

# ICC-AFRICA

Newsletter of the Coalition for the ICC



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## Editorial Note

### Welcome to the 6<sup>th</sup> Edition of *ICC-Africa*!

May 2007 was by far the busiest month this year for the International Criminal Court (ICC) with two major developments: the issuance of arrest warrants for two publicly named suspects in the situation in Darfur, Sudan and the opening of a fourth investigation in the Central African Republic (CAR).

The decision of Pre-Trial Chamber I to issue arrest warrants for former Sudanese Minister of State Ahmad Harun and Janjaweed militia leader Ali Kushayb represents an important step forward in the Court's Darfur investigation, but also highlights the complexity of state cooperation with the ICC given Sudan's refusal to cooperate with the Court.

The ICC prosecutor highlights this issue in his most recent report on Darfur for the Security Council in May. The Council requires the prosecutor to report on progress in the Darfur investiga-

tion as part of its resolution referring the situation to the Court.

The announcement of the Prosecutor's decision to open an investigation in CAR has generated reaction from a number of sources. In this issue of ICC-Africa, we present an interview with Ms. Marie-Edith Douzima Lawson, Coordinator of the Central African Coalition for the ICC about her views on the opening of this situation.

As reported by Mr. Désiré Kasadi, Executive Director of the Congolese NGO, "Journalists for the Promotion and the Defence of Human Rights," various Congolese media outlets have taken particular interest in the CAR investigation because it may implicate former DRC Vice-President Jean-Pierre Bemba.

In early July, the Democratic Republic of Congo (DRC) deposited its instrument of ratification for the Agreement on the Privileges and Immunities of the International

Criminal Court (APIC), making the DRC the 8<sup>th</sup> African country after the CAR to ratify the APIC. One month earlier, the Coalition for the International Court (CICC) led a mission for its ICC outreach campaign in the DRC. The CICC also organised its "Africa Strategy Meeting" in Addis Ababa, Ethiopia to evaluate the campaign strategies of CICC African member organisations and to urge the Ethiopian government to push other African Union states to support the ICC.

In this issue, you will also find an analysis of why the four situations being investigated by the ICC only concern African countries – a question which merits further discussion, especially in light of the CAR investigation.

We hope you will enjoy the contents of this 6<sup>th</sup> edition and we encourage you to send questions and comments to [gueye@iccnw.org](mailto:gueye@iccnw.org)

Sincerely,

**ICC-Africa Editorial Team**



For more information on the Coalition for the International Criminal Court (CICC), please go to : [www.iccnw.org](http://www.iccnw.org)

**The Coalition for the International Criminal Court (CICC) is a global network of over 2,000 non-governmental organizations (NGOs) advocating for a fair, effective and independent International Criminal Court (ICC).**

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## A FOURTH ICC SITUATION OPENS IN CAR

### A Conversation with Marie-Edith Douzima Lawson on Reaction on the Ground \*\*

*ICC-Africa sat down with the Coordinator of the CAR Coalition for the ICC Marie-Edith Douzima Lawson to discuss the opening of a fourth ICC situation in the Central African Republic on 22 May 2007. The prosecutor will review the commission of grave crimes from 2002 to 2003 during the conflict between the CAR government and rebel groups. The government referred the situation on its territory to the ICC on 24 December 2004. In a previous interview with ICC-Africa (see "Interview with Marie-Edith Douzima, Coordinator of the Central Africa Coalition for the ICC" in the 4<sup>th</sup> issue), Ms. Douzima expressed concern that the prosecutor had taken too long to open a situation in CAR. Now that an investigation is in full swing, her outlook has turned decidedly more hopeful.*

#### 1. What do you think of the prosecutor's opening of a fourth situation in CAR?

We are satisfied with this decision. Despite the warnings from Central African human rights NGOs regarding the possible deterioration of material evidence, we have witnessed a certain amount of laxity by the ICC in the CAR case as compared with other situations opened by the Court. Nevertheless, this announcement not only relieves some of our concerns but also sends a strong message to past, present and future criminals that impunity no longer has a place in our society.

#### 2. How have victims and the greater public reacted to the news?

The victims of the events of 2002 and 2003 were relieved to see the Court's decision because they were beginning to doubt the ICC's efficiency in fighting impunity. The majority of the Central African population hopes that there will also be investigations of recent crimes in the north to deter those who are currently acting with impunity.

#### 3. In its referral of the situation, the Central African government cited allegations of murders, torture, destruction and appropriation of property and hundreds of rapes. After a preliminary analysis, the Prosecutor announced that he would pay particular attention to the allegations of sexual crimes, because they "far outnumber the number of alleged murders." What are your thoughts on this?

The Prosecutor has certainly emphasised sexual crimes, for which he describes the allegations to be "detailed and substantiated," suggesting that they were committed "in numbers that cannot be ignored under international

law." Nevertheless, the press release from the Office of the Prosecutor regarding its decision to open an investigation in the CAR stated that, based on the preliminary analysis of the alleged crimes, the peak of violence and criminality occurred in 2002 and 2003 during which time "civilians were raped and killed; and homes and stores were looted." In other words, other types of crimes will also be examined during the investigation.

#### 4. What is the current situation in the CAR?

The political and security situation in the CAR has not changed significantly. In fact, the principal actors have just changed their roles within society: yesterday's rebels are today's government leaders, and today's rebels include some of the former rebels as well as close allies of the former ruling class. The northeast region of the country is prey to cyclical patterns of violence and crime, perpetrated by both camps. The situation is truly tragic and the forces of order, which are meant to protect the population, actually present a constant source of danger. These trigger-happy forces torture with complete impunity.

#### 5. During our last interview, you explained that the implementation process for the Rome Statute had been underway since last year. This included an examination of draft versions of the Criminal Code, the Code of Criminal Procedure and the Code

#### of Military Justice. How has this process progressed?

A small committee in charge of carefully reviewing the Criminal Code and the Code of Criminal Procedure has just concluded a draft implementing text which takes into account those comments and suggestions voiced at the December 2006 validation workshop. The United Nations Peacebuilding Office (BONUCA) and the National Ministry of Defence recently organised a three-day workshop (11-13 July) to examine the draft Code of Military Justice. This draft, which is awaiting final approval, includes provisions on crimes under the jurisdiction of the ICC and foresees the creation of two military courts: one for misdemeanours and one for felonies. This draft version may enter into force after adoption by the National Assembly. The National Assembly's next ordinary session opens in October.

#### 6. After the ICC's announcement of its decision to open an investigation, what is the next step for the Central African Coalition's work?

The Central African Coalition has actively expressed its desire to fully cooperate with the Court as well as its wish to see the Office of the Prosecutor open a field office in the Central African Republic. In addition, we are convinced that the prosecutor would receive the full cooperation of the government given the ratification of the Agreement on Privileges and Immunities of the Court (APIC) on 10 October 2006. We also plan to conduct outreach activities in order to disseminate information about the ICC. We recently undertook an important information and outreach campaign on

*(Continue on page 7)*



*Mrs. Marie-Edith Douzima-Lawson, coordinator of the CAR Coalition* Crédit: CCPI

**The CICC will not take a position on potential or current situations before the Court. The Coalition, however, will continue to provide the most up-to-date information about the ICC.**

## A FOURTH ICC SITUATION OPENS IN CAR

### Congolese Press Joins the Debate over the CAR Investigation \*\*

By Désiré Israël Kasadi

The International Criminal Court's (ICC) decision to open an investigation in the Central African Republic (CAR) was big news in the Democratic Republic of Congo.

The major daily newspapers—based mainly in Kinshasa—have written considerable commentary and analysis following the announcement. Their interest in the case stems from the alleged involvement of the former DRC vice-president and current president of the Congo Liberation Movement (CLM), Jean-Pierre Bemba, for violent crimes committed in 2002 in Bangui, the capital of the CAR, and whose men were called upon by the Central African government to fight back the advance of General François Bozizé's men (current Central African president).

The opening of the CAR investigation is of further interest in the region because of the case against DRC's Thomas Lubanga Dyilo, whose trial is awaited with great anticipation by the entire Congolese population.

The Kinshasa-based daily, *Le Palmarès*, made reference to “several names previously cited in 2004 by the Central African courts which do not appear, however, in the documents published by the ICC”. According to the paper, the former Central African president Ange-Félix Patassé, the former rebel leader Jean-Pierre Bemba, and the former French gendarme who had organised Patassé's personal guard, Paul Barril, reappear on the list.

Bemba, meanwhile, made a statement from Portugal where he is cur-

rently in exile. According to an *Agence France Presse* wire story, regularly cited by the Congolese press, Bemba “denied any responsibility for the crimes committed in 2002,” claiming “that he had personally called on the UN to conduct an investigation.”

In reaction to the ICC Prosecutor's decision, Azarias Ruberwa, one of the four former vice-presidents of the Republic, was cited by the daily *La Prospérité* as having announced his hope that “Bemba would get out of it.” While insisting that criminals must be tracked down, Ruberwa also maintained that such a decision should “not disturb the peace.”

Other newspapers argued that the decision would directly target Bemba and the former president Patassé. According to *Forum des As*, the two leaders are accused of having ordered acts of violence against “1500 and 2000 victims of sexual violence” alluding to the statistic cited by Souhayr Balhassen, president of the International Federation of the League of Human Rights (FIDH).

*L'Avenir*, a pro-government daily newspaper considered that, in taking this decision, “the ICC is closing in on J-P. Bemba.” Reading between the lines, it would seem that the newspaper has come to the conclusion that “Jean-Pierre Bemba was the Central-African incarnation of the saying

that “Africans only know two ways to fight: massacre and running away.” *The Post*, a Kinsasha weekly, opines: “[T]he ICC is on Bemba's tail in Bangui.”

The press also analyzed the extent of the brutality during the conflict, citing statistics from Ocodefad, a Central African NGO which claims the total number of victims to be 1,045, including 480 women and young girls who have been raped. Even before any possible trial, *L'Observateur* characterized Mr. Bemba and Mr. Patassé as “perpetrators...guilty” of “grave crimes committed in the CAR”, in its provocatively titled article: “Ange-Félix Patassé and J-P. Bemba soon before the ICC”.

Beyond the pro- and anti-Bemba leanings of individual media outlets, the coverage of the CAR investigation in the Congolese media has communicated the nation's hopes for an independent and just ICC that brings justice to all, actively works to prevent the commission of other grave crimes and combats impunity on a continent devastated by armed conflict.

*Désiré-Israël Kasadi is Executive Director of “Journalist for the promotion and defense of Human Rights” (JPDH), NGO for the Fight against Impunity & member of the Coalition for the International Criminal Court (CICC); and Director of Media-ICC and the Democratic Republic of Congo Working Group*

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**The CICC will not take a position on potential or current situations before the Court. The Coalition, however, will continue to provide the most up-to-date information about the ICC.**

#### FURTHER READING

1. Investigation by the International Criminal Court: Jean-Pierre Bemba denies any responsibility - AFP - 23 May 2007 <http://www.afriquechos.ch/spip.php?article2212> (French)
2. Bangui's Crimes/Exactions: Ruberwa would like to see Bemba get off! - *La Prospérité* - 24 May 2007 [http://www.laprosperteonline.net/affichage\\_article.php?id=1141&rubrique=La%20Unle](http://www.laprosperteonline.net/affichage_article.php?id=1141&rubrique=La%20Unle) (French)
3. ICC closes in on JP Bemba - *l'Avenir* - 23 May 2007 <http://www.groupeavenir.net/spip.php?article11416> (French)

**\*\*Views expressed here are those of the authors and not necessarily those of the CICC Secretariat, its members or its funders.**

## CICC Africa Strategy Meeting

By Richard Nsanzabaganwa

On 4-6 June 2007, the Coalition for the International Criminal Court (CICC) held an Africa regional strategy meeting in Addis Ababa, Ethiopia. The nearby headquarters of the African Union provided ample opportunity for outreach to the AU Commission and African diplomats as well as to the Ethiopian government. The CICC's regional strategy meetings bring together its most active national members and coalitions. These gatherings allow participants to share and evaluate their advocacy strategies, highlight obstacles and pinpoint key priorities for the future.

The CICC Africa Strategy Meeting brought together 15 representatives of Coalition members from 11 countries: Uganda, Nigeria, Tanzania, Zambia, Kenya, Central African Republic (CAR), Democratic Republic of Congo (DRC), Côte d'Ivoire, Chad, Cameroon and Ethiopia. Participants from each country highlighted past achievements and remaining challenges.

The discussions focused on the ratification and implementation of the Rome Statute, strategies to increase governmental cooperation with the Court, outreach work in situation countries and the capacity building efforts of Coalition members. Participants identified some of the key challenges to the ratification and full implementation of the Rome Statute including the lack of political will; constitutional obstacles; situations of armed conflict; and diplomatic impediments such as those posed by anti-ICC states, like the U.S.A., which has threatened to cut military and economic assistance to countries who refuse to conclude Bilateral Immunity Agreements.

But as an African saying puts it: "an unveiled obstacle is no longer an obstacle." In that spirit, participants in the CICC meeting shared thoughts and experiences on how best to overcome the challenges before them. Among proposed strategies to spearhead ratification and implementation advocacy and campaigns, CICC



Participants at the CICC Africa Strategy Meeting. Credit: CICC

### At a Glance: The CICC in Sub-Saharan Africa

**Number of members:** 1,000 +

**Number of national coalitions:** 17

**Mission:** Promote the global ratification and implementation of the Rome Statute and the Agreement on Privileges and Immunities of the Court (APIC); and raise awareness of the ICC, especially in situation countries

**Number of African states parties to the Court:** 29

**Sub-regional CICC offices covering the region:** Benin (Francophone Africa); Nigeria (Anglophone); United Kingdom (Lusophone)

**Most recent strategy meeting:** 4-6 June 2007 in Addis Ababa, Ethiopia

members from CAR and DRC proposed working jointly at the sub-regional level to lobby regional organizations such as COMESA, SADC, EAC and CEMAC. In so doing, governments would be lobbied and sensitized not only at the national level, but also through their regional, economic and political groupings. This form of regional integration would also help to facilitate the sharing of information and expertise among national coalitions.

### Lobbying African diplomats to ensure more cooperation with the ICC

The Coalition's strategy meeting in Addis Ababa represented an opportunity to lobby the African diplomatic community to more regularly cooperate with the ICC.

"The initial success of the new International Criminal Court will be determined

in Africa," said William R. Pace, Convenor of the CICC. "All experts recognize that the ICC cannot succeed without the strong cooperation and support by African states and the African Union."

Referring situations to the ICC is one matter, but ensuring that the Court receives the necessary support to conduct its investigations and prosecutions is another. The ICC can issue warrants of arrest, but cannot execute them. The ICC cannot start proceedings if suspects are not arrested

and surrendered to the Court; and victims and witnesses cannot be protected without states' participation. These are but a few key reasons why state cooperation is fundamental to the Court's effectiveness.

To this end, the Coalition organized a meeting on 6 June entitled *Africa and the International Criminal Court: Ensuring the success of the Court*, at which Fatou Bensouda, ICC deputy prosecutor, delivered a keynote address on the importance and challenges of state cooperation with the ICC. Representatives from the African Union Commission, along with African diplomats based in Addis Ababa, Ethiopian government officials and members of international organizations and civil society groups were invited to the meeting. In her address, Ms. Bensouda discussed issues such as victims and witnesses, peace and justice and investigations during ongoing conflict situations. In the spirit of fostering increased cooperation between all African countries, the AU and the Court, Ms. Bensouda emphasized that: "African countries demonstrated their confidence in the Court very early on and as a result, the investigations which are currently underway relate to the commission of serious crimes in Africa."

In sum, these meetings were lively and contributed to ICC awareness-building among African diplomats. After the meeting with African diplomats, a Coalition delegation led by Mr. Pace met with Mr. Assefa Kesito, Minister of

(Continue on page 5)

## CICC Successfully Lobbies Democratic Republic of Congo to Ratify APIC

By Francis Dako

On 3 July 2007, the Democratic Republic of Congo (DRC) became the eighth African country to officially ratify the Agreement on the Privileges and Immunities of the International Criminal Court (APIC), following the Central African Republic (CAR), which ratified APIC in October 2006.

The ratification of this agreement – which will facilitate cooperation between the Congolese Government and the International Criminal Court (ICC) – was a direct result of the advocacy work of the of the Coalition for the International Criminal Court (CICC).

CICC Regional Coordinator for Francophone Africa, Mr. Francis Dako, spearheaded an advocacy mission from 26 May to 2 June 2007 in Kinshasa, the capital of the DRC. The objective of the mission was to urge Congolese officials to implement the Rome Statute and to formally ratify APIC as soon as possible.

During his visit, Mr. Dako met with the minister of justice, President

Kabila's legal counsel on ICC-related matters, the first vice-president of the National Assembly, a number of Congolese civil society organisations and others.

That President Kabila directed the National Assembly to examine the implementing law at its next ordinary session in September 2007 and immediately signed the instruments of ratification of the APIC suggests that this mission was effective. Adhesion to the Agreement on the Privileges and Immunities of the ICC was authorised by Law Number 06/016 of 12 June 2006 and published in the Official Journal on 1 July 2007.

Professor Luzolo Bambi, legal counsel to President Kabila, deposited the instruments of ratification with the Secretary General of the United Nations on 3 July 2007, two days after the fifth anniversary of the Rome Statute's entry into force. With this, the Democratic Republic of Congo has again demonstrated its commitment to international justice and to being a full partner with the Court in the global fight against impunity.



*l-r: Christian Hémédi, Coordinator of the DRC Coalition for the ICC; Mrs. Kalinda Mitumbala Odia, Vice-Minister of Justice; and Francis Dako, CICC Regional Coordinator for Francophone Africa. Crédit: CCPI*

*Francis Dako is CICC's Regional Coordinator for Francophone Africa. He is based in Cotonou, Benin.*

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### FURTHER READING

1. "Five Questions for Mr. Francis Dako," by Godefroid Ngamisata (Le Potentiel), 28 May 2007 [http://www.lepotentiel.com/afficher\\_article\\_archive.php?id\\_article=46408&id\\_edition=4033&yearID=2007&monthID=05&dayID=28](http://www.lepotentiel.com/afficher_article_archive.php?id_article=46408&id_edition=4033&yearID=2007&monthID=05&dayID=28) (French)
2. "The Democratic Republic of Congo ratifies the Agreement on the Privileges and Immunities of the ICC" - Press Release of the CN-CPI [http://www.iccnw.org/documents/CN\\_CPI\\_PR\\_DRC\\_ratifies\\_APIC\\_24jan07.pdf](http://www.iccnw.org/documents/CN_CPI_PR_DRC_ratifies_APIC_24jan07.pdf) (French)
3. "The DR Congo ratifies the Agreement on the Privileges and Immunities of the International Criminal Court" - by Désiré Kasadi (Le Phare) – July 7, 2007 [http://www.lepharercd.com/www/index\\_view.php?storyID=3351&rubriqueID=13](http://www.lepharercd.com/www/index_view.php?storyID=3351&rubriqueID=13) (French)

## CICC Africa Strategy Meeting

(Continued from p. 4)

Justice of the Federal Democratic Government of Ethiopia to learn more about the government's plans for acceding to the Rome Statute. The Minister of Justice informed the Coalition that a bill ratifying the Rome Statute has been adopted by the govern-

ment and should be deposited before the Parliament in the near future. With this encouraging development in sight, the Coalition's Africa Strategy Meeting ended on a positive note with a shared commitment to follow through on the important issues raised in Addis.

*Richard Nsanzabaganwa is CICC Outreach Liaison for Africa. He is based in CICC Secretariat in New York.*

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### FURTHER READING

1. "Africa and the International Criminal Court: Ensuring the Success of the ICC" - CICC Press Release - 6 June 2007 [http://www.iccnw.org/documents/ASM\\_WORKSHOP\\_PR\\_06june07.pdf](http://www.iccnw.org/documents/ASM_WORKSHOP_PR_06june07.pdf)
2. « Ethiopia urged to sign, ratify Rome Statute » (L'Ethiopie exhortée à adhérer au Statut de Rome de la CPI) - The Ethiopian Reporter - 9 June 2007 <http://www.ethiopianreporter.com/modules.php?name=News&file=print&sid=14745>

## Why Are All of the ICC's Current Situations in African Countries?

By Wasana Punyasena

**The CICC will not take a position on potential or current situations before the Court. The Coalition, however, will continue to provide the most up-to-date information about the ICC.**

In the International Criminal Court's first four years of operation, three African countries have referred situations for the Court to investigate (Democratic Republic of Congo, Uganda and the Central African Republic), and the Security Council has referred the situation in Darfur, Sudan. The Office of the Prosecutor has also received 1918 communications on crimes alleged to have occurred in 153 countries. These statistics beg a question that many ask: why are all of the ICC's current situations in Africa?

The OTP commences an investigation based on the result of an intensive review process that consists of several stages of analysis, beginning with an initial review to determine whether the communications or referrals provide a basis for further action and ending with a rigorous examination of whether or not there is a *reasonable basis to proceed* with an investigation. Of the many factors involved in the OTP's selection of situations, the three most relevant are jurisdiction, admissibility and gravity. Regional balance is not a criterion for situation selection.

Determining if there is a reasonable basis to proceed involves: (1) establishing that there is a reasonable basis that a crime within the jurisdiction of the Court has been committed or is being committed, (2) a determination of admissibility which entails a determination of gravity and complementarity, and (3) the interests of justice. In its first three years, the OTP eliminated roughly 80% of communications since the crimes alleged were outside the jurisdiction of the Court. The OTP determined that there was a reasonable

basis to proceed in 23 of the approximately 384 remaining communications that warranted further analysis.

To determine the gravity of crimes alleged, the OTP assesses the scale, nature, manner of commission, and impact of the crimes. This involves the number of victims affected, whether the alleged crimes have resulted in deliberate death and/or rape, if crimes follow from a systematic, organized, or planned course of action and the extent of the impact of these crimes on local communities and regional peace and security. Since gravity figures prominently in the OTP's decision to investigate particular situations, it is no surprise that the Court's current cases are all in Africa. The situations in Uganda, Darfur, Sudan, the DRC and CAR all involve allegations of thousands of killings and large-scale sexual violence and abductions.

The OTP understands gravity in relative terms. For instance, though crimes that have been committed in Iraq during the current war fall under the ICC's jurisdiction, the OTP determined that a limited number of victims of inhumane treatment and four to twelve victims of willful killing (due to the lack of jurisdiction



*Inhabitants of the town of Nyala, in South Sudan. Credit : UN Photo/Evan Schneider*

over non-State party nations on Iraqi territory) that were alleged to have occurred were insufficiently grave when compared with the hundreds or thousands of victims in the DRC, Uganda, Darfur, and the CAR.

The mandate of the Court is to bring perpetrators of the most serious crimes of concern to the international community to justice, irrespective of where the crimes are committed. As of now, the OTP has determined that the gravest crimes within the Court's jurisdiction have occurred and are occurring in African countries. This may change in the future as other referrals and crimes come to OTP's attention.

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**The CICC is not an organ of the Court. The CICC is an independent NGO movement dedicated to the establishment of the International Criminal Court as a fair, effective, and independent international organization.**

### **FURTHER READING**

1. Updates on Communications received by the Prosecutor  
[http://www.icc-cpi.int/library/organs/otp/OTP\\_Update\\_on\\_Communications\\_10\\_February\\_2006.pdf](http://www.icc-cpi.int/library/organs/otp/OTP_Update_on_Communications_10_February_2006.pdf)

**The International Criminal Court (ICC) is the first permanent international judicial body capable of trying individuals for genocide, crimes against humanity and war crimes when national courts are unable or unwilling to do so. For more information on the Court, please visit the ICC's website: <http://www.icc-cpi.int/home.html>**

## Darfur: The ICC Prosecutor Calls for Cooperation with the Court

By Linda Gueye

On 7 June 2007, the Prosecutor of the International Criminal Court (ICC), Luis Moreno-Ocampo, presented to the UN Security Council his fifth report on the investigations conducted by his office on the crimes committed in Darfur. Pursuant to Resolution 1593, by which the Security Council referred the Darfur situation to the ICC, the Prosecutor must report to the Council every six months on the investigations in Darfur.

At the presentation of his last report in December 2006, Luis Moreno-Ocampo announced that he had almost completed his investigation and was preparing to submit evidence to the Court's judges in February 2007 at the latest.

The Prosecutor's fifth report evaluated the progress made by his office and reemphasised the need for cooperation with the Court.

On 27 February, the Prosecutor submitted to the Preliminary Trial Chamber I a request for summons to appear for Ahmad Muhammad Harun, former minister for the Interior of the Sudanese government and for Ali Kushayb, leader of the militia/Janjaweed. Both were accused of bearing the greatest responsibility for the commission of

war crimes and crimes against humanity in Darfur. With respect to the case's admissibility, the Prosecutor maintained that Sudan has not conducted any investigations related to the fact that the two suspects "joined forces systematically and in an organised manner to attack civilian populations." Pre-trial Chamber I eventually ruled the case admissible.

On April 27, after having examined the request and the evidence presented by the Prosecutor, and believing that these suspects would not voluntarily appear before the court, the Chamber decided to issue arrest warrants instead of summons to appear. These warrants have yet to be executed.

The Sudanese government has made clear that it will not cooperate with the Court to ensure the arrest and surrender of the named suspects. As a result, the

Prosecutor has urged the UN Security Council, the states parties to the Rome Statute, and the African Union to help execute the arrest warrants and ensure the surrender of Harun and Kushayb to the Hague-based Court. In his appeals, the prosecutor emphasized that the case could not proceed without suspects in custody.



A general view of the Zam Zam camp for Internally Displaced Persons in the Darfur region of Sudan Credit : UN Photo/Eskinder Debebe

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### **FURTHER READING**

Fifth Report of the Prosecutor of the International Criminal Court to the United Nations Security Council pursuant to Resolution 1593 (2005) [http://www.iccnw.org/documents/OTP\\_ReportUNSC5-Darfur\\_07june07\\_fr.pdf](http://www.iccnw.org/documents/OTP_ReportUNSC5-Darfur_07june07_fr.pdf)

***The CICC will not take a position on potential or current situations before the Court. The Coalition, however, will continue to provide the most up-to-date information about the ICC.***

## A Conversation with Marie-Edith Douzima-Lawson on Reaction on the Ground

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Radio Ndéké Luka (equivalent of Radio Okapi) in the first week of July to coincide with the fifth anniversary of the

Rome Statute.

Marie-Edith Douzima Lawson is the Coordinator of the Central African Coalition for the International Criminal Court.

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### **FURTHER READING**

1. Q&A: ICC opens a Fourth Investigation in Central Africa Republic <http://www.iccnw.org/index.php?mod=download&doc=6180>
2. Prosecutor opens investigation in the Central African Republic - ICC - 22 May 2007 <http://www.icc-cpi.int/press/pressreleases/248.html&l=en>
3. Press Release from the Central African Coalition for the International Criminal Court – 22 May 2007 [http://www.iccnw.org/documents/CAR\\_Coalition\\_PR\\_ICC-CAR\\_Investigation\\_23may07\\_fr.pdf](http://www.iccnw.org/documents/CAR_Coalition_PR_ICC-CAR_Investigation_23may07_fr.pdf) (French)
4. Central Africa and the Possible Adoption of a Code of Military Justice - PANAPRESS – 11 July 2007 [http://www.afriquenligne.fr/actualites/politique/centrafrique:\\_vers\\_1%92adoption\\_1%92un\\_code\\_de\\_justice\\_militaire\\_200707112319/](http://www.afriquenligne.fr/actualites/politique/centrafrique:_vers_1%92adoption_1%92un_code_de_justice_militaire_200707112319/) (French)

## Signatures and Ratifications of the ICC Rome Statute in Africa

(As of 17 July 2007: 29 States Parties, 13 Signatory States and 26 Non-States Parties)

<u>States Parties / Date of Ratification</u>		<u>Signatory States / Date of Signature</u>		<u>Non-States Parties</u>	
Benin	22 Jan 2002	Niger	11 Apr 2002	Zimbabwe	17 Jul 1998
Botswana	08 Sept 2000	Nigeria	27 Sept 2001		
Burkina-Faso	16 Apr 2004	Senegal	02 Feb 1999		
Burundi	21 Sept 2004	Sierra Leone	15 Sept 2000	Algeria	Madagascar
Central. Africa Rep	03 Oct 2001	South Africa	27 Nov 2000	Angola	Morocco
Chad	1 Nov 2006	Tanzania	20 Aug 2002	Cameroon	Mauritania
Comoros	18 Aug 2006	Uganda	14 Jun 2002	Canaries	Mozambique
Congo (Brazzaville)	03 May 2004	Zambia	13 Nov 2002	Cap Verde	Rwanda
Dem. Rep of Congo	11 Apr 2002			Côte d'Ivoire	Sao Tome and Principe
Djibouti	05 Nov 2002			Eritrea	Seychelles
Gabon	20 Sept 2000	Angola	07 Oct 1998	Ethiopia	Somalia
Gambia	28 Jun 2002	Cameroon	17 Jul 1998	Egypt	Sudan
Ghana	20 Dec 1999	Cape Verde	28 Dec 2000	Equatorial Guinea	Swaziland
Guinea	14 Jul 2003	Côte D'Ivoire	30 Nov 1998	Guinea Bissau	Togo
Mauritius	05 Mar 2002	Egypt	26 Dec 2000	Liberia	Tunisia
Kenya	15 Mar 2005	Eritrea	07 Oct 2998	Libya	Zimbabwe
Lesotho	06 Sept 2000	Guinea Bissau	12 Sept 2000		
Liberia	22 Sept 2004	Madagascar	18 Jul 1998		
Malawi	19 Sept 2002	Morocco	08 Sept 2000		
Mali	16 Aug 2000	Mozambique	28 Dec 2000		
Namibia	25 Jun 2002	Seychelles	28 Dec 2000		
		Sudan	08 Sept 2000		

<b>Rome Statute in the world</b>	<b>Signatures: 139</b>	<b>Ratifications: 105</b>	<b>Last Ratification: Japan</b>
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## Signatures and Ratifications of the Agreement on Privileges and Immunities in Africa

(As of 6 July 2007: 7 States Parties, 7 Signatory States)

<u>States Parties / Date of Ratification</u>		<u>Signatory States / Date of Signature</u>	
Benin	24 Jan 2006	Liberia	16 Sept 2005
Burkina Faso	10 Oct 2005	Mali	8 Jul 2004
Central Africa Rep.	06 Oct 2006	Namibia	29 Jan 2004
Dem Rep of Congo	03 Jul 2007		
Lesotho	16 Sept 2005	Ghana	12 Sept 2003
		Guinea	01 Apr 2004
		Madagascar	12 Sept 2002
		Sierra Leone	26 Sept 2002
		Senegal	19 Sept 2002
		Tanzania	27 Jan 2004
		Uganda	30 Jun 2004

<b>APIC dans le monde</b>	<b>Signatures: 62</b>	<b>Ratifications: 50</b>	<b>Last ratification: Greece</b>
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## Status of the Rome Statute Implementation in Africa

**Benin:** A draft law is under consideration. In October 2002, a coalition of local NGOs was created to promote and raise awareness of the ICC and will work on implementing legislation in partnership with the government.

**Burkina Faso:** A workshop on implementation was held in Ouagadougou from the 3rd to the 8th of July 2006 with the participation of high-level officials. The draft bill on implementation which was prepared during this workshop has been officially accepted by the Ministers of Justice and Human Rights who promised to examine carefully the draft text for consideration. The draft text is under preparation.

**Burundi:** In mid-April, the parliament passed a bill that incorporated genocide, crimes against humanity and war crimes into Burundi's criminal statutes. However, the definition of crimes in the national legislation is not fully in conformity with the Rome Statute.

**Botswana:** Botswana is cooperating with SADC countries on implementing legislation and a draft law is under consideration.

**Central African Republic:** A draft text was finalized and adopted during a workshop on implementation in December 2006. The text will be forwarded to the government for examination before being transmitted to the National Assembly.

**Congo (Brazzaville):** In April 2005, the civil society and the government organized a joint seminar on implementation legislation with the participation of local and international experts. The draft bill is currently under administrative review.

**Democratic Republic of Congo:** On 9 September 2005, the Counsel of Ministers (the Cabinet) adopted the draft ICC implementing legislation bill. The bill must now be adopted by the national parliament. The government completed its draft implementing legislation after consultations with judges of the Supreme Court, lawyers, civil society, members of the law reform commission and law professors.

**Gabon:** Gabon has begun the process of reform of its criminal code and procedural code, in order to integrate the crimes under the Rome Statute into national law.

**Gambia:** The Gambian Coalition for the ICC has requested the government to consult civil society in the domestic implementation of the Rome Statute. In a recent visit by the Coalition to the Ministry of Justice in May 2006, the Permanent Secretary restated the fact that they are open to ideas and collaborations. The draft text is currently under preparation before the Ministry of Justice but the process is slow because the Ministry does not have ICC experts.

**Ghana:** Draft legislation has been prepared by an ad hoc committee of legal experts but this draft has not yet been made public.

**Kenya:** The government of Kenya recently published its *International Crimes Bill 2006*, which benefited from comments and suggestions made during a meeting between the Kenya National Commission on Human Rights and civil society organizations. The Bill is expected to be tabled before the Parliament soon for debate and subsequently passed.

**Lesotho:** The government initiated the process of drafting national implementing legislation in mid-2001. Lesotho is using Canada's implementing legislation as a model.

**Malawi:** As of October 2002, the government was in the process of enacting cooperation legislation, which had to be introduced to the Cabinet, but nothing has been done.

**Mali:** In July 2004, the National Assembly of Mali completed the process of amending its Criminal Code to make it consistent with the Rome Statute. It now incorporates crimes covered under the Rome Statute. However, the provisions do not provide for cooperation.

**Namibia:** The draft text is finalized and under examination.

**Niger:** In June 2003, Niger implemented the ICC definition of crimes through Law N° 2003-025 of 13th June 2003, amending Law N° 61-27 of 27th July in the National Criminal Code. Recently, a joint civil society and government Technical Draft Committee on Implementation Legislation was created to complete the process.

**Nigeria:** On 19 May 2005, the Senate passed a legislation implementing the Rome Statute into law which was previously approved by the House of Representatives on 1 June 2004. The Bill is currently awaiting harmonization by both chambers of the parliament, and will then require presidential approval.

**Senegal:** Senegal has adopted the ICC implementing bill into national legislation. The process of domesticating the ICC bill was completed when Law No 2007-02 of 12 February 2007 was published in the Gazette.

**South Africa:** South Africa is currently the only African country with fully enacted implementation legislation.

**Tanzania:** SAHRINGTON Tanzania (an amalgam of NGOs) is currently working with the Tanzanian government to produce a draft implementation bill.

## Status of the Rome Statute Implementation in Africa

(Continue from p.9)

**Uganda:** A draft text was before the previous parliament but with the election of a new parliament, a new draft text needs to be introduced.

**Zambia:** At a meeting organized by the Zambian Coalition for the ICC in April 2006, the Zambian Minister of Justice, George Kunda, stated that Zambia will collaborate with NGOs in Zambia in the domestic implementation of the Rome Statute.

**Note:** Although Cape Verde and Guinea-Bissau are not states parties, they have provisions on crimes against humanity (Cape Verde) and international crimes (Guinea-Bissau) in their penal code. Djibouti, Guinea, Mauritius and Liberia have no draft text on implementation under preparation or consideration.

For more information on implementation, visit the CICC's website: <http://www.iccnw.org/?mod=romeimplementation>

## ICC Developments on Situations

For a complete list of ICC developments, visit the CICC's website : <http://www.iccnw.org/?mod=casessituations>

### **Informal Summary of Recent Developments at the ICC on the Situation of the Democratic Republic of Congo related to the Case of Thomas Lubanga**

On 19 April 2004, the DRC government referred the situation of the DRC to the ICC Prosecutor and on 23 June 2004, the prosecutor started an official investigation. The situation of the DRC is assigned to Pre-Trial Chamber I (PTC I).

DEMANDE D'INTERVENTION SUR "DEMANDE DE RESSOURCES ADDITIONNELLES EN VERTU DE LA NORME 83.3 DU RÈGLEMENT DE LA COUR" DÉPOSÉE DEVANT LE GREFFE EN DATE DU 3 MAI 2007

On 24 May 2007, Mr. Lubanga, in response to the Registry's decision of 14 May 2007 denying Mr. Lubanga's request for additional resources, requested PTC I to order the Registrar to take all necessary measures to guarantee that the additional resources required are granted to its future defence counsel. Mr. Lubanga argued that this request is due to his growing concerns regarding the way his case was handled adding that this would compromise its future. According to Mr. Lubanga, the Registry pushed him to self-represent himself due to the lack of adequate resources for his defence, which, in his view, constitutes an enormous risk to his defence. In addition, Mr. Lubanga reassured PTC I of his will to fully participate in the proceedings before the Court and requested PTC I to promptly intervene to take the proceedings and his defence out of the current situation. The Registry's decision of 14 May 2007 denying Mr. Lubanga's request for additional resources of 3 May 2007 was attached to the filing; as well as a letter from Mr. Jean Flamme, Mr. Lubanga's former Defence Counsel, in which he argues that the working conditions for the Defence during the pre-trial phase have had an influence on his health situation. [http://www.icc-cpi.int/library/cases/ICC-01-04-01-06-916\\_French.pdf](http://www.icc-cpi.int/library/cases/ICC-01-04-01-06-916_French.pdf)  
[http://www.icc-cpi.int/library/cases/ICC-01-04-01-06-916-Anx2\\_French.pdf](http://www.icc-cpi.int/library/cases/ICC-01-04-01-06-916-Anx2_French.pdf)  
[http://www.icc-cpi.int/library/cases/ICC-01-04-01-06-916-Anx3\\_French.pdf](http://www.icc-cpi.int/library/cases/ICC-01-04-01-06-916-Anx3_French.pdf)

ENREGISTREMENT DE LA DESIGNATION ET DE LA DECLARATION D'ACCEPTATION DE MAITRE CATHERINE MABILLE COMME CONSEIL DE M. THOMAS LUBANGA DYILO

On 22 June 2007, the Registry filed, before Trial Chamber I, a letter from Mr. Lubanga of 20 June 2007 informing of his choice to be represented by Ms. Catherine Mabilille, along with her declaration of accepting designation as Mr. Lubanga's Counsel. [http://www.icc-cpi.int/library/cases/ICC-01-04-01-06-928\\_French.pdf](http://www.icc-cpi.int/library/cases/ICC-01-04-01-06-928_French.pdf); [http://www.icc-cpi.int/library/cases/ICC-01-04-01-06-928-Anx1\\_French.pdf](http://www.icc-cpi.int/library/cases/ICC-01-04-01-06-928-Anx1_French.pdf); [http://www.icc-cpi.int/library/cases/ICC-01-04-01-06-928-Anx2\\_French.pdf](http://www.icc-cpi.int/library/cases/ICC-01-04-01-06-928-Anx2_French.pdf)

### **Informal Summary of Recent Developments at the ICC on the Situation of Darfur**

On 31 March 2005, the United Nations Security Council adopted Resolution 1593, referring the situation in Darfur, Sudan to the Prosecutor of the ICC. On 6 June 2005, the Prosecutor of the ICC, Mr. Luis Moreno Ocampo, officially opened an investigation. The situation of Darfur, Sudan has been assigned to Pre-Trial Chamber I (PTC I).

DECISION ON THE DESIGNATION OF A SINGLE JUDGE

The Pre-Trial Chamber I designates Judge Akua Kuenyehia as single judge of Pre-Trial Chamber I for the Case of the Prosecutor v. Ahmad Muhammad Harun ("Ahmad Harun") and AU Muhammad Al Abd-Al-Rahman ("Ali Kushayb") in the Situation in Darfur, Sudan from 10 May 2007.

[http://www.icc-cpi.int/library/cases/ICC-02-05-01-07-6\\_English.pdf](http://www.icc-cpi.int/library/cases/ICC-02-05-01-07-6_English.pdf)

### **Informal Summary of Recent Developments at the ICC on the Situation of Uganda**

On 29 July 2004, the ICC Prosecutor determined that there is a reasonable basis to open an investigation into the situation concerning Northern Uganda, following the referral of the situation by Uganda in December 2003. The situation of Uganda has been assigned to Pre-Trial Chamber II (PTC II).

## Calendar of Events

### EVENT OF THE MONTH

#### **17 July : Celebration of World Day of International Justice**

For a complete list of the events during this special day, please visit the CICC's website:

<http://www.iccnw.org/?mod=currentevents> and <http://www.iccnw.org/index.php?mod=reportsdeclarations>

### REPORT OF PAST EVENTS

#### **21-23 June: Outreach Meeting « National and International Justice in the fight against impunity » - Kinshasa, Democratic Republic of Congo**

The International Criminal Bar (ICB) in cooperation with the NGO Culture pour la Paix et la Justice, the German Konrad Adenauer Foundation organized meetings in Kinshasa and Lubumbashi with key speakers and experts to discuss the role of Counsel before the ICC, and the participation of victims. The DRC Vice-Minister of Justice and the Legal Counsel of President Kabila were among the participants. The discussions involved 3 main issues: the principle of complementarity and cooperation between states parties and the ICC; legal aid for Counsel; and the role of the ICC and NGOs in victims outreach. At the end of the meeting, it was concluded that the national justice has internal operational issues that affect its efficiency and that international justice still lacks skills in communicating effectively about its mechanism to local actors of the legal system and communities. It was recommended that there be more trainings of the judges and that the implementation law of the Rome Statute be adopted.

#### **3-15 June: Visit of the Executive Director of the Secretariat of the Trust Fund for Victims of the ICC – Democratic Republic of Congo and Uganda**

Mr. André Laperrière, executive director of the Trust Fund for Victims (TFV) of the ICC visited Uganda from 3 to 10 June and the Democratic Republic of Congo from 10 to 15 June, to promote awareness about the Trust's mandate and activities. Throughout the visit, Mr. Laperrière met with representatives of victims' communities, religious and traditional leaders, government officials, civil society organizations, representatives of donors and international organizations.

#### **11 June: Information Session « La CPI et les droits des victimes » – Kinshasa, Democratic Republic of Congo**

On 11 June, the Congolese NGO Club des Amis du Droit du Congo (CAD), organized a training for students of Kinshasa universities on victims' rights and the ICC, with the participation of Mr. André Laperrière, Executive Director of the Trust Funds for Victims of the ICC and Mrs. Laetitia Bonnet from the Victims Participation and Reparations Section. Each one of them introduced their respective organ before responding to students' questions. The Lubanga case and victims' protection were among the issues discussed.

#### **7 May: Release of the report « Sensibilisation à la CPI en RDC : « sortir du profil bas » » - Kinshasa, Democratic Republic of Congo**

On 7 May, The International Center for Transitional Justice (ICTJ), in cooperation with the DRC Coalition for the ICC, launched in Kinshasa a report titled, '*Sensibilisation à la CPI en RDC : « sortir du profil bas »*'. The report provides an in-depth in-country assessment of the outreach efforts of the International Criminal Court in the DRC. The report takes a critical look at the ICC's outreach strategy in the DRC, suggesting that the Court has so far fallen short of reaching out effectively to many victims. The Prosecutor's strategy of 'keeping a low profile' had an impact on the Registrar's communication and outreach strategy which ultimately gave the impression that the ICC was overly hesitant.

#### **1-4 May: Visit of the ICC Registrar to Refugee Camps – Abéché, Chad**

Mr. Bruno Cathala, Registrar of the ICC, together with the Head of the Division of Victims and Counsel, Mr. Didier Preira, visited three camps housing Sudanese refugees in Eastern Chad from 1 to 4 May. The purpose of the mission was to explain the mandate and activities of the Court, especially the rights of victims to participate in Court proceedings.

#### **4 April: Debate « Fight Against Impunity: Major Challenge in Congo » – Brussels, Belgium**

On 4 April, the Congolese NGO, Club des Amis du Droit du Congo (CAD), organized in Brussels a conference-debate on the fight against impunity in Democratic Republic of Congo (DRC) with the participation of Human Rights Watch and Avocats sans Frontières. The Lubanga case, the role of civil society in the fight against impunity and the obstacles to securing justice at the national level were among the questions discussed. In analyzing the DRC national judicial system, participants raised the issue of lack of funding, independence of judges and the participation of victims in military tribunals.

## ICC Developments on Situations

### VERSEMENT AU DOSSIER DU CERTIFICAT DE DECES DE RASKA LUKWIYA

On 25 June 2007, the Registrar submitted the death certificate of Raska Lukwiya to the records. The death certificate stated that the accused had died as a result of gunshot wounds.

[http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-247\\_French.pdf](http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-247_French.pdf)

[http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-247-Anx1\\_English.pdf](http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-247-Anx1_English.pdf)

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#### What is the Coalition for the International Criminal Court ?

The Coalition for the International Criminal Court (CICC) is a global network of over 2,000 non-governmental organizations (NGOs) advocating for a fair, effective and independent International Criminal Court (ICC).

#### Our objectives :

- Ensuring the universal ratification of the Rome Statute of the ICC
- Ensuring the full implementation of the Rome Statute in the national legislations
- Monitoring ICC developments and supporting its work
- Strengthening CICC national and regional networks for our ICC campaigns

#### **Join Our Information Lists !**

In order to receive the latest ICC developments, join our email lists by sending an empty email to :

[icc-africa-subscribe@yahoogroups.com](mailto:icc-africa-subscribe@yahoogroups.com)  
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