

A REPORT ON ICC WORKSHOP HELD WITH THE JOURNALIST AT SODANN OFFICES ON OCTOBER 6, 2011

Introduction

Officials from ICC in their opening remarks highlighted what ICC (International Criminal Court) is;

ICC is an independent & permanent court that tries persons accused of the most serious crimes of international concern, namely genocide¹, crimes against humanity² and war crimes³.

The ICC is considered a court of last resort- it will only investigate or prosecute cases of the most

serious crimes perpetrated by individuals (not organizations or governments), and then, only when

national judicial systems are unwilling or unable to handle them.

Current situations of focus by ICC

Genocide is a systematic way of persecuting with intent to annihilate people either by a tribe or a race.

The preliminary investigations by the court indicate that the Sudan issue is a systematic rape of the

black by Islamic radicals conole of Bashirs government. ICC has issued arrest warrant to Bashir on

cases of war crimes, crimes against humanity and genocide. Connell Gadhafi and his sons are also

wanted on crimes against humanity and in the Republic of Congo there are crimes that have been suspected to be committed against humanity.

International Criminal Court and International Crimes Division

The relationship between ICC and ICD (International Crimes Division) is that both are independent

institutions that were formed by state parties to try individuals who commit crimes of international

nature. The principle of complementarity provides a framework as to when the Prosecutor of the ICC

may and should interfere *vis-à-vis* national judicial systems. The principle acknowledges the primary

right of states to prosecute while also recognizing the need for international interference when states

fail in their task or when their efforts do not measure to the level of international standards.

The role of ICC is to compliment national justice. It's the role of state parties to investigate and prosecute suspects who commit crimes of international nature and crimes of national nature.

High court has power to set up new systems in the court. No body is immune before the ICC and arrest warrant issued by the ICC do not expire.

Reactions from Journalists

QN: In trying to help the victims, how far has ICC gone to resolve this effort?

ICC is a Court, it does not provide material assistance to victims but makes judicial decisions that

punish perpetrators for decisions to remedy, the effect/impact of the crimes on the victims such remedies may be reparations. However, under the law reparations are provided after a guilt verdict has been secured. This rule however, has had implications for the victims as some may die before a guilt verdict is obtained. In the circumstances, the ICC has established a Trust Fund for victims to provide for reparations and other remedial interventions even before a guilt verdict is secured.

1 “**genocide**” means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group: killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part and imposing measures intended to prevent births within the group among others.

2 “**Crimes against humanity**” include any of the following acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: murder, extermination, enforced disappearance of persons, torture, rape

3 “**War crimes**” include grave breaches of the Geneva Conventions and other serious violations of the laws and customs applicable in international armed conflict and in conflicts "not of an international character" listed in the Rome Statute, when they are committed as part of a plan or policy or on a large scale.

Journalists want action on the ICC work on the Ugandan Situation

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The current efforts of ICC in Uganda are in Teso, Moyo, Adjumani, Acholi and Lango where victims

have been supported with social livelihood projects. The major challenge is that the ICC and the Trust

Fund particularly do not have sufficient funds to achieve its objectives.

QN: What is the current position of ICC?

The International Criminal Court (ICC), which was established in 2002, has to date initiated investigations exclusively in Sub-Saharan Africa. The ICC Prosecutor has opened cases against 12

individuals for alleged crimes in northern Uganda, the Democratic Republic of Congo, the Central

African Republic, and the Darfur region of Sudan. In addition, the Prosecutor is analyzing situations-

a preliminary step toward initiating a full investigation- in Côte d'Ivoire, Kenya, and Chad, as well as

in Colombia, Afghanistan, and Georgia. Recent congressional interest in the work of the ICC in Africa has arisen from concern over gross human rights violations on the continent.

Legislation before the 110th Congress references the ICC with respect to several on-going African

conflicts, including those in northern Uganda, the Democratic Republic of Congo, and the Darfur region of Sudan. On July 14, 2008, the ICC Prosecutor requested a warrant for the arrest of Sudanese

President Omar Hassan al-Bashir, accusing him of genocide, crimes against humanity, and war crimes

in Darfur.

QN: How long does it take for ICC to arrest a criminal?

Under ICC, responsibility to take action is not like a Police institution, they rely on state parties and it

depends on how far they will act, arrest warrants remain in effect (out standing), it does not expire

unless ICC confirms evidence of death or when a suspect hands himself to the court/state.

QN: Why doesn't ICC handle the cases of Mukura massacre, Luwero Incidence?

The ICC has jurisdiction only with respect to events which occurred after entry into force of its Statute on 1 July 2002. Mukura massacre and Luwero incidences happened before ICC came into

place; therefore, they cannot be tried in this Court. However, such incidences can be referred to UN

secretary council which has unlimited jurisdiction.

QN: What implications does the issuing of the arrest warrant against Omar Al-Bashir, a sitting

head of state, mean for the already fragile peace process in Sudan?

The Court is aware of developments in the peace process, but is not a party to that process. The ICC is

a judicial institution with a judicial mandate. Peace and justice are not antithetical⁴.

In fact, the situation in Darfur was referred to the Court by resolution 1593 adopted by the United

Nations Security Council under Chapter VII of the UN Charter. The preamble of the resolution stated

“that the situation in Sudan continues to constitute a threat to international peace and security.”

By

adopting this determination the Security Council re-affirmed not only that justice and peace are compatible, but that justice is an important factor in restoring peace and security.

It is necessary to make a distinction between a political process and a judicial one. The ICC does not have a humanitarian mandate and has no jurisdiction with respect to peace negotiations. Its role in helping to bring peace into Darfur shall be done by holding fair judicial proceedings. In conclusion, participants were referred to ICC website www.icc.c.p for more information.

4 Antithetical- means Opposing, hostile, negating