

A Synthesis Report of the International Symposium on Stocktaking the Processes of International Justice. 26th-27th May 2010, Hotel Africana Kampala Uganda.



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LIST OF ACRONYMS.

ASP- Assembly of States Parties

CICC-Coalition on the International Criminal Court.

HURINET-U- Human Rights Network Uganda

HRW- Human Rights Watch

ICC- International Criminal Court

ICJ-International Commission of Jurists.

ICTY- International Criminal Tribunal for the Former Yugoslavia

ICTR- International Tribunal for Rwanda.

JLOS-Justice, Law and Order Sector.

LRA- Lords Resistance Army

NPWJ- No Peace without Justice

OHCHR- Office of the High Commissioner for Human Rights

RC- Review Conference

RDC- Resident District Commissioner

UCICC- Uganda Coalition on the International Criminal Court

UHRC- Uganda Human Rights Commission

ACKNOWLEDGEMENT.

We would like to thank the participants for their interaction and sharing their views during the Symposia. We are particularly grateful to our International partners who made the long journey to Uganda to contribute to the growth and development of International Justice. Our sincere appreciation goes to the facilitators of the sessions at the different workshops for their very resourceful papers. We are heavily indebted to Ambassador Wennawasser for agreeing to receive our communiqué to the ASP. We would also like to convey our appreciation to the International Commission of Jurists-Africa Program for agreeing to partner with us in organizing the Symposia.

The organization of the conference was through the tireless effort of Mr. Mohammed Ndifuna CEO HURINET-U, Patrick Tumwiine, Joyce Freda Apio, Dan Ngabirano and the entire staff of HURINET-U and the UCICC. Mr. Ali Balunywa documented the proceedings and Stephen Tumwesigye prepared this Synthesis Report.

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Introduction

In an effort to enhance the participation of civil society in the ICC Review Conference of the States Parties to the Rome Statute, the Human Rights Network of Uganda (HURINET-U), the Uganda Coalition on the International Criminal Court (UCICC), and the International Commission of Jurists (ICJ-Africa Program) co-hosted the International Symposium on Stocktaking Processes. The symposium brought together individuals from around the world who have expertise in the various areas of the International Justice that would be addressed by the Assembly of State Parties (ASP). The symposium came up with a communiqué that outlines a series of recommendations for the ASP. The symposia followed a series of activities that the UCICC and HURINET-U had carried to involve civil society in the processes of the ICC Review conference. These included state delegates visits to the affected communities and processes that would lead to the involvement of civil society through the 'peoples space' , a forum that would grant civil society the opportunity to interact with other international actors, but also participate in the processes of the Court. In order to facilitate the development of the communiqué, symposium participants spent much of their time working in one of four small workshops. The four mini-workshops focused on the four stock taking processes of the court that is; the impact of the ICC on victims and affected communities; the impact of the court on peace processes; the court's principles of cooperation; and the principle of complementarity.

The participants in each of the mini workshops were placed based on each individual's work experience and expertise. The participants focused on;

- Identifying the problems:
- Identifying priorities to address the problems:
- Recommend policies:

By the end of the first day of the symposium, each of the four workshops had a rough draft of the problems, priorities, and policies that the participants wished to include in the communiqué. From each of these drafts, rapporteurs from each of the workshops convened to generate a draft of the communiqué, which was reviewed, edited, and finalised and later presented to the President of the ASP.

Day one; Welcome and Introductory Remarks.

Mr. Patrick Tumwine; Advocacy, Research and Communication Officer welcomed the participants to the symposium encouraged them to participate in the proceedings openly and with constructive engagement.

Mr. Nicollo Figà-Talamanca the Secretary General of No Peace without Justice (NPWJ). In his remarks he commended the community engagement particularly in Uganda in the fight against impunity. He noted that the International Criminal court (ICC) is not only part of the history of Uganda but also part of the internal debate on accountability. He added that behind the struggle for accountability is community involvement. He particularly emphasized that the state delegate's visits to the victim communities had given most of the state delegates an opportunity to interact with the victims and get the opportunity to assess the justice needs of the population.

Mr. Muhammad Ndifuna (HURINET-U) also informed the participants about the series of events organized in the run up to the conference, for example the Pre-Review Conference State Parties visits, national dialogues to stimulate discussions and a series of other events. A war victims' football game would also be part of events leading to the main conference. Mr. Ndifuna also added that during the review conference there would be the people's space to optimize civil society engagement in the review process.

Mr. Martin Masiga, from the International Commission of Jurists (ICJ) - Africa programme introduced members of the International the Court of Jurists-Africa Program (Judges, Lawyers). He noted that the program contributes to the strengthening of the International Justice processes. The ICJ also provides an opportunity to non-state actors to contribute technically to the review of the ICC statute. He noted that it is important for civil society organisations to reflect on the effectiveness of the ICC and provide an opportunity for advanced awareness on the developments around ICC. He challenged the participants to try to go beyond the symposium and view the ICC as an institution of global justice. He congratulated the Uganda Coalition for the International Criminal Court (UCICC) for the fundamental strides the organization had taken to bring the processes of International justice to the Ugandan Community.

Key Note Address; William R. Pace, Convener CICC.

“The Rome Statute is the most important statute in International Law after the UN Charter” William R. Pace.



William R Pace, Convener CICC making the Key Note Address.

Mr. William R. Pace, the CICC convener officially opened the Symposia, he noted that the CICC is the single largest organization partnership for international law and justice in the world. He noted that he was extremely impressed by the commitment of the organisations in the process of International Justice. He emphasized that the governments (states) were in Uganda to basically look at amendments of the Rome statute that they had agreed to postpone for 7 years. These included an amendment to the Rome Statute to include the definition and jurisdictional aspects of the crime of aggression. He also noted that the delegates would also take stock of the processes of International Justice which included State Co-operation, Complementarity, the Impact of the Court on victims and affected communities, and the debate surrounding Peace and Justice.

He particularly noted that the Rome Statute is one of the greatest achievements and advancements in International Law, pointing out that the Rome Statute system has several strengths including;

- Automatic jurisdiction on crimes not case-by-case process.
- Independent prosecutor.
- Complementarity with state systems

Mr. William Pace also noted that the next decade is very important for the Rome Statute System and the ICC. He emphasized the need for greater and constructive engagement with the African Union (AU) and the importance of the commitment of civil society in the process. He noted that the major aim of International Justice should be the

universality of the Rome Statute hence looking forward to more ratification and implementation of legislation within State Parties is important. He noted that pledges present an opportunity for states to ratify and implement the ICC statute. 25-35 countries are expected to come up with pledges. He emphasized that the goal of civil society should be the need to create a long term process not a one-off process.

He noted that many challenges exist in this process in ICC implementation laws, 56 countries had come up with national laws, and 43 countries have drafts. Problems exist with regard to the uniformity of the laws. Investigation and prosecution still remains a challenge though. The ICC cannot be the global solution to the problems we have but it is an important stride especially in Africa.

International organizations should deepen their relationship with the court. He however wondered whether Governments could handle impunity. Governments are trying to create national courts. This is a good sign because crimes committed by national institutions can be investigated and prosecuted. The Complementarity principle and other state parties should assist to prosecute perpetrators under the universality principle. This is a process of democratization of good governance. This will not be easy to achieve in the near future but in the time to come.

He compared the primacy of the court with the principle of complementarity where countries retain the obligations to investigate and prosecute. He however noted that primacy does not make the court an alibi to the inability of the country. It is a matter of capacity, changing the way countries handle cases of impunity. This does not mean that the court should not do more so that complementarity is made a principle.

Comments and Reactions.

- On the issue of whether the court would handle the crime of aggression, Mr. William Pace noted that civil society hopes that the integrity and independence of the court would be maintained and would not be comprised by the role and interference of the UNSC.
- He also noted that the amendment of the Rome Statute to include the crime of aggression would also require the states to ratify the amendment to the Statute.
- On the issue of perpetrators who give financial aid to the organisations, there are processes that handle persons that are not directly involved in the processes of committing crimes.

THE CONTOURS OF STOCKTAKING IN THE REVIEW CONFERENCE, DR. HENRY ONORIA, SENIOR LECTURER, FACULTY OF LAW, MAKERERE UNIVERSITY KAMPALA.

Dr Henry Onoria based his paper on the reports that were made by the several bureaus on Stocktaking.

On the issue of Complementarity, while quoting the report of the Bureau on stocktaking he noted that there is a general problem of carrying out investigations due to legislative challenges, and lack of institutional and prosecutorial expertise. That the biggest challenge of country situations is always having very few people carrying out investigations and the political factors affecting the willingness to prosecute.

On addressing the impunity gap, he noted that there is a need to balance trials at the ICC with national prosecution strategies. There is now an emerging impunity gap with few referrals and less prosecutions. He suggested the need to foster positive complementarity through assistance and support and the need to define the roles of different stakeholders like CSOs and government.

On the issue of State Cooperation, Dr Onoria affirmed that the main means of defining the whole process on how the international legal regime should operate depend on State Co-operation. The ICC has no capacity to arrest since it has no police therefore it can only rely on cooperation of states. Public and diplomatic efforts remain important in executing arrests. However there was need for sustained diplomatic action and to mainstream the role of ICC in the state systems.

On the link between Peace and Justice; he noted that the tensions between the two had become more apparent in the latter part in the later years of ICC. He emphasized that one cannot address justice without looking at peace. The two should complement each other in the long term. Political amnesties are not necessarily essential particularly for persons who have committed serious crimes.

There is however a need address short-term tensions between peace and justice in transitional societies. For example questions like what kind of accountabilities are needed in such cases. There are also difficulties in balancing peace and justice and the traditional justice systems. It is important to note that there are many lessons to learn from what happened in other processes like the UN tribunals

On the role of the outreach program and the Trust Fund for Victims. It is important for victims to participate in the judicial proceedings. There is need to address the issue of intermediaries in identifying victims before pre-trial and

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the victims right to access information. It is important to encourage female lawyer's especially African lawyers to assist the Court and the victims as a strategy on to reach women.



Dr. Henry Onoria (Left) of the Faculty of Law, Makerere University) Preparing to Present his paper.

Comments and Reactions to Dr. Onoria's Presentation.

- As to whether amnesty is an issue at international level, it was noted that amnesties may be granted in the short term but such amnesties do not trump international law obligations.
- Participants expressed the need to have the views of the communities incorporated in the justice process as the ASP takes on the proceedings at the ICC review conference.
- Several issues were also raised with regard to the ability of Military tribunals to provide a fair trial. The complementarity debate should focus on how the national trial process is handling the issues. It was noted that the above could be solved by the notion of positive complementarity that is intended not to supplant but supplement National jurisdictions.
- It was also noted that the most people do not have confidence in courts, because the received law is not well understood by the people especially in the traditional settings. There is therefore a need to bridge the gap between the people in society and the procedures of the court.
- Issues of political appointments and serious backlog of cases need to be addressed by the national courts before the question of complementarity can be translated into a serious notion.

- On the trust fund for victims. It was noted that the Court can issue a reparation order but the court cannot engage in discussions. Reparations will be to individuals and groups.
- In principle the ICC should not be seen to be involving itself in national processes. However, the approach has been an oversight since court presence even where there are ongoing processes is a good practice.
- The ICC review process presents a critical opportunity to incorporate and have the trial of the most serious crimes in the Rome Statute. The lesser perpetrators should be tried under the national jurisdiction.
- Concerns were raised that Article 98 Agreements would be misinterpreted and there is therefore a need to design advocacy around this issue. It's been said that may be some States misinterpret this article.
- It was proposed that the States should be encouraged to meet their promises like making contributions to the Victims Trust Fund, and domestication of the Rome Statute etc.

Session 2. Mini Workshops on the Four Stock Taking Issues.

The workshop then broke up into mini sessions that were addressing the issues that would be addressed at the ICC Review conference. The participants attended those workshops where they would contribute with the highest level of participation.

Workshop 1. State co-operation and the International Criminal Court.

“State Co-operation is that golden thread that underlies the Rome Statute.”

This session was chaired by Oby Nwankwo of the Nigerian Coalition on the ICC, the facilitators of the workshop included Elise Keppler (Human Rights Watch) and Sunil Pal (CICC.)

Elise Keppler (Human Rights watch).

She noted that while the issue of co-operation is sometimes seen as a more technical issue, cooperation is a far-reaching crucial challenge for the court in which NGO activism is essential. Since the ICC doesn't have its own

police force to help with investigative initiatives or arrest suspects, cooperation is indeed a sine qua non if the Court is to implement its mandate effectively.

The court is already facing major obstacles in securing needed cooperation – this relates to surrender of fugitives, but also other cooperation related matters like relocating witnesses. The issue of cooperation covers a number of different areas including: Judicial cooperation, Political and diplomatic support and the advancement of the above areas with regard to engaging the Assembly of State Parties (ASP), bilateral state contacts, regional organizations and the United Nations (UN).

State cooperation is grounded in the ICC statute, under article 86; states are obliged to cooperate fully. She noted that some States parties have insisted on making a difference between “mandatory and non mandatory” cooperation, as a way to push back some of the Court’s requests that are too costly or politically embarrassing (witness relocation, provisional release of suspects.) But a key issue though is that unless the court receives proactive robust cooperation beyond responding to specific requests for assistance in mandatory forms of cooperation (framework agreements), the court will have major difficulties in succeeding. Thus, civil society should encourage states and regional organizations to take an expansive view on cooperation, grounded in their support for the Court and commitment to its success.

Judicial cooperation and logistical support encompasses a range of assistance such as providing evidence, serving documents, executing searches, protecting witnesses, freezing assets, surrendering suspects, and imprisoning the convicted. The ICC has received some cooperation in this area but there is need for further progress. The Office of the Prosecutor (OTP) has said in a report on cooperation that 95% of its cooperation requests are successfully addressed. In particular, the OTP has underscored that it is receiving satisfactory judicial cooperation from a number of African states, including Chad, Senegal and some of the situation countries.

Some of the challenges facing the registry include the particular needs, in issuing emergency visas, tracing assets, and agreements on interim release of defendants, enforcement of sentences, and witness relocation.

Implementing legislation remains a huge challenge, Africa is currently very short on implementing legislation, only a handful of states, including South Africa, Uganda, Senegal, Central African Republic and Burkina Faso have implementing legislation. Domestic structures should be set up to facilitate cooperation including national focal points, national task forces and framework agreements, the importance of framework agreements is that as more states sign framework agreements, the more it will be possible for states parties to share the burden. .



The Penal on State Cooperation and Complementarity; Sunnil Pal, (CICC), Ellise Keppler, (Human Rights Watch), Oby Nwanko (NCICC) and Benson Olugubuo.(UWC)

It was emphasized that often the issue of cooperation goes beyond the technical provision of assistance; diplomatic support for the Court is another important way to support the work of the institution. This includes general political support for the ICC in international and bilateral meetings but also, more specifically, diplomatic pressure on states and organization to co-operate. The issue of arrest particularly goes to a deeper issue of political will. It's our strong belief that being a state party has to mean standing behind the court's mission and mandate even in difficult discussions on peace and justice and where the court faces attack at the AU. Otherwise, the court will not retain the legitimacy and standing to function effectively.

There is a need for constructive engagement at the United Nations; this would be part of creating an overall positive cooperation climate for the court through mainstreaming the ICC at the UN. The same should be done for regional organizations, the Assembly of State Parties (ASP), also needs to play its role to facilitate cooperation. The ASP has made important progress in recent years to be more effective on substantive issues facing the court, such as by having a New York and Hague working group that regularly meets in between sessions of the ASP and has also appointed a focal point on cooperation (now a facilitator), it is important that given the significance of cooperation, there should be a working group on cooperation. This would make it a regular discussion and prioritize cooperation.

Civil Society Concerns vs. State Party positions. (Sunnil Pal- CICC.)

He informed the participants that state Focal Points for Cooperation have put together a draft outcome document which seeks to reaffirm the cooperation obligations of State Parties under the Rome Statute, including to implement legislation and facilitate the execution of arrest warrants, he however noted that that there could be

lack of consensus on the document amongst States and there is a possibility that it won't be issued at all, as a result, there is a need to look beyond the Review Conference and how the outcome of these discussions can be capitalized on in future ASP forums.

He emphasized that the focus of civil society recommendations should be on the following areas:

- **Implementing Legislation;** one cannot ignore the importance of implementing legislation, this - and specifically the challenges and obstacles encountered by States Parties and the lessons learned in implementing cooperation legislation will be addressed, Focal Points hope that States will reaffirm the importance of their obligations to assist and cooperate with the Rome Statute, one of which is to implement legislation. The outcome document emphasizes the need to have in place adequate legislation that would facilitate cooperation., it would be incumbent upon civil society to remind States not just that this obligation exists or of its importance, but to encourage them to proactively announce at the Review Conference their intention to implement legislation in the future and provide an update in future ASP forums. He gave the example of Italy which has not implemented the Rome Statute, and has not pledged to do so; such states could be encouraged to make an announcement of their intention to do so in the near future or at the very least pursue the possibility of doing so.
- **Supplementary/Framework Agreements;** noting that these framework agreements would be on the Agenda of the discussions and drawing on experiences not only with the Court, but the lessons learned from the ad hoc tribunals in seeking such arrangements, these agreements are important because they give effect to decisions of the Court in honoring the right of the accused to be released provisionally. The reluctance by states in this area shouldn't preclude civil society from emphasizing that the authority of Court is in jeopardy if agreements that are required are not put in place.
- **Challenges encountered by States in processing requests for legal assistance;** There has been an absence of success, when it comes to arresting suspects and surrendering them, there is a huge impact that the failure to arrest has on victims and affected communities, the fact that these suspects are at liberty and in some cases continue to commit crimes coupled with the failure of States to apprehend these individuals is likely to further exacerbate the trauma suffered by such affected communities.

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- Enhancing knowledge awareness and support for the Court; This can be enhanced through the appointment of a focal point in State capitals or an inter-ministerial task force, this is relevant to the discussion that States Parties will have on enhancing knowledge and encouraging support for the Court in the public and within government.
- Relationship with International and Regional Organizations; the Relationship with international and regional organizations in particular the African Union (AU), is of particular importance, considering that the geography of the cases currently before the Court is in Africa and the establishment of a liaison office in Addis Ababa.
- Pledging in the future; the convening of the Conference presents an opportunity to get States to make tangible commitments to the Court, including, to implement legislation and conclude supplementary agreements; therefore the ASP should consider institutionalizing this function to encourage and receive pledges to be announced at future ASP sessions.

Questions, Comments and Recommendations from the Participants.

- There is need for more political will from the respective governments to achieve state co-operation in its totality; more interest should be ignited from the academia and civil society.
- Executing arrest warrants is very important in building confidence in the court; some participants thought that there is a need for an enforcement mechanism to help execute the arrest warrants while others stressed the need for enhanced state co-operation.
- It is important for states to share best practices on co-operation.
- There should be a multi lateral effort to have suspects apprehended especially those that maraud over several countries.
- States should make pledges and commitments with regard to article 98, these should be in the form of committing that article 98 should not inhibit the surrender of suspects, and where they find contradictions within the statute, they should refer the matter to the court.
- It was reiterated by several participants that state Co-operation is that golden thread that underlies the Rome Statute.
- The failure to arrest could have a great impact on the victims and affected communities; there is therefore a need for an enforcement mechanism.

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- States should make pledges but also make announcements that they would pledge subsequent to the Review conference.

Specific recommendations for the communiqué.

- States should pledge either at the review conference or at future sessions of the Assembly of States Parties (ASP) to adopt implementing legislation within a particular time frame and to enter into framework agreements with the ICC on important areas of assistance identified by the court.
- Pledges shall be a regular feature of the ASP along with opportunities to have pledges in future.
- States should commit to advance the establishment of the ICC liaison office in Addis Ababa by actively engaging with the AU and the AU commission on this issue.
- States should support the establishment of an ASP working group on cooperation in order to ensure this important issue receives the attention it deserves to promote adequate cooperation, as well as to exchange best practices and lessons learned involving cooperation.
- ICC States PARTIES should take steps to facilitate cooperation at the national level, such as by appointing ICC focal points within governments.
- States should commit to assist the ICC in executing arrest warrants, including by exploring means to facilitate arrest in states that lack capacity to ensure execution of arrest warrants.
- States should maximize the stocktaking session on cooperation through candid reflection of challenges and to share best practices on cooperation with a view to overcoming obstacles.

WORKSHOP 2. THE IMPACT OF THE ROME STATUTE SYSTEM ON VICTIMS AND AFFECTED COMMUNITIES.

The workshop was facilitated by the Mariana Pena, Gaelle Carayon, and Alison Smith.



A cross Section of Participants at the Mini workshop on the Impact of the Court on Victims and affected communities.

It was noted that Victims are at the heart of ICC, they are mentioned in the preamble to Rome Statute. These rights include the right to participate in proceedings, protection, receiving information etc. There are a great number of issues related to the impact of the Rome Statute system on victims and affected communities.

It was noted that there are a variety of views from different victims groups and from the different communities. That is because there are different categories of victims and because of them has interacted with the Court in diverse ways. Additionally, experiences differ given the context of the crimes and other elements of the community's background.

It was agreed by the participants that the two most important areas that would need to be addressed with regard to victims are with regard to the outreach and reparations.

Outreach

Participants expressed the view that outreaches needs to be strengthened as soon as possible, possibly before an investigation is launched but definitely as soon as that investigation is announced. This is important to avoid misconceptions and misperceptions that are more difficult to counter once they start to circulate. It was also clear from the discussions that victims and affected communities have and will continue to have questions and concerns on the ICC, and that some of them do not follow the same pace as judicial proceedings.

The Information on outreach should be accurate and clear about what the Court can and cannot do. It was also highlighted that the format and content of certain outreach sessions should be gender-specific. The need for victims' rights, such as extent and methodology for participation, must be addressed. This in addition to making sure that outreach is also in communities in remote locations, as well as to specific groups or minorities who have not been engaged sufficiently thus far, such as women and victims of gender-based violence, and people with disabilities. The issue of communities and victims in countries other than situation countries was also raised. More efforts need to be made to reach out to them.

It was also noted that the outreach should incorporate the input of local intermediaries. They need to be more involved in executing outreach because they know the local languages, and can better convey messages that will be understood by the affected communities. The Court should also rely more on already existing civil society structures (including women's groups), given the resource limitations. However, this is linked to the issue of intermediaries. The view that the ICC needs to set up a comprehensive policy on intermediaries was clearly expressed. That policy should address issues related to financial support, training, protection, selection and vetting procedures, as well as obligations. This is related to outreach but also to the general use of intermediaries by all entities (Office of the Prosecutor, Trust Fund, Victims' participation and reparations section, Outreach unit, etc) of the ICC.

Within the context of discussions on outreach, the frustration of victims of crimes committed before 2002 was repeatedly expressed and concerns were expressed about the lack of coordination between the different sections of the Court to cover all the information needs and avoid information gaps. For example, outreach events leave specific victim related information out; there are also great information gaps with respect to the Trust Fund.

Reparations

Participants highlighted the need for reparation matters to be addressed through outreach as soon as possible. Given the massive nature of the crimes, the needs are huge, and so are the expectations. There is also a misconception that reparations are equal to compensation. So, it is important to raise awareness on the different types of reparations, so that people know what can be expected.

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When the time for reparations comes, it will be important to involve victims all along the way and ensure that they are properly consulted and that they form decisions on the implementation of reparations. Victims should have a word as to what type of reparations they want. This also applies to the assistance mandate of the Trust Fund. Many raised concerns about lack of awareness on procedures to select projects and beneficiaries. In general, the need for the Trust Fund to be linked to the ICC in outreach session was made clear. This should be done with respect to reparations and assistance now and should continue over time, to ensure that providing reparations and assistance does not contribute to create further tensions within the victimized community.

There is also a need for States to incorporate provisions on reparations into national law. Participants also considered that the Trust Fund should have sufficient funds for the time when reparations come.

Recommendations to States with regard to the Impact of the Rome Statute System on victims and affected communities.

- More resources need to be allocated to the Court's outreach unit.
- States should recognize that outreach is not an ICC exclusive function, and that they must also undertake national information campaigns.
- States should initiate legislation to try crimes committed before the entry into force of the Statute, and ensure that it is applied.
- States need to incorporate victims' provisions, including reparations mechanisms, into national law and ensure that those are implemented. For example, it was suggested that victims' offices could be created within national structures.
- On the issue of intermediaries, States should provide political and financial support for the Court to address the various needs of intermediaries.
- States should make generous and regular contributions to the Trust Fund for Victims, and encourage others with the capacity to do so to contribute as well.
- States need to fully implement cooperation requests for tracing, freezing and seizing of assets belonging

to alleged perpetrators.

Workshop 3. The debate surrounding Peace and Justice.

The session was chaired by Mr. James Gondi - ICJ Kenya and was facilitated by the Niamh Gibbons of No Peace without Justice. (NPWJ)

Contextualization of the peace and justice debate.

It was noted that Peace and justice has generated a lot of debate in both academia and non- academia fora. This comes up as a result of the fact that the major aim of the ICC is to bring an end to injustice. It seeks to bring to accountability all those who pursue and perpetuate injustice the Nonetheless, the ICC has no gone without criticism in its efforts to ensure peace and justice in the world.

There have been Perceptions that the ICC applies double standards. This has been particularly raised by the AU leaders with regard to the Al Bashir arrest warrant. The claim that ICC has been solely pursuing peace prevalence in the situation countries also casts doubt on to their roles in peace restoration. Often times the ICC has been particularly blamed by the residents as playing the antagonist where it is claimed she pronounced the indictments to the LRA at a critical time close to the signing of the comprehensive peace resolution.

It was noted by most of the participants that peace and Justice are not mutually exclusive but are rather mutually reinforcing, that it is therefore difficult to pursue one without the other. As we talk of peace and justice we need to prioritize in situations where we cannot have both at the same time.

With regards to Amnesty, the same was accepted as a peace creation approach. This is specifically in situations where justice has failed to prevail. Peace should be looked at as justice but not sabotage to justice. Peace and justice can be pursued simultaneously. The ICC contradicts its self in several mandates of peace and justice.

There is a need to incorporate the greater transitional justice needs of the population rather than focusing on just Prosecution as the countries move closer towards addressing the greater justice needs of the countries.

The definitions of justice and peace should accommodate the intermediate, long-term outcomes of the peace process. Though this approach has been criticized for compromising justice on the part of victim and the guilty parties, amnesty was applied as an immediate solution to create peace. It also compromised justice in the long run.



Niamh Gibbons(NPWJ) makes a presentation during the debate on

the Role of ICC in exploring the link between Peace and Justice.

Concrete recommendations to appear in the communiqué on the debate surrounding Peace and Justice.

- A decision needs to be taken not by politicians, religious leaders, government, civil society, but by the people that have suffered the atrocities. A balance on the approaches to be used needs to be found through exploration of all peace reaching mechanisms through consultations with the victims.
- The traditional approach to peace building needs to be considered. It is easy for the victims to contextualize their traditional ideas and own them up than impart 'foreign measures.' The challenge should be put to the victims to consider approaches outside their domain. Restorative justice systems have been identified more with the traditional peace restoration approaches though there is a need to streamline the mechanisms.
- Member states should promote the ICC approach towards combating impunity through promotion of clauses against perpetuation of conflict. The approaches must promote both peace and Justice.
- Retributive justice and restorative justice are not mutually exclusive. Restorative justice is based on empowerment and involvement. It makes peace approaches.
- Local legislative councils should promote peace resolution initiatives and support their financing as it has been established as a core challenge
- Article 17 of the Rome statute gives prosecutors a window to take into consideration local initiatives for promoting peaceful conflict resolution.

- Investigations should take a holistic approach on actors in the crime activities.
- The root causes of the conflicts are diverse. Therefore, there should be conflict nets to trap conflicts before they escalate. The ICC and the UN Security Council should take priority in conflict prevention than conflict resolution.
- Investigations should follow even the behind the scenes suspects who perpetuate the conflicts like those who supply war lords with arms.
- States that have not yet ratified to the Rome Statute should take steps to ratify with the statute but also those that have ratified need to take steps to domesticate the Statute.

Workshop 4. Complimentarily in Practice

The Facilitators of the workshop included Mr. Benson Olugubuo and a discussion of a paper submitted by Professor Michelo Hasungule.

From the presentation it was noted that one of the distinctive features of the 1998 Rome Statute is the principle of complementarity contained in the Preamble and Art. 17 of the Rome Statute which is the basis upon which the ICC exercises its jurisdiction. The Ad-Hoc Tribunals for the former Yugoslavia and Rwanda entertained a totally different concept from the complementarity principle. The two tribunals were based on the principle that they would supersede local prosecutorial mandates in respect of prosecuting persons accused of perpetrating crimes recognized in the established resolutions. In their mandates, both the ICTY and the ICTR had primacy of jurisdiction over national jurisdictions.



The Debate on

the Complementarity Principle had Eminent Persons including Ambassadors and Judges.

The complementarity principle provides the basis that the court is the last resort which only acts where national judicial systems are unwilling or unable to investigate or prosecute serious international crimes. The court was/is not going to play the role of first instance.

Complementarity is intended to assure and ensure that national authorities will remain the first line of investigation and prosecution and that it should not be usurped by international judicial authorities. The principle is the thread that ties together the various countries state party to the Rome Statute. Despite their different approaches to international criminal law influenced by different legal systems, states have been able to subscribe to the Rome Statute primarily because of the flexibility open to the members by the complementarity principle.

Complementarity principle ensures both the protection of state interest towards its sovereignty simultaneous with explicit commitment towards international protection of people from international crimes.

IDENTIFIED GAPS AND RECOMMENDATIONS THE PRINCIPLE OF COMPLIMENTARITY IN PRACTICE.

- It was noted that there is missing role of national parliaments. Campaigning for ratification and implementation of the Rome Statute and agreement on Privileges and Immunities of the Court by parliaments.
- Outreach by the court should not be restricted to situation countries but should be extended to non-situation countries.
- Promises of national prosecutions should not be used to delay prosecutions where states are likely to

stay back and do nothing to perpetrators.

- It was also noted that there are capacity gaps in prosecution of international crimes by state parties. The development partners should focus part of their support specifically to strengthening prosecution of international crimes within a holistic approach that strengthens national legal systems.
- States should be encouraged to establish hybrid courts and chambers to reinforce international judicial systems to comply with the principle of complementarity.
- There is a need to raise awareness among the legal profession at the national level about international criminal law and accountability for serious crimes at the domestic level.
- Considering that there is lack of harmony between national laws and the Rome Statute. There is a need to harmonize national laws and the Rome Statute to bring national judicial system in conformity with emerging trends of international justice.
- Complementarity with the ICC concerns criminal trials but additional accountability mechanisms such as truth and reconciliation mechanism and traditional justice should be explored to complement trials.
- Participants also raised the fact that the term Complementarity is used but not defined in the Rome Statute. There is a danger that it could be abused in some cases to mean things it was not meant to. Therefore, it is necessary for the Rome Statute to be quite clear about what complementarity means and especially what kind of local penal jurisdiction would satisfy the ICC's complementarity demands.
- Efforts should be made by donors, the ICC and Civil Society to enhance national capacity and willingness to prosecute serious crimes.
- Slow domestication process of the Rome Statute. All State parties should urgently adopt ICC implementing legislation. Donors should ensure that a part of their development aid to the justice sector is focused on strengthening national prosecutions of serious crimes of concern.

After the mini workshops were completed, the rapporteurs put together the recommendations that were presented in form of a communiqué to the participants; the issues that were discussed and agreed upon appear in the communiqué that was presented to the President of the ASP, Amb. Wenawessar.



Left, Mohammed Ndifuna flanked by Arnold Tsunga (ICJ) and William Pace (CICC) presenting a copy of the communiqué to Ambassador Wenawessar. Right, Amb Wenawessar addressing the civil society gathering at the Symposia.

COMMUNIQUE BY CIVIL SOCIETY TO THE PRESIDENT OF THE ASP

Background

We, members of Civil Society Organizations who have gathered here in Kampala Uganda, for the International Symposium on the Stocktaking Process convened on 27 – 28 May 2010 organized by the Human Rights Network of Uganda (HURINET), the Uganda Coalition on the International Criminal Court (UICC), and the International Commission of Jurists (ICJ-Africa Program), in an effort to enhance the participation of civil society in the upcoming Review Conference in Kampala from May 31 - June 11, 2010 make the following recommendations:

Pledges

The Assembly of States Parties ('ASP') makes the pledging initiative a permanent and continuous one and actively encourage States to identify and announce pledges at sessions of the Assembly of States Parties that would advance the work of the Court and the Rome Statute.

On the Impact of the ICC on victims and affected communities

Recalling the rights of victims under international law, which were incorporated in the Rome Statute,

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Taking into consideration the commitment made by States Parties to uphold those rights,

Mindful that the types of victims and victimizations are many,

Recognizing that the Rome Statute system has had an impact on great number of issues of concern to victims,

Acknowledging the progress made in the Court's efforts to reach out to victims and affected communities

Given the need for the Court to reinforce its outreach programme in order to reach out to all relevant groups within the affected communities and to do so in a timely manner,

Recalling that outreach is not an exclusive function of the ICC and that States also have a role to play,

Recognizing the crucial role of civil society organizations and intermediaries, including grassroots groups, to ensure that the Court implements its mandate and that impact of the Rome Statute system is maximized,

Considering States' obligation to hold perpetrators of international crimes to account, which existed before the entry into force of the Statute, and to provide victims with a right to remedy and redress,

We respectfully recommend that States:

- Allocate further resources to the Court's Outreach Unit.
- Undertake national information campaigns to complement the ICC outreach activities.
- Incorporate victims' provisions, including those related to reparations (all types) as well as those related to protection and support, participation, information, legal representation, into national law.
- Ensure that those provisions are implemented fully and that the necessary resources are allocated for that to be done. For example victims' offices, victims and witnesses units and national trust funds should be created. Victims and affected communities should be fully involved in these processes.
- Ensure that victims' are treated with respect, have their right to dignity recognized and have their views and concerns heard, in the various processes they are involved in. Particular attention should be paid to ensure that women and victims of gender-based violence, minorities, and victims with disabilities, among others are also involved.
- Enable their own judiciary to try perpetrators of serious crimes not covered by the ICC jurisdiction (for example those committed before the entry into force of the ICC Statute)
- Provide political and financial support for the Court to implement a comprehensive policy on intermediaries.

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- Support civil society groups especially those working closely with victims and affected communities, including through provision of protection.
- Make generous and regular contributions to the Trust Fund for Victims, and encourage others with the capacity to do so to contribute as well.
- Fully implement cooperation requests for tracing, freezing and seizing of assets belonging to alleged perpetrators.
- Ensure that best practices are shared among States which have already developed capacities, especially on reparations, protection programmes, among other relevant areas.

Peace and Justice

Recognizing that the Rome Statute System was established to put an end to impunity for the most serious crimes of concern to the international community;

Recognizing that States parties have the responsibility to create environments within which the ICC can carry out independent, impartial investigations and respond effectively to the needs of victims and affected communities;

Recognizing the importance of transparency on the part of the Court in avoiding accusations of politicization and double standards;

We respectfully recommend that States:

- Advance and enhance mechanisms to promote peace building and conflict prevention, in which the ICC can play a part, and support the emerging norm of the Responsibility to Protect as a means of focusing these efforts;
- Take into account the historical, political, and social context of crimes when making decisions on the relationship between peace and justice in any given situation and on what kind of justice will be relevant in order to advance peace and justice in equal regard;
- Take appropriate steps to manage interactions between peace and justice.
- Consistently uphold their obligations as states parties to the Rome Statute and their obligation to be accountable to their own citizens, including victims, and to consult them fully before instituting investigations and throughout the duration of peace processes and criminal justice proceedings alike in order to achieve sustainable peace.

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- Support the ICC in bringing greater clarity and transparency to the process employed in making prosecutorial decisions, including the preliminary analysis, the determination of the gravity of crimes, the selection of charges in relation to the interests of victims;
- Support the ICC in developing a consistent policy on how to promote victims' participation and respond to victims' interests and expectations;
- Keeping in mind that victims and affected communities are the ultimate beneficiaries of both peace and justice, support the ICC conducting effective, responsive, and responsible outreach initiatives at the earliest possible stages of investigations.

COOPERATION

Emphasizing that that success of the ICC hinges on effective cooperation and diplomatic support,

We respectfully recommend that States:

1. Pledge at the Review Conference and in future sessions of the ASP to adopt implementing legislation within a particular time frame that would facilitate cooperation with the ICC and to enter into framework agreements on important areas of assistance identified by the Court.
2. Commit to advance the establishment of the ICC liaison office in Addis Ababa by actively engaging with the AU commission on this issue.
3. Given the importance of cooperation and its cross-cutting nature, support the establishment of an ASP working group on cooperation in order to ensure support for the mandate of the Bureau Facilitator on cooperation and to promote adequate cooperation, as well as to exchange best practices and lessons learned.
4. In line with the Bureau Report on Cooperation from the 6th Session of the ASP, States take steps to facilitate cooperation and assistance at the national level, including by appointing ICC focal points within governments.
5. Commit to assist the ICC in executing arrest warrants, including by exploring means to facilitate arrest in states that lack the capacity to ensure the execution of arrest warrants.
6. Maximize the stocktaking session on cooperation through candid reflection of challenges and sharing best practices and lessons learned with a view to overcoming obstacles.

COMPLEMENTARITY

ENHANCING CIVIL SOCIETY PARTICIPATION IN THE ICC REVIEW CONFERENCE

Recalling that jurisdiction of the ICC is complementary to national jurisdiction under the Rome Statute and that states parties therefore have the primary responsibility to investigate and prosecute grave international crimes,

Emphasizing the importance of the complementarity principle, which, if put in practice effectively, will be essential to enhance the fight against impunity.

Emphasizing the need to strengthen the capacity and willingness of national judicial systems so that they can fulfill their primary responsibility to investigate and prosecute grave international crimes.

Convinced that there is a role for states, regional organizations, civil society and the ICC in this process of positive complementarity.

We respectfully recommend that:

- In order to give effect to the complementarity principle, all State parties should urgently adopt ICC implementing legislation.
- In order to address the lack of capacity, development partners should ensure that a part of their development aid to national legal systems is focused on strengthening national prosecutions of war crimes, crimes against humanity and genocide.
- Lack of political will on the part of states to prosecute grave crimes at the national level should also be addressed at the Review Conference and future forums of the ASP.
- States should in appropriate circumstances consider the establishment of appropriate mechanisms within national legal systems as a way to temporarily reinforce them, in compliance with the complementarity principle.
- The ICC should submit an annual report on its activities to catalyze national investigation and prosecution efforts.
- The ASP should establish a mechanism to promote complementarity in practice.
- The ICC, civil society and states should continue their efforts to raise awareness among the legal profession at the national level about international criminal law and accountability for serious crimes so that they can contribute to implementing the complementarity principle

ANNEXURES.

ANNEX I. FRENCH VERSION OF THE COMMUNIQUE.

COMMUNIQUE DE LA SOCIETE CIVILE AUX DELEGUES DES ETATS A LA CONFERENCE DE REVISION

Contexte

Nous membres de la société civile réunis à Kampala en Ouganda pour le symposium international consacré à l'exercice de bilan, convoqué par Human Rights Network of Uganda (HURINET), la Coalition Ougandaise pour la Cour Pénale internationale(UICC) et la commission internationale pour les juristes (CIJ-Afrique), dans un effort pour accroître la participation de la société civile dans la conférence de révision, qui se tiendra à Kampala en Ouganda du 31 mai au 11 juin 2010, font les recommandations suivantes :

Engagements

L'AEP fait de l'initiative de prise d'engagement un processus continu et encourage les Etats d'identifier et d'annoncer les engagements lors des sessions de l'Assemblée des Etats Partis, ceci pourra avancer le travail de la Cour et du Statut de Rome.

Impact de la CPI sur les victimes et les communautés affectées.

Se rappelant des droits des victimes sous le droit international qui ont été incorporé dans le statut de Rome,

Prenant en compte l'engagement pris par les Etats Partis de maintenir ces droits,

Attentif aux types de victimes et de représailles qui sont nombreux,

Reconnaissant que le système du statut de Rome a eu un impact sur un grand nombre de questions qui intéressent les victimes,

Reconnaissant le progrès fait par la Cour dans ses efforts de sensibilisation de victimes dans communautés affectées,

Etant donné le besoin de la Cour de renforcer son programme de sensibilisation pour atteindre tous les groupes concernés dans des communautés affectées et de le faire en temps,

Se rappelant que la sensibilisation n'est pas une fonction exclusive de la CPI et que les états ont un rôle à jouer,

Reconnaissant le rôle crucial des organisations de la société civile et des intermédiaires, y compris les groupes basés dans des communautés pour s'assurer que la Cour exerce son mandat et que l'impact du statut de Rome soit maximisé,

Etant donné que l'obligation des états poursuivre les auteurs des crimes - qui existait même avant l'entrée en vigueur du Statut, et de permettre aux victimes d'exercer leur droit aux recours et réparations,

Nous recommandons respectueusement que les états,

- Allouent davantage de ressources à l'unité de sensibilisation de la Cour.
- Lancent des campagnes d'information au niveau national pour compléter les activités de sensibilisation de la CPI.
- Incorporent dans le droit national les dispositions pour les victimes, y compris celles ayant rapport avec les réparations (de tous les types) ainsi que celles liées à la protection et l'appui, la participation, l'information, et la représentation légale.
- S'assurent que ces dispositions soient pleinement appliquées et que les ressources qu'il faut soient allouées, pour cela. Par exemple on pourra créer les bureaux pour victimes, unités pour victimes et témoins et fonds nationaux au profit des victimes. Les victimes et communauté affectées devraient être pleinement impliquées dans tous ces processus.
- S'assurent que les victimes soient traitées avec respect, leur droit à la dignité reconnu et leurs opinions et inquiétudes entendus dans tous les processus où ils sont impliqués. Une attention particulière devrait être portée à l'assurance que les femmes, les victimes des violences contre les femmes, les minorités et victimes invalides, parmi tant d'autres soient impliqués.

- Permettent à leurs pouvoirs judiciaires de poursuivre les auteurs des crimes graves qui ne sont pas couverts par la juridiction de la CPI (par exemple ceux commis avant entrée en vigueur du statut de la CPI).
- Fournissent à la Cour le soutien politique et financière à fin d'appliquer une politique compréhensive sur les intermédiaires.
- Soutiennent les groupe de la société civile surtout ceux qui travaillent étroitement avec les victimes dans des communautés affectées, y compris en les protégeant.
- Contribuent généreusement et régulièrement au fonds au profit des victimes et encouragent d'autres qui ont cette capacité de le faire également.
- Appliquent pleinement les demandes de coopération pour retrouver, geler et saisir les biens appartenant aux auteurs présumés des crimes.
- S'assurent que les bonnes pratiques soient partagées parmi les Etats qui ont déjà développé les capacités surtout en ce qui concerne les réparations, les programmes de protection parmi d'autres domaines importants.

Paix et justice

Reconnaissant que le système du Statut de Rome a été établi pour mettre un terme à l'impunité pour les crimes les plus graves auxquels la communauté internationale s'intéresse ;

Reconnaissant qu'il incombe aux états partis de créer les environnements dans lesquels la CPI peut indépendamment et impartialement mener les investigations et répondre d'une manière efficace aux besoins des victimes et communautés affectées ;

Reconnaissant l'importance de la transparence de la part de la Cour pour éviter les accusations de politisation et d'application de politique de deux poids deux mesures.

Nous recommandons respectueusement que les états :

- Proposent et renforcent les mécanismes pour promouvoir le rétablissement de la paix et la prévention des conflits, la CPI pourra jouer un rôle dans ce processus et soutenir la nouvelle tendance de la Responsabilité de protéger comme une manière de concentrer ces efforts ;

- Prennent en compte le contexte historique, politique et social des crimes en prenant les décisions sur la relation entre la paix et la justice dans une situation donnée et sur quel type de justice sera pertinent à fin d'avancer la paix et la justice à même égard ;
- Prennent des mesures justes pour gérer les interactions entre la paix et la justice ;
- Respectent sans exception leurs obligations en tant que états partis au Statut de Rome et leur obligation d'être responsable envers leurs citoyens, y compris les victimes et de les consulter pleinement avant d'ouvrir un procès et pendant toute la durée des processus de paix et des procès criminelle à fin de réaliser la paix durable ;
- Soutiennent la CPI pour apporter plus de clarté et de transparence dans le processus appliqué dans la prise de décisions pour engager des poursuites, y compris dans l'analyse préliminaire, la détermination de la gravité des crimes, la sélection des charges selon les intérêts des victimes ;
- Soutiennent la CPI dans l'élaboration d'une politique cohérente sur comment promouvoir la participation des victimes et répondre à leurs intérêts et attentes ;
- Se rappelant que les victimes et les communautés affectées sont les bénéficiaires ultimes de la paix et la justice, soutiennent la CPI pour entreprendre des campagnes de sensibilisation efficaces, sensibles et responsables dans stades les plus tôt des investigations.

COOPERATION

Soulignant que la réussite de la CPI dépend de la coopération et du soutien diplomatique,

Nous recommandons respectueusement que :

- Les états s'engagent pendant la conférence de révision et à l'avenir, dans des séances de l'Assemblée des Etats Partis à adopter la législation en faveur d'application, dans un délai qui peut faciliter la coopération avec la CPI et de conclure des accords sur les domaines importants identifiés par la Cour.
- Les états s'engagent à avancer l'établissement du bureau de liaison pour la CPI à Adis Abeba par le dialogue avec la commission de l'UA sur la question.
- Etant donné l'importance de la coopération et sa nature transversale, les états soutiennent la création d'un groupe de travail sur la coopération au sein de l'AEP à fin de s'assurer du soutien au Facilitateur de Bureau chargé de la coopération et de

promouvoir la coopération adéquate, et de partager aussi des bonnes pratiques et leçons apprises sur la coopération.

- Lié au rapport du Bureau chargé de la Coopération de la 6^{ème} session de l'AEP, les états prennent les étapes pour faciliter la coopération au niveau national, y compris en nommant les points focaux pour la CPI au sein de leurs gouvernements.
- Les états s'engagent à aider la CPI dans l'exécution des mandats d'arrêt, y compris en explorant les moyens pour faciliter les arrêts dans des pays qui ne disposent pas de capacité pour s'assurer de l'exécution des mandats d'arrêt.
- Les états maximisent la session de l'exercice de bilan consacré à la coopération en réfléchissant franchement sur les défis et en partageant les bonnes pratiques et leçons apprises en vue de vaincre les obstacles.

COMPLEMENTARITE

Se rappelant que la juridiction de la CPI est complémentaire à la juridiction nationale sous le Statut de Rome et que les états partis ont donc la première responsabilité pour enquêter et poursuivre les crimes graves au niveau international,

Soulignant l'importance du principe de la complémentarité, si appliqué efficacement, sera essentiel pour étendre la lutte contre l'impunité,

Soulignant le besoin de renforcer la capacité et la volonté des systèmes judiciaire nationaux pour pouvoir remplir leur première responsabilité d'enquêter et de poursuivre les crimes graves au niveau international,

Convaincu qu'il y ait un rôle pour les états, les organisations régionales, la société civile et la CPI dans ce processus de complémentarité positive.

Nous recommandons respectueusement que :

- A fin de donner effet au principe de la complémentarité tous les états partis devraient de toute urgence adopter la législation d'application de la CPI.
- A fin de combler le manque de capacité, les partenaires de développement devraient s'assurer qu'une partie de l'aide au développement allouée aux systèmes judiciaires

nationaux soit consacrée au renforcement des instances nationales pour les crimes de guerre, crimes contre l'humanité et génocide.

- Le manque de volonté de la part des états de poursuivre des crimes graves au niveau international devrait être adressé aussi.
- Les états devraient dans des circonstances appropriées considérer l'établissement de mécanismes appropriés dans les systèmes judiciaires nationaux comme moyen de les renforcer temporairement en conformité au principe de la complémentarité.
- La CPI devrait soumettre un rapport annuel sur ses activités à fin de catalyser une enquête nationale et des poursuites.
- L'AEP devrait établir un mécanisme pour promouvoir la complémentarité en pratique.
- La CPI, la société civile et les états devraient continuer avec leurs efforts de sensibilisation parmi les juristes au niveau national sur le droit criminel international et la responsabilité pour les crimes graves pour qu'ils puissent contribuer à l'application du principe de la complémentarité.

ANNEX 2. PROGRAM.

ENHANCING CIVIL SOCIETY PARTICIPATION IN THE ICC REVIEW CONFERENCE: THE INTERNATIONAL SYMPOSIUM ON STOCKTAKING PROCESSES

Kampala, Uganda

May 27-28, 2010

DAY 1: Thursday, May 27, 2010

08.00-08.30 Registration of Participants

08.30-09.30 Introductions and Welcome Remarks

Mohammed Ndifuna, HURINET-U

Martin Masiga, ICJ-Africa Program

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- 09.30-10.00 Introduction of Delegates to the ASP
Joyce Freda Apio & Niamh Gibbons, UCICC & NPWJ
- 10.00-10.45 Key Note Address and Official Opening of Symposium
William R. Pace, Convenor, CICC
- 10.45- 11.15 Tea Break
- 11.15-11.45 Agenda Setting: The Contours of Stocktaking in the Review Conference
Dr. Henry Onoria, Senior Lecturer, Faculty of Law, Makerere University Kampala
- Chair – Justice Sanji Monageng (ICC)
- 11.45-13.00 Open Discussion
- 13.00-14.00 Lunch Break
- 14.00- 15.00 Breakout Sessions: Workshops on the Four Thematic Stocktaking Issues
(First Facilitators)
- Prof. Michelo Hasungule – Commissioner ICJ (Principle of Complementarity)
James Gondi – ICJ-Kenya (Impact of the ICC on Peace Processes)
Elise Keppler – HRW (State Cooperation)
Mariana Pena – FIDH (Impact of the ICC on Victims & Affected Communities)
- 15.00-15.30 Workshops on the Four Thematic Stocktaking Issues:
(Second Facilitators)
- Benson Olugbuo – University of Cape Town (Principle of Complementarity)
Niccole' Fig-Talamanca – NPWJ (Impact of the ICC on Peace Processes)

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Sunil Pal – CICC (State Cooperation)

Gazelle Crayon – Redress (Impact of the ICC on Victims & Affected Communities)

15.30-16.00 Tea Breaks

16.00-17.00 Open Discussions
(Session Chairs)

Obeys Nwankwo – CIRDDC

Noah Gibbons – NPWJ

Mohammed Ndifuna – HURINET-U

Jane Akers – GWVPN

17.00 End of Day 1

17.30-18.30 Rapporteurs & Facilitators of Thematic Issues Convene

DAY 2: Friday, May 28, 2010

08.30-09.00 Plenary Sessions – Participants from Different Groups Reconvene

09.00-10.00 Recap of Day One
Rapporteurs

09.30-10.30 Open Discussion

10.30-11.00 Tea Breaks

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- 11.00-12.30 Participants Reconvene in their Respective Groups for Formulation of Points for Communiqué
- 12.30-13.30 Convening of the Rapporteurs
(Rapporteurs from each of the stocktaking sessions will compile a draft of the final communiqué to be presented to the workshop participants.)
- 12.30-14.00 Lunch Break
- 14.00-15.00 Review of the Rapporteurs' Communiqué by Workshop Participants
- 15.00-15.30 Appending of Signatures to the Communiqué
- 15.30-16.00 End of Day Two and Closure
- 16.45-18.00 Reception/Cocktail officially opened by Amb. Christian Wenaweser, President of ASP (Separate Programme to be provided)

ANNEX 3. LIST OF PARTICIPANTS.