 in Lilongwe on the recent developments as given in the national address by the Vice President, Rt. Hon. Khumbo Kachali that Malawi has withdrawn from hosting the 19th Summit of the African Union, observe as follows:-

- Informed that the Malawi government has decided to not to host the African Union summit this July following AU's insistence that our government must accept the attendance of the Sudanese President, Omar Al-Bashir in the face of a warrant of arrest from the International Criminal Court for war crimes charges in Darfur where thousands of people have been killed and displaced;
- Noting that earlier Sudan had already requested the AU to shift the summit to Ethiopia after President Joyce Banda indicated that Malawi would arrest al-Bashir if he came for the summit. This also followed equal sentiments by other Principled African countries such as South Africa, Botswana, Zambia and Tanzania against Omar Al Bashir's attendance of the Summit;
- Observing that while we have obligations to abide by decisions of the AU, we are also under obligation to other international agreements including the Rome Statutes;
- Recognizing that the government arrived at the decision with the primary consideration of what is in the best interests of Malawians as part of its effort to reposition the country's image to the international community and in fulfillment of the international obligations placed on itself under the various international instruments our government has accented to or ratified;

Our Take on Malawi's Bold Decision on President Omar Al Bashir

While hosting the Summit has the potential to boost the credibility of a given a member state, we, the undersigned, strongly applaud the government of Malawi for standing up to uphold and respect international commitment and obligation especially the Rome Statutes by opting to withdraw from hosting the 19th Summit of the African Union that was slated for July 2012 if the International Criminal Court (ICC) indicted Sudanese President Omar Al Bashir is allowed to attend. This, in our view, is a clear manifestation that Malawi will not compromise on anything less than justice and human rights.

We appreciate the tight spot that the Africa Union pushed Malawi into by forcing down on us to host all African Head of Sates and Government including fugitive President Omar Al Bashir or pass the right to host the summit. This negated the AU's responsibility, as an institution, to live up to the promotion of human rights within its own ranks by ensuring that it does not promote impunity for oppressors of human rights at the highest level.

As a state party to the Rome Statute, which created the ICC, we are required to cooperate with the court, which includes executing arrest warrants. This is made against the backdrop that the ICC has no police force and thus depends on member states to enforce its orders.

Although it may be understood that the invested resources into the hosting of the 19th Summit of the AU has gone down the drain, we are still of the view that the decision is timely and beyond our government's control. More so, we believe that this painful decision demonstrates our government's commitment to defending its human rights record and the interests of Malawi against the potential economic gains associated with hosting the Summit.

The Call for Fight Against Impunity

We the undersigned CSOs would like to seize this opportunity to call upon all concerned parties including all African countries and the African Union at large to do the needful by way of being agents of justice and not protect and give immunity to alleged or suspected criminals. In this regard, we applaud countries like Zambia, South Africa, and Botswana who have made it clear that President Omar Al Bashir is not welcome in their territories.

Way forward

Malawi's stand on this issue is a move in the right direction and we call upon all African countries and the Africa Union at large to emulate. It is also worth noting that the space is closing up on President Omar Al Bashir in Africa and sooner or later the long arm of justice will take its rightful course. In particular, we demand as follows:

- Call upon all African countries that are party to the Rome Statutes to uphold and respect the determination of the ICC. In this regard, we urge all the African States to continue to put more pressure on Khartoum by way closing their borders to President Omar Al Bashir.
- For those countries that are not yet party to the Rome Statutes like Sudan, we call upon them to ratify.
- Urge all State Parties are treating Omar Al Bashir with kids' gloves to rise to rise to reality and defend humanity without fear or favour. For African countries that are able to host or allow him to visit must realize that they are indirectly contributing towards sustained war against humanity in Darfur as Al Bashir believes he has the support of some Heads of States.

Pursuant to the preceding, it must therefore be borne in their minds that *“protection of human rights knows no political, racial, religion, gender, and ethnicity divide: human rights are inalienable and universal” and must be treated as such.*

Signed:-

**Civic and Political Space (CPS)
Council for Non-Governmental Organization – CONGOMA
Human Rights Consultative Committee – HRCC
NGO Gender Network - NGO GCN
Malawi Economic Justice Network – MEJN
Malawi Electoral Support Network – MESN
Malawi Health Equity Network – MHEN
Human Rights Defenders Forum - HRD
The Governance Platform (GP)**