

ICTJ and the Review Conference on the Rome Statute

The International Criminal Court (ICC) is the most significant international development of our time in the fight against impunity. Since July 1, 2002, when it entered into force, the Rome Statute system has profoundly changed responses to international crimes. The Review Conference is a landmark opportunity to assess the workings of the Statute and the Court, and will be held from May 31 to June 11, 2010 in Kampala, Uganda. The International Center for Transitional Justice (ICTJ), through a series of briefing papers as well as its participation in official discussions, is contributing unique expertise on development of the complementarity principle, issues of peace and justice, and the needs and expectations of victims.

ICTJ EXPERTISE

ICTJ works to redress and prevent the most severe violations of human rights by confronting legacies of mass abuse. We link experience from our field programs with research to help promote accountability and justice. ICTJ is unique in having senior program staff in each of the countries where the Court is most active. Our field offices and our country programs provide the foundation for our analysis of perceptions of the Court, bolstered by public opinion surveys undertaken by ICTJ and our partners.

ICTJ also brings deep expertise on reparations, and on peace and justice issues. Our country programs—especially those in Colombia, the Democratic Republic of Congo (DRC), and Uganda—inform our analysis of issues related to complementarity. Our discussions of how the Court could work more effectively with national systems draw from our long engagements with courts such as the Court of Bosnia & Herzegovina and the Special Court for Sierra Leone.

ISSUES AND LESSONS LEARNED IN INTERNATIONAL JUSTICE

ICTJ's field programs and research have identified important issues and lessons for every part of the Rome Statute system—the Court, State Parties, domestic justice systems, civil society, and victims' groups. Seven ICTJ briefing papers prepared for the Review Conference discuss these in depth:

- **“Stocktaking: Complementarity”**

The ICC can only investigate and prosecute when national jurisdictions are genuinely unable or unwilling to do so. This paper analyzes the practical challenges of complementarity, and concludes that supporters of the Rome Statute and the ICC should seek to increase domestic legal reform and technical assistance initiatives.

ICTJ AT THE REVIEW CONFERENCE

ICTJ will be contributing to official conference discussions as well as civil society activities.

- David Tolbert, ICTJ President, is a member of the **official panel** “Stocktaking: Impact of the Rome Statute system on victims and affected communities.”
- Mr Tolbert has also authored a written paper for the **official panel** on “Stocktaking: Peace and Justice.”
- ICTJ will host a **civil society panel** “Taking Stock of the Impact of the ICC in Kenya, Uganda, DRC, Sudan and Colombia.”
- A **screening** of “The Reckoning: The Battle for the International Criminal Court” to be hosted by ICTJ partners Skylight Pictures and Pivot Pictures.

- **“Stocktaking: Peace and Justice”**

Although in force only recently, the Rome Statute has changed many of the assumptions of earlier peace versus justice debates. Early signs are that the Statute may have strengthened motivations to negotiate, and to put a wider array of justice options on negotiating agendas.

- **“Colombia: Impact of the Rome Statute and the International Criminal Court”**

Colombia is one of the most conflict-ridden parties to the Rome Statute, kept under “preliminary examination” by the ICC Prosecutor. Existing national proceedings are not addressing Rome Statute crimes, and victim expectations are high. Whatever measures are adopted, they should be more effective than those pursued to date.

- **“DRC: Impact of the Rome Statute and the International Criminal Court”**

All of the accused in current ICC trials are from the DRC: while there are signs of early impact, the Court should consider expanding its prosecutorial strategy and improving outreach. More should be invested in improving domestic justice initiatives, including a comprehensive approach to address victims’ needs for truth, justice, reparations, and institutional reform.

- **“Kenya: Impact of the Rome Statute and the International Criminal Court”**

Kenya experienced severe violence after its 2007 presidential elections. This paper analyzes the impact of the ICC’s recently announced investigation into the post-election violence, and cautions that the Court’s involvement must be supplemented by other reforms, including political, constitutional, and security sector reforms.

- **“Sudan: Impact of the Rome Statute and the International Criminal Court”**

Atrocities in Darfur compelled the UN Security Council to refer the situation to the ICC in 2005. The Court has been met with a complete lack of cooperation on the part of the Sudanese government. Despite the short term political backlash to the arrest warrants, however, there are tentative signs that the ICC’s involvement may have helped unblock stalemated peace negotiations.

- **“Uganda: Impact of the Rome Statute and the International Criminal Court”**

While Uganda has taken first steps to establish domestic capacity to try international crimes, neither these measures nor the ICC can provide a complete solution to justice in Uganda. Other transitional justice options such as truth-seeking and reparations should not be neglected, especially in light of the expressed desires of affected populations for these forms of justice.

All briefing papers and additional resources are available at www.ictj.org.

May 2010

**CONTACT FOR ICTJ EXPERTS
AT THE REVIEW CONFERENCE**

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