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## African Presidents and the International Criminal Court

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## Propositions

1. The most important reason for the African Union (AU) to criticize the International Criminal Court (ICC) is that the AU has strong concerns about the prosecution and trial of sitting Heads of State and Government.
2. While interpretation always entails a certain choice, applicable rules of interpretation can form an external standard and make some interpretations and in most cases one particular interpretation more convincing than others (Chapter 1).
3. In certain situations, the interests of peace ought to prevail over the interests of ICC prosecution, at least for a temporary deferral period (Chapter 2).
4. The different decisions of the Court's judges on the immunity of President Omar al-Bashir are based on an unconvincing interpretation of the Rome Statute, of Resolution 1593 of the Security Council and of international law more generally (Chapter 3).
5. The special excusal regime from continuous presence at trial (Rule 134*quater* of the Rules of Procedure and Evidence) that was developed by the ASP in response to the AU's concerns about the trials of President Uhuru Kenyatta and Deputy President William Ruto is unlawful and should be revised (Chapter 4).
6. The ICC, the Security Council and the ASP should increase their efforts to improve the Court's relationship with the AU and establish a constructive dialogue on possible amendments to the Court's legal framework (Chapter 5).