On 27 February 2007, the prosecutor of the International Criminal Court (ICC) applied to Pre-Trial Chamber I for summonses against State Minister Ahmed Harun and Janjaweed militia leader Ali Kushayb, who are alleged to have committed war crimes and crimes against humanity in Darfur, Sudan. Arriving almost two years after the UN Security Council’s unprecedented referral of the Darfur situation to the ICC, the nearly 100-page filing marks the start of the first Darfur case before the ICC.

The prosecutor’s much-anticipated announcement was an important first step toward justice for the victims in Darfur. Thousands have endured land and air attacks and watched their villages burn. Many have been killed, tortured, raped or forced to leave their homes. It is estimated that 200,000 Darfurians have died and more than 2 million have been displaced since the beginning of the conflict in early 2003. The ICC prosecutor’s case is the first serious attempt to hold individuals criminally liable for their role in the events in Darfur. It sends a strong signal that such atrocities will no longer go unpunished. It also tests a different strategy for the ICC prosecutor, who in other cases (against DRC’s Thomas Lubanga and the leadership of Uganda’s Lord’s Resistance Army) had sought sealed arrest warrants.

On 2 May, Pre-Trial Chamber I issued arrest warrants for Kushayb and Harun. The Court held that the prosecutor’s submission establishes “reasonable grounds to believe” that the individuals committed the crimes alleged in the filing. The judges found that arrest warrants are necessary to ensure the presence of the two suspects in court. In its decision to issue warrants, the Pre-Trial Chamber noted the Sudanese foreign affairs ministry’s public statement that Khartoum will not cooperate with the ICC. It also noted indications that Ahmed Harun is concealing evidence, and the fact that Ali Kushayb is in Sudanese custody and thus unable to voluntarily appear before the Court without a warrant.

At this early stage in proceedings, the first ICC case in Sudan faces numerous challenges.

Disappointment at a modest start

Some have expressed skepticism and disappointment at the prosecutor’s public naming of two suspects for the crimes in Darfur. Why did it take so long? Why only two accused?

Human Rights Watch believes that the prosecutor’s case against Harun and Kushayb is a representative sampling of crimes in Darfur. The detailed submission of the prosecutor asserts that Harun and Kushayb bear responsibility for 51 counts of alleged war crimes and crimes against humanity, including persecution, murders, forcible transfer, rape, inhumane acts, torture, destruction of property and pillaging. The case sheds light on Khartoum’s policy of using Janjaweed militias in Darfur with knowledge that they would attack civilians. According to information collected by Human Rights Watch, Ahmed Harun, then a deputy minister in the Ministry of Interior, coordinated the recruitment and use of Janjaweed militias and was seen in meetings in Darfur encouraging them to “kill the Fur.” Ali Kushayb led deadly attacks on a number of villages in...
n January, the Coalition for the International Criminal Court (CICC) Secretariat bade farewell to Sally Eberhardt, the former director of communications. Sally is pursuing freelance work and is currently working on a documentary film about the ICC with Skylight Pictures. During her two and a half dedicated years at the CICC, Sally contributed to the CICC’s media strategies and advocacy. In particular, she made an impact in monitoring the United States’ bilateral immunity agreement (BIA) campaign and contributed to the monthly universal ratification campaign. She played a major part in CICC’s several publications, including The Monitor.

With the beginning of the New Year, the CICC welcomed Anaga Dalal as head of information and communications. With almost 10 years of experience as a communications professional and human rights advocate, she brings many valuable skills to our organization. She has worked as a program communications specialist consultant for UNICEF, a consulting editor and managing editor for the Center for Reproductive Rights, and an associate editor of international news at Ms. magazine.

The CICC also saw Eleanor Thompson leave in January to accept a fellowship opportunity and travel to Sierra Leone, the Democratic Republic of Congo and Uganda to work with local NGOs on child soldier issues. During her time as program assistant, Eleanor spearheaded a project to redesign our membership database and played an instrumental role in the recent expansion of the CICC Steering Committee.

Brigitte Hamadey, a recent graduate of Boston College and a former CICC intern, is now the program assistant. She has interned at various NGOs, including a human rights organization in Santiago, Chile and an immigration and asylum project.

Anjali Kamat, outreach liaison for the Middle East/North Africa and Europe, is moving on to be a producer at Democracy Now, her favorite US-based source of news, where she hopes to help improve the coverage and understanding of international justice issues. During her two years at the Coalition Secretariat, with the crucial support of the MENA team and national members, she helped launch a quarterly Arabic newsletter, increased Arabic resources, and worked closely on developing ratification and outreach campaigns in Lebanon, Bahrain, Morocco, Yemen, Sudan and Iran.

We wish Sally, Eleanor and Anjali the best of luck and we welcome Anaga and Brigitte to our team!

Transitions

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We wish Sally, Eleanor and Anjali the best of luck and we welcome Anaga and Brigitte to our team!
CICC Welcomes New Steering Committee Members from Asia, Africa and Latin America

In 1995, the CICC consisted of 25 member organizations. Today—with a global membership of more than 2,000 organizations—the Coalition has become a major actor in the global fight to end impunity. To adequately help steer the Coalition forward as a truly international movement and to recognize the vital role of our member organizations, the governing body of the CICC, the Steering Committee, has begun to undergo a significant expansion. In September 2006, the first phase of that expansion took off with an open call for applications from current members. After a lengthy and rigorous review of applications and follow-up consultations by a sub-committee of the present committee, on 19 January 2007, the following five organizations—the Coalition has become a major actor in the global fight to end impunity. To adequately help steer the Coalition forward as a truly international movement and to recognize the vital role of our member organizations, the governing body of the CICC, the Steering Committee, has begun to undergo a significant expansion.

Phase two of the committee’s expansion will continue through 2007 and into 2008 with the goal of fully diversifying the Coalition’s governing structure to include a fuller mix of national, regional, linguistic and other expertise.

In conjunction with expanding the Steering Committee, the CICC has created a special emeritus classification for previous members of the committee that have made long-standing contributions to our objectives. The newly appointed emeritus members are Rights and Democracy (formerly the International Centre for Human Rights and Democratic Development), the International Commission of Jurists and the European Law Students Association.

Our members and the CICC Secretariat’s international staff are committed to ensuring that the Coalition continues to grow, improve and become more effective and representative. Only a concerted effort by all can lead to the fulfillment of our key objectives: to end impunity for the worst crimes under international law; to encourage all governments to ratify and adequately implement the Rome Statute of the ICC and the Agreement on Privileges and Immunities of the Court; and to support the Court while advocating for it to effectively and impartially carry out its work.

If your organization is not currently in touch with the CICC’s regional representatives, we encourage you to contact us. Please visit our website at http://www.iccnow.org/?mod=networks to find out how.

UPCOMING EVENTS IN 2007

May 2007

14-18 Conference on International Criminal Justice: The conference will focus on the establishment of the International Criminal Justice system, the legacy of the UN ad hoc International Tribunals and the ICC. Turin, Italy. For more information, contact: torinoconference.secretariat@yahoo.it

18-19 International Criminal Bar Council Meeting and Seminar on International Criminal Law jointly organized by the Law Association for Asia and the Pacific, and the Japan Federation of Bar Associations. Tokyo, Japan. For more information, visit www.fedjapan.or.jp

21-23 The Transitional Justice Essentials Course, organized by the International Center for Transitional Justice (ICTJ) and in partnership with New York University’s School of Law, will focus on transitional justice as well as the intersection between efforts to achieve justice and accountability and negotiations to ensure sustainable peace. New York, New York, USA. For more information, please go to www.ictj.org

29 May - 15 June Summer Program of the Academy on Human Rights and Humanitarian Law, co-sponsored by American University Washington College of Law, the Netherlands Institute for Human Rights at Utrecht University (SIM) and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law. This unique program offers courses in both English and Spanish. Washington D.C., USA. For more information, please go to http://www.wcl.american.edu/humright/hracademy/2007/academy.cfm

June/July 2007

11-16 International Criminal Court Summer School is offered by the Irish Centre for Human Rights and will give students a detailed knowledge of the establishment of the Court, its applicable law, its structures and its operations. Galway, Ireland. For more information, contact Michelle Farrell at iccsummercourse@hotmail.com

22-26 “Twenty Years of Criminal Justice Reform: Past Achievements and Future Challenges,” conference organized by the International Society for the Reform of Criminal Law. Vancouver, British Columbia, Canada. For more information, visit www.isrcl.org, or e-mail secretariat@isrcl.org

25 June - 6 July Marie Curie Top Summer School for PhD candidates, designed for excellent young researchers of international law. The Hague, The Netherlands. For more information, visit www.grotiuscentre.org, or contact Mette Léons at mleons@campusdenhaag.nl

25 June - 6 July Fifth Summer School on International Criminal Law 2007, organized by the Grotius Centre for International Legal Studies and the T.M.C Asser Institute. The Hague, The Netherlands. For more information, visit www.grotiuscentre.org, or contact Mette Léons at mleons@campusdenhaag.nl

August 2007

Sixth International Moot Court Competition “Víctor Carlos García Moreno”: Procedure before the International Criminal Court, organized by El Consejo Latinoamericano de Estudios del Derecho Internacional y Comparado. Mexico City, Mexico. For more information, contact Paulina Hernandez or Mayan Tejeda at wcgm_admon@yahoo.com.mx, or visit www.coladicmex.org

More information on ICC conferences and meetings is available on the CICC website at: http://www.iccnow.org/?mod=events

To inform us of ICC-related events, send an e-mail to events@iccnow.org
One question loomed over the fifth annual meeting of the Assembly of States Parties (ASP) to the Rome Statute of the ICC, which took place in The Hague from 23 November to 1 December 2006: would governments approve the Court’s proposed outreach budget? For many of the more than 230 NGO representatives from around the world who attended the meeting, this was a defining issue as they had long been pushing for the Court to be better engaged with affected communities. After many hours of debate, government delegates agreed to the Court’s requested outreach budget in full, but also urged the Court to develop a more robust system of evaluation. Statements by various government representatives further reflected states’ growing support for and understanding of the Court’s outreach work. “In many ways, this has been a landmark ASP meeting,” said Alison Smith, coordinator of the International Criminal Justice Program of the Rome-based No Peace Without Justice, and leader of the CICC’s NGO Team on Communications. “We fought hard to ensure that the Court’s proposed outreach budget was funded in full, believing strongly that as the Court increases its caseload, it must also be much, much more savvy and committed to informing communities on the ground of its work. They are ultimately, the Court’s most important audience…”

During an informal meeting convened by Sierra Leone, government delegates, civil society representatives and international law experts discuss the importance of outreach.

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NGOs contributed extensively to the outcomes of the ASP, particularly through the CICC’s NGO Issue Teams, providing recommendations to states through team papers, diplomatic briefings and lobbying by NGO experts. The CICC also organized various side-meetings with Court officials as well as regional lunches with government representatives to discuss efforts related to ratification and implementation.

On the issue of outreach, Sierra Leone, with the support of the CICC Communication Team, convened an informal meeting that brought together delegates, NGOs and other experts who highlighted the importance of adequately funding the Court’s efforts to raise awareness and understanding of its work and mandate in situation countries, especially in light of the Court’s welcomed Strategic Plan for Outreach.

In other business, the Assembly reelected four out of the five members of the board of directors of the Trust Fund for Victims. The nomination period for the candidate from the Asia regional group was extended five times. Finally, at its resumed session in January 2007, the Assembly elected the remaining member of the board, Mr. Bulgaa Altangerel (Mongolia).

The Assembly also approved a budgetary resolution on a maximum rate for the highest financial contributors, which hopefully will encourage Japan’s accession to the ICC treaty. A similar caveat exists at the United Nations. The Assembly also adopted a resolution welcoming the Court’s Strategic Plan (and its other supporting strategies) and encouraged the Court to focus its efforts on its implementation. In addition, the Assembly asked that the ICC focus on the Alexanderkazerne site—also known as the Alexander Barracks—as the sole option for the Court’s permanent premises.

And finally, the Assembly adopted an omnibus resolution, “Strengthening...”
States Parties Appoint New Secretariat Director  By Oriane Maillet

During the resumed session of the Fifth Assembly of States Parties (ASP) held in New York in January 2007, the Bureau of the States Parties to the Rome Statute appointed Mr. Renan Villacis the new director of the Secretariat of the Assembly. Mr. Villacis is a national of Ecuador and has been legal officer and interim director for the ASP Secretariat since July 2004 and April 2006, respectively. Prior to joining the ASP, he worked for six years as third, second and first Secretary of the Ecuadorian Ministry of Foreign Affairs before spending eight years as legal officer in the Codification Division of the United Nations Office of Legal Affairs.

Mr. Villacis became involved in the Rome process early. “The moment when the Statute was adopted was just a moment of jubilation that is difficult to match in most careers,” he added. Now, as the new ASP director, Mr. Villacis has great ambitions. He would like to improve communication between the Secretariat and the NGOs and especially with the Coalition for the ICC (CICC). “We are more than happy to implement some NGO suggestions as long as they lie within our mandate and the resources available to us.”

Regarding foreseeable challenges in the coming years, Mr. Villacis emphasizes that the ASP must meet the expectations of the Court, particularly on the matter of state cooperation. “The Court has indicated that it relies upon cooperation by states parties in order to proceed with the judicial phase; I think that is the main challenge we foresee in the coming years,” he said. Moreover, the Assembly will have to determine how to carry forward its plan of action. “The issue of arrears, for example, is another challenge before states parties,” he stressed.

What would he like the ASP to accomplish by the end of his term as director? Mr. Villacis has no shortage of answers. “I hope that the Assembly can become a real forum where ideas can be discussed on how to improve the entire ICC process and how to achieve universality,” he said. “I would also want to assist in better coordination of the numerous diplomatic meetings around the world that relate to international justice. Furthermore, I think the efforts of the Assembly will also be devoted to expanding membership of state parties, to preparing for the Review Conference, to increasing the awareness of both the existence and the importance of the ICC.” Mr. Villacis would also like the Court to become a respected, trusted and independent institution. To achieve that, “we have to strengthen our efforts in spelling out exactly what the Court does and what it represents,” he said. “It has to be seen as a truly independent judicial institution that is investigating situations in all regions of the world, bringing to The Hague only those most serious crimes.”

Elaborating on the importance of complementarity, he concluded: “the Court should be seen as playing an important role in assisting states to prevent impunity, but again only as a last resort when these matters have not been adequately dealt with at the national level. That will give the Court greater credibility and authority, which will in turn lead to greater cooperation from states parties.”

Oriane Maillet is the Coalition Secretariat’s program and communications assistant.

Fifth ASP (Continued from page 4)

the International Criminal Court and the Assembly of States Parties” (ICC-ASP/5/Res.3), which identifies a number of other essential matters. These include the following: implementing a draft plan of action on ratification and implementation; approving a draft headquarters agreement between the ICC and the host state; introducing a new chapter on cooperation and requesting the Bureau to address this issue; asking the Bureau to start preparing for the Review Conference; inviting the Court to present proposals on an independent oversight mechanism; and requesting the Bureau to continue its work on equitable geographic representation and gender balance.

Esti Tambay is the Coalition Secretariat’s information and analysis officer.
THE CRIME OF AGGRESSION: TAKING A CLOSER LOOK

During the resumed fifth session of the Assembly of States Parties (ASP) held in New York from 29 January to 1 February 2007, the Special Working Group on the Crime of Aggression (SWGCA) held several formal and informal meetings to discuss the definition of the crime of aggression and conditions for the International Criminal Court’s (ICC) related jurisdiction. States expressed their reactions to the chairman’s new Discussion Paper. The meeting was historic for its progress toward agreement on a definition of the crime of aggression and for the open debate that followed, with many states expressing flexibility. Key unresolved issues include the role of the UN Security Council and the specific conduct that qualifies as a crime of aggression by the leaders of a state. The SWGCA will convene again during an intersessional meeting in June 2007 at Princeton University.

The CICC interviewed H.E. Christian Wenaweser, permanent representative of Liechtenstein to the United Nations and chairman of the SWGCA, to further understand the progress and challenges with this complicated legal and political discussion.

This section also includes views by two CICC members from Africa and the Middle East/North Africa who attended the resumed session.

For more information on the crime of aggression, please visit http://www.iccnow.org/?mod=aggression

Interview with H.E. Christian Wenaweser
Permanent Representative of Liechtenstein to the United Nations
Chairman of the Special Working Group on the Crime of Aggression (SWGCA)

CICC: How would you characterize the recent discussions by the SWGCA at the resumed fifth session of the ASP?

Ambassador Wenaweser (AW): The three-day meeting of the Special Working Group was the first time since its establishment that the group was allocated enough formal meeting time to engage in a substantive debate. I am very satisfied that the working group was able to advance the discussions on the basis of the three intersessional meetings held from 2004 to 2006 at the Liechtenstein Institute on Self-Determination at Princeton University. The meeting at the resumed ASP produced a very substantive report, furthering the discussions with respect to all the main issues. That progress was based on a new discussion paper which I was mandated to draft as chairman of the working group, substituting the outdated coordinator’s paper of 2002. And I could not have wished for a better atmosphere and higher quality in the discussions than during these three days in the UN basement.

“...adding the crime of aggression to the Court’s jurisdiction will be a belated, but very strong, signal that the world now has the tools in place to punish those responsible for the supreme crime under international law...”

CICC: What specific progress has been made on the definition of the crime of aggression so far? Is agreement emerging on some of the key elements?

AW: The question of the definition of the crime of aggression can be divided into two areas: First, there is the question of how to define the state act of aggression, such as a war of aggression. On this front, there is a strong trend toward using UN General Assembly resolution 3314, which provides for a definition of aggression, as the basis. Furthermore, it is likely that such an act would also have to reach a certain threshold in order to trigger the Court’s jurisdiction. Second, the conduct of the individual perpetrator who is responsible for the state act of aggression must be described. There is agreement that only leaders shall be held responsible by the International Criminal Court. And much progress has been made on how to describe the conduct of a leader who is suspected of committing this crime.

CICC: What are the prevailing points of disagreement concerning the role of the Security Council?

AW: As for the definition of the state act of aggression, the main question is whether and how to make use of the 1974 definition of aggression provided by the General Assembly in resolution 3314. Many delegations stressed that this resolution represented a careful compromise struck after many years of negotiations. On the other hand, resolution 3314 contains some rather open-ended elements which are difficult to reconcile with the principle of legality. The definition of a criminal offense must not be too vague, and it must enable a person to ascertain whether his or her conduct would be criminal. We also need to resolve the question of how to ensure that only clear acts of aggression are dealt with by the Court. In addition, we still face the difficult question of the “pre-conditions for the exercise of jurisdiction”—in other words, the role of the Security Council.

CICC: What are the prevailing points of disagreement concerning the role of the Security Council?

AW: To a great extent the different views mirror the same views states parties held regarding the relationship between the Court and the Security Council during the negotiations that led to the Rome Statute. The importance of the independence of the Court on the one hand and the role of the Security Council in maintaining international peace and
security on the other are addressed in several parts of the Rome Statute. With respect to the crime of aggression, some states want an even stronger role for the Security Council, compared to the other crimes under the Statute, because they see an exclusive competence for the Security Council under the UN Charter to determine the existence of a state act of aggression. Others still see a primary role for the Council, but want to allow other options in case the Security Council does not make a determination. Still other states see no need to provide for special provisions regarding the Security Council’s role in this regard, but want to have the same rules apply to all crimes under the Statute.

CICC: Are there proposals that could break the impasse on controversial issues such as the role of the Security Council?

AW: During the recent resumed session, a number of new ideas have emerged with respect to this question. I think it is fair to say that the issue is not just discussed in terms of black and white, but that a range of possibilities is being considered. One such new idea would give the Security Council the possibility to just give the procedural ‘green light’ for an investigation, rather than having to make the substantive determination that an act of aggression has occurred. As the chairman, I am of course very happy to see any ideas which could at some point help to reconcile the existing differences. We cannot expect any new ideas to lead to a quick breakthrough, but the fact that ideas are offered makes it clear that people believe in a solution and are actively working to bring one about.

CICC: Do you perceive certain regional positions to be emerging among those states participating in these discussions?

AW: The Special Working Group is open to all UN Member States and therefore reflects the geographical diversity of the UN membership as a whole. The discussions in the working group do not take place in a political vacuum, but there are very few regional positions and we do not see the regional fault lines which are often observed. The constructive spirit that has prevailed during this session and during the intersessional meetings is remarkable.

CICC: How do you perceive the impact of the participation by non-states parties?

AW: Non-states parties clearly are participating more and more actively, and I have always encouraged their participation. This is a welcome development, which shows great interest not only in the crime of aggression, but in the ICC as a whole. I of course hope that a successful conclusion of our work on aggression would bring us one step closer to universal ratification.

CICC: What could be the impact of the United States’ lack of involvement in these discussions?

AW: Since the working group is open to all UN Member States, I of course prefer the widest participation possible, and of course the U.S. has a strong interest in the topic. Nevertheless, I think that we have a full spectrum of opinions present in our discussions. The outcome of our work will end hopefully be what is in the best interest of the Court.

CRIME OF AGGRESSION KEY TO INCREASING ARAB INVOLVEMENT IN ICC

On 24 March, the Yemeni Parliament voted in favor of ratifying the Rome Statute. Once the ratification process is complete, Yemen would become only the fourth Arab State Party to the Court. National constitutional law in the Arab world coupled with a sometimes limiting sociopolitical environment are two key reasons for this underrepresentation of the Middle East/North Africa (MENA) region at the ICC. But also important is the Court’s failure to define the crime of aggression, which Arab states believe is committed with widespread impunity in their region. Arab states are also skeptical of the UN Security Council’s involvement in the ICC’s prosecution of the crime, believing that the Council’s intimate involvement in crimes under the ICC’s jurisdiction would politicize the Court and compromise its existence as an independent, judicial body.

During the resumed fifth session of the Assembly of States Parties, these 12 Arab countries participated in discussions concerning aggression: the United Arab Emirates, Kuwait, Tunisia, Yemen, Morocco, Algeria, Lebanon, Oman, Libya, Iran, Jordan and Egypt.

Although the ongoing conflict between Israel and Palestine has cemented Arab skepticism about the Security Council’s involvement in the Court’s jurisdiction over the crime of aggression, regional members of the CICC do not feel Arab states will benefit from boycotting the Court. It is better for Arab states to participate in the difficult discussions regarding aggression than sit by passively as the international community defines a crime with tremendous relevance to our region.

We also urge all states in the MENA region to accede to the Rome Statute at once. There can be no progress for us on the crime of aggression if we do not accept our responsibility to establish our voices at the Court in the first place.

Brigitte Chelebian is president of Justice Without Frontiers, which is the coordinator of the Lebanese Coalition for the International Criminal Court.

*Views expressed are those of the author.*
CICC: What role have NGOs played and what influence have they had in the discussions about aggression?

AW: Especially since the intersessional process in Princeton, a number of NGO representatives have played a very active role and greatly contributed to the work of the group. They have submitted expert papers and contributions which had a tremendous impact on the quality of our discussions. Since we will meet in formal sessions more in the future, this involvement will have to gain even more momentum in order to maintain this kind of impact.

CICC: Do you have any concerns relating to the Review Conference discussion on aggression?

AW: What matters most from my perspective is that we soon have clarity on the date and venue of the conference, in order to plan the road ahead. The working group has to deliver its results at least 12 months prior to the conference. We need to allow enough time for consultations at the political level.

CICC: What kind of impact could the adoption of the crime of aggression have on the Court’s work and its relationship to other international institutions?

AW: That would of course depend on what definition we end up with. I do believe, however, that bringing the crime of aggression under the jurisdiction of the ICC will have an impact far beyond the Court’s work, which will in all likelihood continue to be predominantly focused on the other three core crimes under the Statute—war crimes, crimes against humanity and genocide. But adding the crime of aggression to the Court’s jurisdiction will be a belated, but very strong, signal that the world now has the tools in place to punish those responsible for the supreme crime under international law.

CONTINUED ON P. 16
Looking Forward to 2009: Key Issues in Preparation for a Successful Review Conference By Oswaldo Zavala-Giler

In just two years, the Secretary General of the United Nations will convene the first Review Conference of the Rome Statute, the ICC’s founding treaty. This will be a special meeting of ICC states parties to review the Statute along with any proposed amendments. Although there is yet no clear agenda for the conference, many believe that the possible adoption of the crime of aggression as part of the Court’s substantive jurisdiction will constitute one of the main points of discussion. Also, the Rome Statute provides for the revision of Article 124, an optional protocol that exempts states from subjecting their nationals to war crimes prosecution by the Court for seven years. In addition, the Review Conference may take up consideration of terrorism and drug crimes, as recommended at the 1998 Rome Conference.

As states and NGO representatives begin to prepare for this milestone, it is important to remember that agreement by a high percentage of states is required for the adoption and entry into force of any amendments to the Rome Statute. For that reason alone, states might be unlikely to push for amendments unless there is overwhelming support for them. Incidentally, some states and NGOs have said that the Review Conference should be an opportunity to take stock, and not just an open call for amending the Statute.

Currently, discussions about this first conference are focused primarily on technical issues, such as rules of procedure, finances, timing and venue. In this regard, the CICC Team on the Review Conference issued a paper recommending that the ASP in its fifth session start planning for this conference to ensure that procedures, structures and an adequate budget are available in time.

Similarly, the ASP Focal Point for the Review Conference, Rolf Fife of Norway, suggested assigning to the Bureau Working Group in New York—whose facilitator is Sivu Maqungo of South Africa—the task of dealing with the technical issues as a preliminary phase of the preparations for the Review Conference. Mr. Fife also suggested that the ASP Secretariat prepare some basic documents, such as draft rules of procedure and an explanation of budgetary implications for various hypothetical scenarios relating to the conference’s scope, length and venue. The ASP has in turn asked that the Bureau start preparations for the Review Conference, with a focus on issues of procedure and on practical and organizational issues such as dates and venue. Meanwhile, the establishment of informal preparatory meetings before the conference should lead to the finalizing of substantive agenda items such as proposed amendments to the Statute.

This first Review Conference will be a crucial landmark in the evolution and consolidation of the ICC and should serve as an opportunity to bring together and strengthen cooperation among academics, NGOs and government experts. Although this is the first Review Conference of the Rome Statute, there will be more opportunities to follow up and raise other issues at a later stage.

Oswaldo Zavala-Giler is the Coalition Secretariat’s associate legal officer.

BUILDING THE COURT: REGISTRY CONSIDERS ICC PERMANENT PREMISES IN NEW BRIEF

By Erik van der Veen

The ICC’s Registry is currently developing a functional brief for the future permanent premises of the Court. The brief will detail what kind of facilities and how many offices would be needed, both in terms of Court officials, as well as parties to the proceedings and the public. In cooperation with an external consultant, the Registry consulted with each of the Court’s divisions and sections to ensure that their requirements for space and other resources would be taken into account. The architect, who has yet to be selected, will design the premises according to the contents of the brief.

In January 2007, CICC members provided the Court with input relevant to the functional brief to ensure that NGO suggestions and recommendations are included in the premises discussion at the earliest possible stage. The draft of the brief was discussed with all of the Court’s organs and with the host state, before submitting it to the Bureau of the Assembly of States Parties (ASP) together with other information regarding the financing, timeline and decision-making structure of the permanent premises project.

The Bureau, which follows up on issues between the ASP’s annual sessions, will decide in the coming months if the information is sufficient to allow the Court’s host state, the government of the Netherlands, to organize a pre-selection of architects later in 2007.

This unprecedented progress on the Court’s permanent premises is largely due to a resolution that was adopted at the Fifth ASP in November 2006. The resolution allowed for the development of one of three options suggested by the host state, and supported using an inactive military site in the northern section of The Hague commonly referred to as the Alexander Barracks.

During the fifth session of the ASP, CICC member organizations raised serious concerns that the site’s name references the military and that military facilities surround the site. This might create emotional difficulties for victims and witnesses, many of whom have suffered at the hands of the military in their own countries and would again be confronted with traumatizing military symbols and references at and around the Court itself.

Erik van der Veen is is the Coalition Secretariat’s development and policy officer.
Ensuring Justice for Women at the ICC: A Call to Action

By Oby Nwankwo

First World War were civilians. By the mid-1990s, about 80 percent of the casualties in conflicts were civilians, most of them women and children. In the twenty-first century, women who have taken no part in conflicts are being murdered, raped and mutilated. The situation in Darfur that has been referred to the Court by the United Nations Security Council bears witness to this.

Women's rights in Darfur are freely violated because of gender-based discrimination in the national laws of Sudan. In the report of the International Commission of Inquiry on Darfur, incidences of rape were reported to have reached epidemic proportions in Sudan’s far western province, a largely semi-desert area the size of France. But despite the increasing prevalence of rape, it is virtually impossible to convict someone of the crime in Sudan.

Most people accused of rape end up being charged with assault, which carries a maximum jail sentence of one year. This is because proving a case of rape against an accused person requires the evidence of four males who must have witnessed the actual penetration. It is common knowledge that offenses such as rape are not often committed in the presence of witnesses. The consequence of such discriminatory laws is that perpetrators of sexual violence escape justice, and this leads to impunity.

This is why the advent of the ICC is a welcome development, giving the world hope that the situation in Darfur will be adequately addressed and that the perpetrators of sexual violence and other offenses against women of Darfur will be brought to justice.

And yet, as the Women’s Initiative for Gender Justice pointed out in its statement on 8 March, International Women's Day, only 32 people in history have been convicted of crimes against women. The Women’s Initiative statement goes on to say, “The expectation on the ICC to end this historical impunity is therefore high and justified as women seek accountability through an international judicial process mandated to prosecute these crimes.”

To date, however, the ICC has not adequately investigated crimes against women in the Democratic Republic of the Congo, or in Darfur.

One of the difficulties in prosecuting people accused of these grave crimes against women is that survivors of such violence are reluctant to come forward to testify for fear of reprisals. The ICC must therefore take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. The Rome Statute has taken care of some of the most common procedural and evidentiary rules that have traditionally undermined women’s claims of abuse and made trials traumatic experiences for the victims involved. For example, evidence of the victim's prior or subsequent sexual conduct is inadmissible in most cases, and there is no requirement that the victim's testimony be corroborated by another source.

The ICC also has a Victims and Witnesses Unit within its Registry to provide protective measures, security arrangements, counseling and other assistance for witnesses and victims. The ICC therefore offers an alternative avenue for justice to that provided by Sudan for the women and girls who comprise almost 90 percent of the victims in Darfur.

This year, the United Nations theme for International Women’s Day was ending impunity for violence against women and girls. This was an important and meaningful commitment by the international community, but hardly enough. As Louise Arbour, UN High Commissioner for Human Rights said on 8 March, “What we need now is decisive leadership and a sustained commitment to put an end to this intolerable violence and bring those who perpetrate it to justice.”

The time for promises is over. The time for action is now.

Oby Nwankwo is executive director of the Civil Resource and Development and Documentation Centre (CIRDDOC), which is based in Enugu, Nigeria and is a new member of the Coalition Secretariat’s Steering Committee.
Prosecutor’s Announcement Sends Ripples through Sudan
By Deirdre Clancy

The prosecutor’s recent public filing on the situation in Darfur produced sharp reactions across Sudan.

Although many who support the ICC’s work welcomed the first tangible evidence that the Court was identifying “those most responsible,” others were disappointed that both the number of suspects and their ranking within the state apparatus was “too low.” Some suggested that with “all the evidence available to the prosecutor,” it was hard to accept that only two persons of mid-rank had been fingered. The prosecutor, it was urged must “prove he is serious” by challenging those higher up in the military and civilian chain of command.

Unrealistic expectations

There is a persistent belief among those who look to the ICC for justice that the Court must try, “all those responsible” for crimes in Darfur at the most senior level. The list of 51 suspects in the report by the International Commission of Inquiry on Darfur continues to be cited. At the same time, there is concern that a political deal will shield “those at the top who planned the burning of Darfur.”

It is hard for many in Darfur to accept the reality of the evidentiary and other thresholds that constrain the prosecutor’s office when the question of who is responsible for the violence is, from their perspective, patently clear.

When the referral of Darfur to the ICC was first announced, there were reports of jubilation in the camps for the displaced. The decision was seen as a sign of the international community’s commitment to do something. Since then, the lustre has worn off as those on the ground have seen little evidence of progress in the case. Court investigators have not been to Darfur. The prosecutor’s regular reports to the UN Security Council echo only faintly, if at all, among the victim populations. And the delay between the referral decision in March 2005 and the first indications of potential indictments by the prosecutor in late February 2007 has dampened support for the Court. Although the violence diminished in March 2005 with the referral, that is now a distant memory and the situation on the ground is, in many respects, worse now than it has been in the past three years.

Political and civil society response

Opposition political parties, especially in Darfur, were unanimously welcoming of the Court’s action. Abdelwahid Nour, the leader of one of the largest factions of the Sudanese Liberation Movement that did not sign the Darfur Peace Agreement, described the announcement as the “harbinger of a coming salvation for Darfur.” He called for the full unfolding of the ICC process. The most prominent national opposition party, the Umma Party, also broadly welcomed the prosecutor’s move.

Other elements of civil society, however, condemned the decision by the prosecutor in strong terms. In sharp contrast to the Darfur Lawyer’s Committee, the Sudan Bar Association, claimed that political interference was the impetus for the prosecutor’s presentation and that the judicial system in Sudan was more than ready to try suspects. Student bodies and the Federation of Workers Union also repudiated the ICC move.

Although the Sudanese government controls the large cities, most of the territory in Darfur is now controlled by various rebel groups. Credit: Darfur Consortium
Darfur where, among other things, men were rounded up and summarily executed.

However, it is hard to imagine that such an organized and widespread campaign could have been designed and carried out by a junior minister without knowledge and consent from those higher up in the administration. This first case should therefore only be the beginning of the prosecutor’s effort to hold accountable senior figures most responsible for the crimes in Darfur. Human Rights Watch believes that the ICC prosecutor must continue his investigations and bring to justice those in the highest positions of authority against whom there is sufficient evidence to proceed. This is crucial for justice to be done and for the Court’s credibility in Darfur.

Challenge to the admissibility of the case

The legal response

Government spokespeople have held a fairly consistent line—the Sudanese justice system is ready and able to try any allegations of war crimes and breaches of international humanitarian law in Darfur. In fact the decision of the prosecutor, including the targeting of Ahmad Muhammad Harun (himself a judge) is being presented as part of a campaign by the international community to undermine the integrity of the Sudanese legal and judicial system.

Since the outset of the ICC process, the government of Sudan has attempted, therefore, to preempt the work of the Court. First, officials set up a Special Court on the Events in Darfur the very day after the prosecutor first declared that he would investigate the situation. And the day before the prosecutors’ presentation of evidence, the Sudanese Ministry for Justice announced the transfer of the investigation and trial of crimes in Dilayj in West Darfur to the Special Court system.

Since then, Sudan has initiated a flurry of legal moves to demonstrate that it is taking appropriate action against the two people named by the ICC prosecutor: Ali Muhammad Ali Abd al-Rahman, also known as Ali Kushayb, and State Minister for Humanitarian Affairs Ahmad Muhammad Harun. Mr. Kushayb had been in detention in Sudan prior to the prosecutor’s public filing. A week later, fresh proceedings before the Special Courts in El Geneiana were announced to have commenced against him and two others. Since that time, however, there have been indications that the trial may have been suspended—some say Mr. Kushayb’s repudiation of a plea deal may be the reason.

The second named suspect, Mr Harun,
was defiant, pledging to challenge “like Saddam” the international community’s temerity, but since early March conflicting messages have been emerging from Sudan. The prosecutor general has announced that Mr Harun will be interrogated for the second time on war crimes charges, but the Sudanese president has subsequently affirmed that he will not permit the interrogation, or indeed the resignation of his state minister for humanitarian affairs.

Strengthening effective national judicial systems, which is the ICC principle of complementarity, is certainly a key objective of the Rome Statute. But national justice must reach a threshold of “genuine and effective” to trump the reach of the Court. To date, it is not clear that this standard has been met.

In this light, Sudan’s recently announced decision to refuse to cooperate with the Court is particularly disappointing. As the Sudan Human Rights Group pointed out, even though Sudan has not ratified the Rome Statute, it has signed the instrument, and the referral was made through a Security Council Chapter VII resolution. They urged cooperation and a formal admissibility challenge as the most respectful approach.

The question is whether the ICC’s actions—the strongest yet by the international community—can trigger real change in the Sudanese justice system, or if fair and effective ICC prosecutions are the key to making a difference? For now, it seems, hope lies in The Hague.

Deirdre Clancy is co-director of the International Refugee Rights Initiative.

**Views expressed are those of the author.**

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**PEACE AND JUSTICE: THE IMPORTANCE OF ACCOUNTABILITY TO CIVILIAN PROTECTION**

In late January 2007 at a conference in Cairo about Darfur and civilian protection, Sudanese, Arab and international NGOs as well as representatives of rebel groups repeatedly called for accountability in Darfur. The need for justice was framed as an essential element of civilian protection and indeed a precondition to political negotiations for peace.

In side meetings, several NGO members spoke up:

Osman Hummaida, human rights advocate and former director of the Sudanese Organization Against Torture (SOAT): “There is no hierarchy of priorities. We can’t talk about protection of civilians without talking about political processes and accountability. Ending the culture of impunity is key to protection of civilians. After the referral of the crimes in Darfur to the ICC in March 2005, for the very first time, there was a decline in aerial bombardment and Janjaweed attacks on civilians. Those committing the crimes took the ICC investigation seriously.”

Salih Mahmoud Osman, member of the Sudanese Parliament and human rights lawyer: “Justice and accountability are important elements in the process of providing protection to survivors in Darfur and preventing further depopulation and ethnic cleansing. When the names of the 51 people were published in 2005 and soon after the situation was referred to the ICC there were no attacks for three months.”

Faisal Al Bagir, media and freedom of expression program coordinator, SOAT and Khartoum Centre for Human Rights and Educational Development: “Accountability, political peace processes and civilian protection must all be part of one package for Darfur. There is no contradiction between peace and justice.”

The Sudanese government so far has shown no genuine willingness to investigate and prosecute persons responsible for the atrocities committed in Darfur. Although the Sudanese Minister of Justice established the “Special Criminal Courts on the Events in Darfur” on the heels of the ICC prosecutor’s public announcement that he intended to open investigations into Darfur in June 2005, no senior official has been charged for his role in the events. The few cases heard by these courts so far have involved minor offenses, such as theft of sheep. To preempt ICC jurisdiction, the Sudanese authorities will need to do significantly better.

**What then? From public naming to trial**

Ensuring the arrest and appearance of Ahmed Harun and Ali Kushayb before the Court will undoubtedly be one of the ICC’s toughest challenges.

Sudanese officials have stressed repeatedly that they will never hand over Sudanese nationals to the ICC whose jurisdiction they refuse to recognize. However, Sudan’s full cooperation is not only essential for this case, but also for the continuation of the ICC’s investigations in Darfur. The UN Security Council, and ultimately the international community, must ensure that Sudan adheres to its obligations under Security Council Resolution 1593 and fully cooperates with the Court. They should monitor Khartoum’s conduct very closely in the next few weeks and be prepared to take strong action if necessary, including targeted sanctions, should the government of Sudan refuse to execute the arrest warrants and surrender the accused.

Géraldine Mattioli, international justice advocate, Human Rights Watch.

**Views expressed are those of the author.**

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On 29 January 2007, ICC Pre-Trial Chamber I (PTC I) confirmed the charges brought by the prosecution against Thomas Lubanga Dyilo, sending his case forward in what will be the Court’s first trial. Mr. Lubanga has been charged as a co-perpetrator of war crimes relating to the enlistment and conscription of children under the age of 15 years. He has also been charged with actively enrolling young people in hostilities from 1 September 2002 to 13 August 2003.

Mr. Lubanga is the alleged founder and leader of the Union of Congolese Patriots (UPC) and Commander-in-Chief of the UPC’s military wing, the Force Patriotiques pour la Liberation du Congo (FPLC) in the Democratic Republic of Congo.

“This decision constitutes an important first step towards justice for the victims of war crimes and crimes against humanity during the dark periods of armed conflict in our country…”

Then Defense Counsel Jean Flamme also filed a leave to appeal the Chamber’s decision. “We are disappointed,” he said. “I am convinced that Mr. Lubanga is innocent. We did not have the proper means and time to prepare for the pre-trial. The participation of victims in the confirmation of charges hearing has put a big burden on the defense. We have been confronted with 105 victims’ applications and we had to reply to each one. We did not have the resources or time to properly do so.” In February, Mr. Flamme resigned from the case for personal reasons. In late March, Mr. Lubanga chose Catherine Mabille as his new counsel.

In its decision, the Chamber also determined that any “active participation in hostilities” refers not only to participation in direct combat, but also to combat-related activities.

“This decision constitutes an important first step towards justice for the victims of war crimes and crimes against humanity during the dark periods of armed conflict in our country…”

In its decision, the Chamber seems to support the prosecution’s initial case, which based its evidence and reasoning on an understanding of the conflict as solely national.

THE ROAD TO TRIAL: A TIMELINE OF KEY DEVELOPMENTS IN THE CASE AGAINST THOMAS LUBANGA DYILO

19 April 2004
The government of the Democratic Republic of Congo (DRC) refers the situation of possible crimes on its soil to the ICC.

23 June 2004
The prosecutor opens an investigation into the DRC.

19 March 2005
Lubanga is arrested by Congolese authorities following the murder of nine Bangladeshi peacekeepers from MONUC in February 2005. Lubanga is held in custody in Makabola, Kinshasa, but never formally charged with a crime.

12 January 2006
The Office of the Prosecutor (OTP) requests an arrest warrant for Mr. Lubanga.

10 February 2006
PTC I issues the arrest warrant under seal.

14 March 2006
The Registrar informs Congolese authorities of the warrant.

17 March 2006
The arrest warrant is publicly unsealed. Mr. Lubanga is surrendered to the ICC and transferred to The Hague.

20 March 2006
PTC I holds a public hearing during which Mr. Lubanga appears before the Chamber and is informed of his rights and the charges against him.
The Lubanga hearing represented the first time that victims’ voices were heard by an international judicial body, not only as witnesses, but as active participants in the proceedings. “The participation of victims in the Lubanga pretrial hearing was an important event,” said Mr. Walleyn. “Although victims could not access confidential evidence nor attend confidential parts of the hearing, their participation allowed them to air their concerns with a broader public.”

As Deputy Prosecutor Fatou Bensouda has said, victims’ participation “brought a human face to the proceedings.” Martien Schotsmans, from Belgian NGO Avocats Sans Frontières (ASF), added: “ASF is delighted by this first step in the first case before the ICC, and particularly with the implementation of the Rome Statute to protect the rights of victims. Nevertheless, we consider it regrettable that the security situation in Bunia does not make it possible for the victims to reveal their identity to the defense, or the general public. And so, the participation of victims remains limited.” For security reasons, the Chamber refers to victims by number instead of by name.

A number of non-governmental organizations from the DRC used the occasion of the Chamber’s decision to call upon the ICC prosecutor to widen the territorial focus and scope of his investigations, by looking into crimes committed beyond Ituri and throughout Congo. “We would also like to remind the prosecutor that it is his duty under the Rome Statute to focus on those individuals who bear the greatest responsibility in the commission of these crimes, without taking into consideration their official position, or their influence in public life,” said Mr. Hemedi.

Congolese activists also urged the prosecutor to investigate the other large-scale massacres in their country as well as the rampant crimes against women. “The charges which were confirmed represent a glimmer of hope,” said Immaculée Birhareka from PAIF, a women’s group based in Goma. “Everyone is glad to have the beginnings of a solution to impunity in Congo. All the same, we must see justice for the countless women who have been raped and who have suffered from other crimes as well. This is crucial because victims feel that the torturers of yesterday manage the institutions of government today.”

On 6 March 2007, the ICC Presidency constituted its first Trial Chamber, which was assigned the Lubanga case. It will be composed of Judge Elizabeth Odio Benito, Judge René Blattmann and Judge Adrian Fulford. Pre-Trial Chamber I is expected to convene a Status Conference and set a date for the trial sometime over the summer.
On the Ground in eastern DRC: Local Reactions to the Lubanga Decision

By Bukeni Tete Wazuri

Impunity is rampant throughout the Congo. There are dozens of other “Thomas Lubangas” in the DRC, so for justice to be fair and impartial in our country, these perpetrators must also be prosecuted. Many here feel that moving the case against Mr. Lubanga to trial should improve protections for children in the whole of DRC. At the same time, the recruitment of child soldiers in Ituri and in the provinces of South and North Kivu continues.

The use of child soldiers is a serious crime, but it is not the only one being perpetrated. On a daily basis, armed forces in the DRC commit rapes and other acts of sexual violence against women and girls. By arresting and prosecuting those criminals, the ICC could help fight these equally serious war crimes.

Nathalie, a 16-year-old former child soldier from Ituri, had this to say about the Lubanga decision: “I don’t think that violence against children like us will stop immediately. But the most important thing is that there is something to intimidate those people who keep on harassing us. It is already too much. We can’t resist them. But I am wondering if Lubanga is the only one being prosecuted, or if there are more of them. Will those who committed killings, rape, also be punished?”

Beyond the ICC, many in eastern DRC also feel that Congolese tribunals must charge perpetrators of crimes that are not under the ICC’s jurisdiction. All fronts in the fight against impunity must be active, but as the DRC National Coalition for the ICC has made clear, the Congolese national government must act swiftly to fully implement the Rome Statute.

Ajedi-Ka/Project Enfants Soldats, a local Congolese organization that works to prevent the use of child soldiers in Uvira, south Kivu, has said, “The Lubanga case is a decisive step forward in the struggle to protect children from being forcibly recruited as child soldiers, and to combat the widespread impunity in DRC. But we will have to assess the impact of this decision over time. One thing we know now is that the ICC cannot do this job on its own: it is imperative that local courts in DRC also work to end impunity for the practice of recruiting child soldiers and other grave violations of human rights, including rape and sexual violence against girls, women and boys.”

Ultimately, expectations of the ICC in Congo are high. The Court must face important challenges relating to the scope of the crimes, the need to investigate crimes in other provinces of the country, the limitations related to victims’ reparations, the treatment of victims and witnesses, and the endless lack of outreach to the DRC population. The Court will have to overcome these problems so that it can be independent, effective and beneficial to the Congolese people.

Bukeni Tete Wazuri is director of Ajedi-Ka/Projet Enfants Soldats in eastern DRC.

**Views expressed are those of the author.**
On 15 February 2007, the International Criminal Court (ICC) confirmed receipt of 49 victims’ applications to participate in the proceedings against four leaders of the Lord’s Resistance Army (LRA) in Northern Uganda. Once the applications are approved by the Chamber, the victims will be able to present their views during the judicial proceedings. The Chamber has recently entrusted the ICC Office of Public Counsel for Victims with providing the applicants any support and assistance that may be necessary at this stage.

In July 2005, the ICC issued arrest warrants for Joseph Kony, the LRA’s top leader, and his commanders on charges of war crimes and crimes against humanity, including abductions, rape and mass killings. However, those warrants have yet to be executed and peace talks have been stalled.

Given the lack of attention to victims’ rights during peace negotiations, these applications from witnesses are an important development. They have also come at a time when protections for victims in Uganda are at an all-time low.

Victims have been denied the right to justice in Uganda for various reasons: illiteracy prevents them from accessing necessary information about their rights; the national legal system has limited (if any) measures to ensure victims’ participation and reparations; and fear of reprisals as well as a situation of political uncertainty also serve to deter victims from seeking justice. To avoid “re-victimization,” it is essential that victims be granted the status of victims with all the related rights; remain free from any type of social exclusion and stigmatization; receive appropriate counseling, protection and assistance; and obtain true justice. Denying victims the right to justice also encourages amnestied rebels to continue committing crimes against their former victims with full impunity.

During a December 2006 meeting of the Victims Rights Working Group—a group facilitated by Redress—it was suggested that a chapter of this group could be created for Northern Uganda to develop and strengthen victims’ rights, define their needs and represent their views and concerns. Such an initiative would help victims better understand their rights to protection, legal representation, reparations and participation in ICC proceedings.

In sum, recent developments suggest that this is a prime opportunity for the creation of a Ugandan victims’ rights working group.

To avoid “re-victimization,” it is essential that victims are granted the status of victims with all the related rights, and that they remain free from any type of social exclusion and stigmatization, receive appropriate counseling, protection and assistance, and obtain true justice.

Stephen Arthur Lamony is the coordinator of the Ugandan Coalition for the International Criminal Court (UCICC).

*Views expressed are those of the author.
LADY ICC: A PLAY ABOUT THE COURT TAKES IVORY COAST BY STORM

Pursuing Ratification and Implementation Efforts in Africa
By Richard Nsanzabaganwa, Francis Dako, Benson Chinedu Olugbuo and Fátima da Camara

The Sub-Saharan African region continues to lead the world in the number of states parties to the Rome Statute of the International Criminal Court (ICC) while implementation processes are currently underway in other parts of the continent. Meanwhile, the CICC continues to expand its membership at the national level across Africa. At the end of 2006, the CICC included 17 national coalitions in Sub-Saharan Africa.

On 1 November 2006, Chad deposited its instrument of ratification, making it the 104th state party to the ICC, and the 29th African state. The development might significantly enhance the Court’s effectiveness in the region. The situation in Darfur, Sudan was referred to the ICC by the UN Security Council; however, much of the investigations by the ICC Office of the Prosecutor (OTP) have been carried out in Chad. The ICC established a field presence in two locations: the Abeche region in eastern Chad, close to Darfur, and another in N’Djamena, the capital city of Chad.

Following this ratification, in December 2006, the CICC’s Outreach Liaison for Africa, Richard Nsanzabaganwa, undertook an advocacy mission to Chad to encourage the government to implement the Rome Statute into national legislation and to accede to the Court’s Agreement on Privileges and Immunities (APIC). Mr. Nsanzabaganwa met with government officials from the foreign and justice ministries as well as with representatives from the diplomatic corps, international organizations and civil society groups. Chadian authorities are committed to supporting the ICC’s work and expressed a willingness to work for accession to the APIC.

With regard to the implementation of the Rome Statute, relevant governmental institutions, the Chadian Coalition for the ICC and the International Committee for the Red Cross (ICRC) will coordinate their efforts in order to evaluate the national legal framework, and bring it in line with the Rome Statute. The groups agreed to organize a workshop on implementation for which the Chadian Coalition for the ICC will raise funds. Meanwhile, the government of Chad is in the process of establishing a national commission on the implementation of international humanitarian law, including the Rome Statute.

Comoros ratified the Rome Statute in August 2006; the implementation process has been initiated so that the government can meet its ICC commitments regarding the principle of complementarity and the obligation to cooperate with the Court.

Mr. Youssouf Mondoha, a member of the National Assembly of Comoros and Parliamentarians for Global Action, which is a member of the CICC Steering Committee, is very committed to ensuring that the ICC is fully accepted and adopted in Comoros as an efficient supplement to the country’s national response to the commission of crimes. He spearheaded the preparation of a draft implementing law that is now being discussed among members of civil society, other government officials and members of the National Assembly. Through the CICC, civil society groups and Mr. Mondoha are working to create a national coalition for the ICC that would coordinate the necessary efforts for the implementation of the Rome Statute and the accession by Comoros to the APIC. To this end, a workshop is planned for the near future to bring together members of civil society groups, government officials and other stakeholders such as the ICRC.

The workshop is expected to generate a more refined draft legislation as well as a formal national coalition for the ICC. *The article’s authors are all part of the Coalition Secretariat’s Africa Regional section: Richard Nsanzabaganwa is outreach liaison for Africa, Francis Dako is Francophone Africa coordinator, Benson Chinedu Olugbuo is Anglophone Africa coordinator, and Fátima da Camara is Lusophone campaign advisor.*
Japan’s Path to ICC Accession

FEATURE

By Evelyn Balais Serrano and Francesca Varda

On 27 April 2007, the Japanese parliament (the National Diet) unanimously approved the country’s accession to the Rome Statute and the related cooperation laws. The approval follows the Japanese cabinet’s February endorsement and submission of the Statute to the parliament. On March 28, upon a request by the Minister of Foreign Affairs Taro Aso to approve Japan’s accession to the treaty, the Foreign Affairs Committee of the Lower House also had approved both of these legislations unanimously. These developments come after years of coordinated efforts by civil society groups, parliamentarians, government officials and academics. Various actors, and especially the Coalition’s national partner, the Japanese Network for the ICC (JNICC), have played a crucial role in ensuring that Japan embraces international justice.

In 2004 the Diet introduced implementing legislation for the Additional Protocols to the Geneva Conventions—a first step, officials said, in preparation for possible accession to the Rome Statute. One year later, government officials publicly expressed interest in acceding, but only after harmonizing national legislation with the Statute. In early 2007, the “Laws for Cooperation with the International Criminal Court,” which includes procedural as well as substantial laws and criminal law reforms for implementing the Rome Statute and facilitating cooperation with the Court, were submitted to the Diet.

In mid-2006, the Japanese government publicly stated that the proposal for accession as well as the budget for Japanese contributions to the ICC would be tabled at the next Diet session scheduled for early 2007, and in December 2006, the Ministry of Finance approved a total of 720 million yen for appropriation to the Court for the 2007 fiscal budget. Some months earlier, Japan had brokered a deal with the United Nations to curtail its financial contributions to the organization. Participating as an observer at the Fifth Assembly of States Parties (ASP), Japan fully endorsed a resolution championed by Australia, Canada and New Zealand to adopt, for the ICC budget, the maximum assessment rate for the largest contributor applicable to the UN. This ceiling will impact the size of Japan’s contribution to the ICC budget once it joins.

On the parliamentary front, JNICC and Parliamentarians for Global Action (see related article) have taking a leading role in securing parliamentary support for the Court. In April 2006, JNICC helped create a formal national parliamentary league in support of the ICC that was composed solely of majority party members in the National Diet.

Evelyn Balais Serrano is the Coalition Secretariat’s Asia coordinator and Francesca Varda is the Coalition Secretariat’s outreach liaison for Latin America/Caribbean and for Asia.

Parliamentarians Make Progress in Japan and Indonesia

By David Donat-Cattin

Approximately 165 parliamentarians from all regions of the world convened in Tokyo from 4 to 5 December 2006 to discuss challenges to human security and international justice under the auspices of the Parliamentarians for Global Action (PGA) ICC Campaign. This fourth-annual Consultative Assembly of Parliamentarians for the International Criminal Court and the Rule of Law is the only global gathering of lawmakers that focuses on the fight against impunity.

The meeting’s organizing committee was led by Mayumi Moriyama, a former minister of justice in Japan and now a member of parliament (MP) from the majority Liberal Democratic Party and Tadashi Inuzuka from the opposition Democratic Party of Japan. Sada-kō Ogata, secretary-general of the Japanese government’s Development Cooperation Agency, and ICC President Philippe Kirsch also attended the Consultative Assembly.

Masakazu Sekiguchi, Japan’s vice-minister for foreign affairs, announced to the assembly on behalf of Foreign Minister Taro Aso that the Japanese Parliament would discuss draft legislation on ICC accession and cooperation during its February session.

The delegations attending the assembly included the speakers of parliaments of ICC states parties including Afghanistan, Bosnia and Herzegovina, Mali, Poland, Sierra Leone and Tanzania, as well as the presidents of national assemblies of Kazakhstan, Nicaragua and Sudan, which have not yet joined the Rome Statute system. The assembly unanimously adopted the Tokyo Resolution on Human Security, the Rule of Law and the International Criminal Court, which includes strong individual commitments by legislators to fight impunity and promote the universality and effectiveness of the new system of international criminal justice created by the Rome Statute.

A key outcome of the Tokyo meeting was that Indonesian Parliamentarians, in less than a month, organized a high level round-table discussion on ICC accession in Jakarta. The meeting held by the Foreign Affairs Committee of the Indonesian Parliament on 9 February, included MPs from all major political parties, under the leadership of PGA International Council member Theo Sambuaga MP, president of the said committee. And for the first time since the adoption of the National Human Rights Plan of Indonesia 2004-08, high-level government officials and parliamentarians jointly announced that Indonesia will accede to the Rome Statute in 2008.

The Speaker of the Parliament, Agung Laksono, opened the roundtable by welcoming the formation of a PGA chapter in Indonesia. Some 80 parliamentarians, government officials, representatives of the security sector, NGOs and academics participated in the discussion. Foreign Minister Hassan Wirayudha stated that “the foreign policy of Indonesia is centered on the promotion of democracy and human rights, internally and externally.”

CONTINUED ON P. 21
Support for the ICC Strengthens Across Europe: Developments in Ukraine, the Czech Republic and at the EU

By Maria Cavarretta and Luísa Mascia

Several developments across Europe demonstrate increasing and continuing support for the International Criminal Court.

Ukraine has continued to strengthen its commitment to international justice by taking important steps toward joining the ICC system. On 31 January 2007, Ukraine deposited its instrument of ratification of the Agreement on Privileges and Immunities of the ICC (APIC), becoming the first non-state party to ratify APIC. This represents an exceptionally important achievement, which sends a strong message to other non-state parties about the significance of adhering to APIC and allows the ICC to build a strong framework of cooperation to effectively implement its mandate. It also demonstrates that the ratification of APIC can be a relatively straightforward process that can be accomplished prior to adherence to the Rome Statute.

Moreover, a law amending the Constitution, necessary for ratification of the Rome Statute, has been submitted to the Cabinet of Ministers, which should adopt it soon.

During the 28th Annual Forum on Human Security and the Consultative Assembly of Parliamentarians for the ICC and the Rule of Law (organized by Parliamentarians for Global Action in Tokyo in December 2006), one of Ukraine’s strongest ICC supporters, the chair of the Justice Committee of the Ukrainian Parliament, Serhiy Kivalov, stated that “Ukraine wants to become a full member of the International Criminal Court and plans to iron out some discrepancies in its national legislation that block its admission.” He added that an interministerial working group, which includes civil society, had been established and that it had started drafting an implementing legislation bill.

On 8 February 2007, ICC President Philippe Kirsch traveled to Kiev to meet with high-level officials, including the prime minister and the president of the parliament. During his visit, President Kirsch stated that “it is very important that Ukraine, which plays a weighty role in Europe, becomes a full member of the International Criminal Court.”

As part of the efforts to achieve ICC ratification, the Justice Committee of the Ukrainian Parliament is also planning to organize a conference on the ICC, to take place in April 2007 in Kiev, with the aim of enlisting broad support for the national ratification and implementation process. The CICC has been invited to help organize this event.

Another important CICC target for ratification is the Czech Republic, which is the only EU Member State that has not yet ratified the Rome Statute. The Czech Coalition for the ICC, including the primary human rights NGOs in the country, issued a press release urging the government to promptly join the Court. In an interview following this release, the Czech Minister, Cyril Svoboda, who also heads the Government Legislative Council, deplored his government’s failure to ratify the Statute. The CICC continues to support local and international efforts to ensure that the Czech Republic adheres to the Rome Statute in the very near future.

In other news, the European Union continues to uphold its support for the ICC under Germany’s leadership. Germany convened a conference on the ICC, to take place in April 2007 in Kiev, with the aim of enlisting broad support for the national ratification and implementation process. The CICC has been invited to help organize this event.

CICC STRATEGY MEETING IN EUROPE

The CICC Secretariat held a strategy meeting in Istanbul from 4 to 5 October 2006 that brought together 25 active members from 14 countries across Europe to share information and develop strategies regarding the ICC campaign in the region.

Discussions among participants highlighted the following:

- That the widespread mistranslation of the Rome Statute and Core ICC texts in the Western Balkans should be addressed; otherwise, it could become problematic if the ICC requests cooperation with governments in the region who would have a hard time fulfilling requests because of contradictions in translations;
- That the European Union and other international organizations do not appear to be taking an active role in promoting ratification in Ukraine, Moldova, Turkey and the Central Asian Republics and that CICC members in these countries encourage the EU and others to step up their involvement to encourage the governments to ratify;
- That expanded trainings on the ICC for the media and for military personnel are needed;
- That clear, accessible and jargon-free language to promote the ICC in national contexts should be developed, in order to make the ICC appear relevant outside of the legal community;
- That strategies for promoting ICC ratification in areas with ongoing conflicts such as the South Caucasuses should be developed;
- Given the recent change in US policy on Bilateral Immunity Agreements (BIAs), that parliamentary debates on revoking the BIAs in European countries that have ratified them should be considered;
- That increasing outreach on the ICC in the Western Balkans and making a clear distinction between the ICC and the ICTY is necessary;
- That developing a strategy to promote the ICC in countries such as Turkey and the Central Asian Republics where the ICC is not a political priority, but human rights protection and democratization are key issues is needed;
- That focusing ratification efforts on Kyrgyzstan within the Central Asian Republics would be worthwhile;
- That instituting university and law school curricula on the ICC across the region to ensure the ICC’s sustainability should be encouraged;
- That CICC members based in EU and other IO member states should encourage their governments to play a large role in urging that the IOs they are a part of fulfill their ICC commitments.
President Kirsch’s Visit to Guatemala

Guate mala is one of only four countries in Latin America that has yet to ratify the Rome Statute. Although the issue of ICC ratification has been under congressional consideration for about two years and the Foreign Affairs Commission of Congress issued a favorable opinion in early 2006, little progress has been made since then. In late January 2007, ICC President Philippe Kirsch visited Guatemala at the invitation of the current administration to highlight the role of the Court and the importance of ensuring universal ratification of its treaty. In his two-day official visit, he met with members of parliament, high-level government officials, civil society members and local media. The visit provided an important opportunity to discuss the mandate of the ICC and clarify questions regarding its functions and jurisdiction.

This is not the first time that President Kirsch has visited a Latin American country: in 2005, he visited Mexico and shortly after his visit, the country made positive strides forward in the ratification process.

In Chile, another of the four countries in the region that has not yet joined the Court, the ratification process is moving slowly despite the country’s early signature to the Rome Statute on 11 September 1998. In April 2002, President Kirsch gave the opening lecture at the seminar as one of many activities meant to support Chile’s ratification of the Rome Statute. President Kirsch also used his visit to address doubts about the ICC mandate and jurisdiction.

At the regional level, on 2 February 2007 the Committee on Juridical and Political Affairs of the Permanent Council of the Organization of American States (OAS) held a working session on appropriate measures that states should take to cooperate with the International Criminal Court. During the session, representatives from all over the region had the opportunity to exchange views on the steps their countries have taken to prepare to cooperate fully with the ICC.

Finally on 1 February 2007, Argentina ratified the Agreement of Privileges and Immunities of the ICC, becoming the tenth state in the hemisphere to ratify this instrument. The CICC expects more ratifications of APIC during 2007 in countries such as Venezuela and Mexico.

Paulina Vega-Gonzalez is the Coalition Secretariat’s coordinator for Latin America and the Caribbean, and Mariana Rodriguez-Pareja is the Coalition Secretariat’s Spanish resources coordinator and Latin America analyst.

Reinvigorating Efforts in Jamaica

Now that more than half of all CARICOM member states have international treaty-making capacities have become states parties to the ICC, the scales have tilted in favor of support for international justice in the Caribbean. The Bahamas, Grenada, Haiti, Jamaica, St. Lucia and Suriname are the only countries that have yet to ratify the Rome Statute. As part of the CICC’s Focus on the Caribbean Campaign and further galvanized by St. Kitts and Nevis’ accession to the Rome Statute, the Coalition conducted an advocacy mission to Kingston, Jamaica, in November 2006 to reinvigorate discussions on the ICC at the national level. By working with various civil society groups, the mission sought to integrate Jamaican NGOs more actively with the CICC’s campaigns in the region, as well as to encourage them to take up Jamaica’s ratification of the Rome Statute as part of their organizational mandates. Meetings with the Ministry of Foreign Affairs, the Solicitor General’s Office and the Bureau of Women’s Affairs also offered an opportunities to discuss questions the government raised in relation to constitutional compatibility with the ICC treaty and U.S. pressure to conclude a bilateral immunity agreement. The CICC will continue to advocate with national partners and with government officials to ensure ratification of the Rome Statute by this key regional actor in the Caribbean.

Francesca Varda is the Coalition Secretariat’s outreach liaison for Latin America/Caribbean and for Asia.

Global Parliamentary Meeting

Making it clear that it is in Indonesia’s national interest to join the global movement against impunity.

Indonesia, which is the world’s third-largest democracy and the largest Muslim nation, could significantly advance the universality of the ICC in the Asia-Pacific region by acceding to the Rome Statute.

David Donat-Cattin is director of programmes for Parliamentarians for Global Action. To learn more about the Consultative Assembly and the PGA ICC Campaign, visit www.pgaction.org and www.pga-japan.jp.
Yemeni and Gulf Coalitions Score an Important Victory in the Region

By Amal Basha and Anjali Kamat

The international campaign to join the ICC has found a willing partner in civil society activists from the Gulf region, who are eager to see their governments join the movement for international justice. On the morning of 24 March 2007 there was cause for celebration. After four hours of heated debate, the Yemeni House of Representatives voted in favor of ratification of the Rome Statute, the founding treaty of the ICC.

CICC members in Bahrain and Yemen have long been at the center of this campaign, and in late 2006, they joined hands with lawyers, journalists, parliamentarians and human rights activists from Kuwait, Qatar and Saudi Arabia, to form a Gulf coalition for the ICC.

Participants created this coalition at a civil society seminar on the ICC and the Gulf states organized in Bahrain in December 2006 with the Bahrain Human Rights Society, the CICC and the International Federation of Human Rights. The subregional coalition will work with the media, NGOs, law students, lawyers, judges, members of parliament (MPs), government officials and representatives of the Gulf Cooperation Council to create wider public support for the ICC. In addition to planning national and subregional campaigns, they are also actively recruiting more members from the seven Gulf countries, particularly Oman and the United Arab Emirates (UAE), as Omani and Emerati representatives were unable to attend the December meeting.

Bahrain was the target of the CICC’s monthly ratification campaign in January, and over the course of the month, coalition members led by the Bahrain Center for Human Rights, held a press conference and met with newly elected parliamentarians as well as ministers to discuss the ICC and encourage them to support ratification. In Kuwait, coalition members are planning a civil society-government workshop on the ICC in April 2007.

Since November 2006, Yemeni coalition members have been actively lobbying parliamentarians and organizing strategy sessions to discuss concerns regarding the compatibility of the Yemeni Constitution and the Rome Statute. In February, after ratification was formally entered on the parliament’s agenda, coalition members were engaged in almost daily discussions with individual MPs and legal experts advising the political parties to ensure that ratification wins the necessary approval from the House of Representatives. The German embassy in Sana’a worked closely with the Yemeni coalition and supportive MPs to organize a roundtable on the ICC inside the parliament on 10 February where representatives of all political parties put aside their differences and expressed full support for Yemen’s ratification, which followed about a month later. As we went to press, the parliament appeared to have reversed its vote, but its effects and legalities are not yet clear. The final decision still rests with the president.

Meanwhile, the UAE Ministry of Justice has taken important steps toward showing the Kingdom’s interest in the Court by hosting two international seminars on the ICC in February. The first, organized with the University of Sharjah, focused on comparing UAE national legislation to the Rome Statute, and the second, organized in Abu Dhabi with the International Criminal Law Network, discussed obstacles to ratification across the Arab world and ways of overcoming them. ICC Judge Navanethem Pillay participated in the first seminar, which also examined the compatibility of the Rome Statute with Islamic law. Speaking at the Abu Dhabi seminar, the UAE Minister of Justice Mohammed bin Nakhira Al Dahhi emphasized UAE’s positive perspective on the Court, noting that his government heads the Arab League’s special ICC committee and, with the support of the ICRC, helped draft a model Arab League law on crimes within the jurisdiction of the Court.

After the Yemeni Parliament’s historic vote in favor of ratification, all eyes are now on the Gulf states, particularly Bahrain and UAE, and CICC members around the world continue to support the efforts of Gulf-based activists to urge their countries to join the ICC.

Support for the ICC Strengthens Across Europe (Continued from page 20)

the first COJUR sub-area ICC meeting on 1 March 2007. NGOs, under the umbrella of the CICC, were invited for an exchange of views with member states, which presented an important opportunity to raise some key issues at that juncture of the ICC development. On 8 February 2007, a European Parliamentary delegation visited the ICC and met with Prosecutor Luis Moreno Ocampo, Registrar Bruno Cathala and Vice-President Judge Akua Kuenyehia. In their meeting, the members of the European Parliament (MEPs) discussed the challenges that lie ahead, identified areas where the parliament could play an even greater role in supporting the Court, and reaffirmed their full and firm support for the ICC. MEPs issued a press release following the event that recognized the important role that NGOs, under the umbrella of the CICC, play in monitoring the Court and also thanked them for providing their expertise and support in advance of the visit. The meeting followed a 21 November 2006 public hearing on the EU’s role in supporting and promoting the ICC and was organized by the Subcommittee on Human Rights of the European Parliament.

Finally, the European Union reaffirmed its support for the ICC by welcoming the ICC prosecutor’s public filing in the Darfur situation. Javier Solana, the EU High Representative for the Common Foreign and Security Policy, along with the Council of the European Union and the German presidency, all separately welcomed the developments on Darfur and called on the government of Sudan to fully cooperate with the Court.  

Maria Cavarretta is the Coalition Secretariat’s Middle East/North Africa coordinator and Anjali Kamat is the Coalition Secretariat’s outreach liaison for Middle East/North Africa and Europe.
Africa

Chad—1 November: Ratified Rome Statute

Democratic Republic of Congo—29 January: ICC Pre-Trial Chamber I confirmed the charges against Thomas Lubanga Dyilo.

Central African Republic (CAR)—The Prosecutor of the ICC informed Pre-Trial Chamber III on 15 December about the status of its preliminary examination of the CAR referral.

Asia/Pacific

Japan—27 April: The Japanese parliament (the National Diet) fully endorsed accession to the Rome Statute. This follows a late February endorsement of the Statute by the cabinet, and approval of the Statute and its related cooperation laws in late March by the Committee on Foreign Affairs of the Lower House.

Indonesia—Senior government officials and members of parliament endorsed accession to the Rome Statute by the Indonesian government, which is expected to do so in 2008.

Nepal—In February, civil society groups urged the government to immediately accede to the Rome Statute. Earlier, the Prime Minister, his deputy prime minister and other key leaders pledged that Nepal will accede soon.

Phillippines—In the first quarter of 2007, the Philippine Coalition for the ICC held meetings with police officials and key government agencies such as the Department of National Defense to ensure the inclusion of international humanitarian law and the ICC as training topics for the police and military.

Europe

Ukraine—29 January: Ukraine became first non-state party to ICC to ratify the Court’s Agreement on the Privileges and Immunities (APIC).

Latin America/Caribbean

Argentina—1 February: Argentina effectively became a party to APIC after depositing its instrument of ratification at the UN Treaty Office. On January 5, the ICC Implementation Law #26200, which includes both complementarity and cooperation norms, was promulgated.

Mexico—27 November: The government’s ICC Cooperation Bill, previously under review by the Judicial Office of the Presidency, was presented to the Mexican Senate.

Uruguay—3 November: Uruguay formally deposited the APIC at the UN Treaty Office.

Middle East/North Africa

Libya: The Libyan Academy of Higher Studies organized an International Conference on the ICC and the Middle East/North Africa in January (MENA). While experts from across the world expressed a range of views, keynote speaker Dr. Aziz Shukry of Syria made a strong call to Arab countries to ratify and accede to the ICC. The final report recommended that a conference for MENA countries should be organized before the Review Conference in order to craft a coherent MENA position on the ICC.
The United States’ Slow March to Justice  By John Washburn

The administration of U.S. President George W. Bush has made no secret of its opposition to the International Criminal Court (ICC). Three recent events, however, have combined to diminish official U.S. hostility to the ICC in practice, but not quite in policy.

In September 2006, the U.S. Congress repealed sanctions on military assistance to all countries that had refused to sign bilateral immunity agreements (BIAs) with the United States. These agreements require states to send U.S. citizens home rather than to the Court. In an almost simultaneous move, President Bush also waived the same sanctions. And a few weeks later, he waived sanctions on economic assistance to 14 countries that had continued to stand strong in the face of United States’ pressure. These actions demonstrated that both Congress and the administration had recognized that, as U.S. Secretary of State Condoleezza Rice put it when referring to the effect of these sanctions in Latin America, the USA was “shooting [itself] in the foot.”

A few months later, U.S. elections yielded a Democratic majority in Congress that brought legislators to power who recognize the counterproductive nature of the BIA campaign and are generally more open to the Court. The speaker of the House of Representatives and the chairpersons of powerful committees, such as those for appropriations and international relations, not only voted against the anti-ICC American Service-members’ Protection Act (ASPA), but have spoken sympathetically about the Court. Although ASPA contains waivers that make all of its provisions non-binding, the Bush administration has been using these waivers as bargaining chips to pressure countries around the world to conclude BIAs—or lose essential US military assistance. In contrast, there have been committee hearings on African conflicts and genocide that have given sympathetic, specific and important attention to the ICC since the 110th Congress convened in early January 2007. It is likely that additional hearings will follow that include lengthy and detailed discussions about the role of the ICC in particular situations.

Finally, recent statements and actions by senior administration officials, including those by Secretary Rice, have signaled the opening of a formal channel of assistance to the Court on the situation in Darfur. In 2006, John Bellinger, legal advisor to Secretary Rice, was officially assigned to communicate with the ICC Office of the Prosecutor about Darfur through the U.S. Embassy in The Hague. Statements from Bellinger and other senior officials have followed, endorsing the work of the ICC prosecutor in Darfur and praising the ICC as a promising way to establish accountability there. In turn, these statements have encouraged other officials to highlight—however cautiously—the Court’s potential to end impunity in other conflict situations in Africa, particularly Uganda. Unless the Court has a spectacular failure in one of its current cases, it is likely that the USA will continue its discreet but open cooperation with the Court on Darfur and publicly express cautious optimism for the Court’s work when it serves U.S. national interests.

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AMICC and other U.S. supporters of the Court are also developing a medium-term strategy for the new presidency that would kick off in January 2009. In outline, this calls for maximum efforts in Washington and nationwide to encourage the Bush administration to continue its stumble toward the Court. If the new government has a suitable attitude toward the Court, U.S. ICC supporters will press it to attend the full 2009 session of the Assembly of States Parties in anticipation of the Review Conference, which will follow. This decision will be much easier for the new administration if it can claim that it is simply going further and faster in a direction its predecessor has already taken.

John Washburn is convenor of the American NGO Coalition for the ICC (AMICC).

About the Coalition for the ICC

The Coalition for the International Criminal Court (CICC) advocates for a fair, effective and independent ICC. The Coalition enters its twelfth year in 2007 and has proven to be a dynamic civil society network and campaign, with more than 2,000 member organizations to date, and an ever-expanding membership. The CICC has worked closely with its members, like-minded governments, international and regional organizations, the United Nations system, and media to help establish the Court, and push for universal ratification and implementation of its founding treaty, the Rome Statute, along with widespread awareness of and support for international justice.