



The International Criminal Court at Work: Challenges and Successes in the Fight against Impunity

Five years after the entry into force of the Rome Statute creating the International Criminal Court (ICC), 105 states have ratified it, thus affirming their commitment to end impunity for the most serious crimes of concern to the international community. The Office of the Prosecutor (OTP) of the ICC is investigating grave crimes committed in four situations: Uganda, the Democratic Republic of the Congo (DRC), Darfur, and the Central African Republic. Eight arrest warrants have been issued against perpetrators in three of the situations. In January 2007, Pre-trial chamber I confirmed the charges of war crimes against the first accused in custody of the Court, Thomas Lubanga Dyilo, a former Congolese rebel leader. His trial, the first ever before the ICC, should start late 2007 or early 2008. A number of other situations falling under ICC jurisdiction – including some of the worst atrocities in recent years – are being actively monitored by the OTP. The first Trial Chamber was constituted on March 6, 2007.

Despite these important accomplishments, the Court continues to face serious challenges. Lack of universal ratification of the Rome Statute, problems in securing the arrest and transfer of wanted suspects and the difficulties of investigating in conflict zones have hampered the Court's effective implementation of its mandate. The institutional and financial framework has been set up. It is now time to grant the Court the support it needs in order to go to work successfully.

The planned conference seeks to explore the accomplishments and the challenges that the Court is facing today. The four organisers of this conference (Amnesty International, the German Red Cross, the United Nations Association of Germany and Human Rights Watch) are longstanding supporters of the ICC and committed to its success. The challenges faced by the court are manifold and extend from securing sufficient state cooperation to building a viable defence for the accused. Central to the Court's success are also victims' participation in the proceedings as well as the effective implementation of the Rome Statute into national law. The conference will provide a unique forum for human rights activists, legal experts, politicians, diplomats and practitioners to address these fundamental questions and engage in formulating recommendations to address them successfully. The objective of the organisers is to generate enhanced public and political support for a strong, independent and effective International Criminal Court.

The conference is taking place in Germany, a country that was pivotal in the inception of the ICC and must continue leading in the fight against impunity by upholding active support to the Court.

Where: Berliner Abgeordnetenhaus/ Berlin Parliament
Niederkirchnerstraße 5, 10117 Berlin (Potsdamer Platz)

When: 21st - 22nd September 2007 (Friday and Saturday)

Who: amnesty international, United Nations Association of Germany (UNA), German Red Cross, Human Rights Watch

Contact: Leonie von Braun, Conference Coordinator (lvbraun@icc-berlin2007.de)

Information and registration: <http://www.icc-berlin2007.de>

Program

21st September 2007, Friday evening, 4:00 – 9:00 pm

Opening Address, 4:00 – 4:10 pm

Barbara Lochbihler, Secretary General, amnesty international, German section

Keynote Speaker, 4:10 – 4:30 pm

Georg Witschel, Director General, Head of Legal Department and Legal Advisor, German Foreign Office

Keynote Speaker, 4:30 – 5:00 pm

Fatou Bensouda, Deputy Prosecutor (Prosecutions) of the International Criminal Court, The Hague

Discussion, 5:00 – 5:30 pm

Break

1. Panel: The need for increased political support of the ICC, 5:45 – 7:30 pm

Chair: *Marianne Heuwagen, Director, Human Rights Watch, Berlin Office*

Repeating the success of Rome? - Outlook on the review conference

Herta Daeubler-Gmelin, Chair of the Human Rights Committee, German Parliament

Successes and failures on the way to universal ratification of the Rome Statute

David Donat Cattin, Director of Programmes, Parliamentarians for Global Action, USA

Is US attitude towards the ICC shifting?

Golzar Kheiltash, Campaign for International Justice, USA

The impact of the ICC on the conflicts in Uganda and Sudan

Annette Weber, Research Unit Middle East and Africa, German Institute of International and Security Affairs (SWP), Germany

Discussion

Reception, Foyer of the Berlin Parliament, 7:30 – 9:00 pm

22nd September 2007, Saturday, 10:00 am – 5:00 pm

2. Panel: The ICC at work – institutional challenges of the Court, 10:00 – 12:00 am

Chair: *Sabine Birken, Chair of the United Nations Association in North-Rhine Westphalia, Criminal Defence Counsel*

Remarks on prosecutorial strategy in international criminal justice,
Morten Bergsmo, Senior Researcher, International Peace Research Institute (PRIO), Norway

Equality of arms: building an effective defence before the ICC
Hadi Shalluf, Lawyer and Member of the List of Counsel before the ICC, former Ad Hoc-Counsel for the Defence in the Darfur Situation before the ICC, Member of the Paris Bar, France

The rights and the role of victims before the ICC
George Gebbie, Lawyer and Member of the List of Counsel before the ICC, UK

The institutional framework of the defence and the participation of victims before the ICC
Sam Shoamanesh, Associate Legal Officer, Division of Victims and Counsel of the ICC

Discussion

Lunch, 12:00 am – 1:00 pm

3. Panel: Strengthening cooperation with the ICC, 1:00 – 3:00 pm

Chair: *Beate Wagner, Secretary General, United Nations Association of Germany*

Cooperation between the Office of the Prosecutor, states parties and international organisations
Miriam Spittler, Judicial Assistance Advisor, Jurisdiction, Cooperation and Complementarity Division of the Office of the Prosecutor of the ICC, The Hague

The legal instruments of state cooperation under the Rome Statute
Christopher K. Hall, Senior Legal Advisor, amnesty international, London

Achieving peace and justice: how states must support the justice mandate of the ICC
Richard Dicker, Director International Justice Program, Human Rights Watch, USA

Legal and logistical cooperation between the ICC and humanitarian relief organisations from the perspective of the ICRC
Stéphane J. Hankins, Legal Advisor, ICRC, Geneva

Reinforcing national capacities to prosecute serious human rights violations
Helen Ahrens, Justice Sector Reform Expert, German Technical Corporation, Germany

Discussion

Coffee Break

4. Panel: Complementarity and effective implementation of the Rome Statute, 3:15 – 4:30 pm

Chair: *Heike Spieker, Senior Legal Advisor, German Red Cross*

The notion of universal jurisdiction

Andreas Paulus, Professor of International Law, University of Göttingen, Germany

Making universal jurisdiction a reality in Europe: progress and failure

Géraldine Mattioli, Human Rights Watch, Brussels

Law without a case: The German Code of International Crimes

Frank Selbmann, Lawyer, amnesty international, Germany

Implementing the German Code of International Crimes

Christian Ritscher, Prosecutor at the Federal Court of Justice, Germany

Discussion

5. Closing remarks to the conference and outlook on the ICC, 4:30 – 5:00 pm

Hans Peter Kaul, Judge at the International Criminal Court, President of the Pre-Trial Division, The Hague

Leonie von Braun, amnesty international, and Robert Heinsch, German Red Cross

End