



Making
Human Rights
a Reality

Africa and the ICC: 10 years on

EVALUATION REPORT

Africa Legal Aid

June 2013



From left to right: Advocate Tom Nyanduga and Professor Shadrack Gutto of AFLA Governing Council, His Lordship Justice Mohamed Chande Othman, Chief Justice of Tanzania, H.E. Fatou Bensouda Prosecutor of the International Criminal Court(ICC) and Evelyn A. Ankumah AFLA Executive Director in orange.



From left to right: Thuso Ramabolu, Barnabas Kaniki and Grace Wangusa.



[L-R] Panel on Carrying Forward the Legacy of the International Criminal Tribunal for Rwanda (ICTR); Didier Preira, ICC Deputy Registrar, H.E. Hassan Bubacar Jallow, ICTR Prosecutor, Judge Vagn Joensen, ICTR President, and Prof. Andre Klip of Maastricht University.



Participants of the conference "Africa and the ICC: 10 years on."



[L-R] E. Ankumah ,Executive Director of AFLA during the Opening Ceremony with Ambassador Tiina Intelmann, President of the Assembly of State Parties (ASP) to the ICC in blue , Hon.Chande Othman, the Chief Justice of Tanzania and Prof. Gutto of AFLA Governing Council.



[L-R] ICC Prosecutor Fatou Bensouda with Justice Sophia Akuffo, President African Court on Human and Peoples' Rights, Centre and ICTR Registrar, Bongani Majola.

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“Africa and the ICC: 10 years on” Conference

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Africa and the ICC: 10 years on

Report & evaluation

1. Introduction

On the occasion of the 10th anniversary of the International Criminal Court (ICC), Africa Legal Aid (AFLA), in cooperation with the International Legal Assistance Consortium (ILAC), the Commonwealth Secretariat and other stakeholders¹ convened a 2 days conference entitled “Africa and the ICC: 10 years on”. Ten years after the entry into force of the ICC Statute, the time is opportune to take stock of what impact the ICC and international criminal justice have had on the African continent. The conference was held in Arusha, Tanzania from 28th February to 1st March, 2013. Arusha was strategically chosen as the venue of the conference because it is in close geographical proximity with the ICC situation countries of Kenya, Uganda, Sudan and the Democratic Republic of Congo (DRC).

The issues presented in this report are based on the criteria of the “Project Monitoring and Evaluation Plan” as well as the Concept Note of the Conference. On the basis of that document we will refer here to the Terms of Reference for “Africa and the ICC: 10 years on” conference, the project purpose and general objectives, the specific objectives and expected outputs and results, as well as the means of verification. The explanation of these indicators will be reinforced by the attachment of supporting documents (annexes).

There are many misconceptions and little understanding about the mandate and activities of the ICC in Africa. This affects the legitimacy of the International Justice System, support for it as well as its effects. There is a need to sensitize, train, and build capacity of national actors to promote ratification of the ICC Statute and to adopt adequate ICC implementing legislation in the respective countries to promote justice for victims and accountability of perpetrators so as to end impunity for gross human rights violations. This will also require the ICC to reach out to states as well as victims and other stakeholders and to assist in efforts undertaken to implement legislation and to foster cooperation with the ICC, as well as other states, in the investigation and prosecution of serious international crimes. AFLA’s intervention will raise awareness on International Criminal Justice and on work of the International Criminal Court, by engaging both human rights and justice sectors as well as broader publics in Africa.

Wide dissemination of findings and other information on the ICC by AFLA, an organization known for its emphasis on the African perspective, will help dispel misconceptions about the ICC and increase its legitimacy in Africa. AFLA’s interventions addressing unsettling areas of real and practical significance for Africa will enhance the universality of International Justice. As well, it will increase confidence in the International Justice system by Africans, resulting in more adjudication of cases involving massive

¹ International Bar Association (IBA) and the support of UN ICTR.

crimes. Consequently, AFLA's Program on Africa and the ICC will contribute to promoting accountability and ending impunity in Africa and help develop an International Justice system that is perceived as legitimate, objective, and impartial.

Therefore, this conference "Africa and the ICC: 10 years on" is part of AFLA's ongoing efforts to engage civil societies across Africa in a series of "lessons learned capacity building exercises" on Africa and the ICC. It was aimed at taking stock of what impact the ICC and more generally international criminal justice have had on the African continent and at promoting ratification of the ICC Statute in Africa. As well, the conference sought to increase understanding and access to the ICC so as to help enhance African support and cooperation for the ICC. AFLA is an NGO uniquely positioned to have undertaken this exercise because it has engaged with the ICC since the court's inception, and more generally with international justice since 2000.

2. Background of the Conference

Recent decades have seen large changes in international law and the pursuit of criminal justice and human rights at the global level, notably with the creation of supranational courts, such as the ICC, to promote accountability and end impunity for gross human rights offenses. The ICC is meant to be a court of last resort and complementary to national legal systems. The ICC Statute, also called the Rome Statute, provides that it is primarily up to national courts, not the ICC, to hold perpetrators of international crimes accountable. This also means that states may, and at times are obliged to, exercise universal jurisdiction over the most serious crimes.

Unfortunately, too many States, and in particular those where the gravest atrocities are committed, are either unwilling or unable to hold perpetrators accountable. The African continent has been at the centre of this development and proceedings of the ICC. Currently all cases before the ICC are African situations: the Democratic Republic of Congo (DRC), Central African Republic (CAR), Uganda, Sudan, Kenya, Libya, Ivory Coast and Mali. This would seem to suggest that complementarity has not taken root in African countries.

The ICC is now more than 10 years old since the Rome Statute/ICC Statute entered into force in 2002. On 1 July 2002, three months after ratification by 60 countries, the minimum required under Article 126 of the Statute, for the Statute to become operative. Hence, crimes against humanity, war crimes, and genocide committed from 1st July 2002 may trigger the jurisdiction of the Court. In March 2012 the Court rendered its first verdict after a six-year long trial. The Court found Thomas Lubanga guilty of enlisting, conscripting, and using child soldiers between 2002 and 2003 when he was commander-in-chief of Forces Patriotiques pour la Liberation du Congo (FPLC). On 7th August, 2012, the Court for the first time in the ICC's history, established principles for providing reparations due to victims in the Lubanga case.

However, while undoubtedly a landmark in international criminal justice, the first trial also raised a number of questions. The Lubanga verdict, the fact that all cases currently before the ICC are African situations, and a perception that universal jurisdiction is solely exercised by the North against African nationals has caused many African governments (not the victims though) to rethink the notion of international justice.

In response to the seeming targeting of Africans for prosecutions under international justice, the African Union (AU) has recently proposed a protocol to add a criminal jurisdiction to the African Court on Human and Peoples' Rights. The Protocol makes no mention whatsoever of the ICC. "Africa will prosecute its own", seems to be the message of African leaders. In the same vein, the AU adopted a Model Law on Universal Jurisdiction in response to what it considered an "abuse of the principle of universal jurisdiction" by some states issuing arrest warrants for African state officials on the basis of extra territorial jurisdiction. However, how much or whether such a Model Law actually contributes to the notion that the prosecution of serious international crimes is a shared responsibility of all states remains to be seen. The challenges and opportunities for an African criminal law regime also arise.

No one denies that justice, and especially international justice, by its nature is unavoidably selective; there is such a thing as prosecutorial discretion. However, the notion of complementarity does offer some hope, as does the need to promote universality and inclusivity of international criminal justice. Similarly, addressing African concerns on "selective justice" proposing solutions for seemingly targeting of Africans in the exercise of international criminal justice should be part of the progressive development of international criminal justice.

African states should be encouraged to adopt implementing legislation to enable them prosecute and cooperate with the ICC in the arrest and surrender of suspects. Currently 34 African States are parties to the Statute. The Rome Statute obliges State parties to cooperate with the Court in the investigation and prosecution of crimes including the arrest and surrender of suspects. Therefore, State parties are required to enact legislation to enable their cooperation with the Court.

3. Content

3.1 Overall objectives

The goals and objectives of the conference were to evaluate the lessons learned from the Work of the ICC in the last Decade; promote ratification of the Rome Statute in Africa; Contribute to adoption of ICC Implementing/Cooperation Legislation in Africa; Promote accountability and end impunity for gross human rights offenses; Promote and strengthen support and cooperation for the ICC in Africa; Increase legitimacy for the ICC in Africa; Contribute to conflict prevention in Africa; Enhance respect and

recognition of supranational bodies in Africa; Engage North African Countries in the ICC. The need to address these aspects and to come up with conclusions and recommendations on the lessons learnt from the last 10 years of the ICC are hence at the core of the organization of the “Africa and the ICC: 10 years on” conference. Keeping those issues in mind will help us to assess the impact and effectiveness of the project when it comes to the content of the different panels presented during the conference.

Participants also brought high expectations. Many of them shared with AFLA their thoughts through the AFLA pre-conference questionnaire that was distributed among participants (ANNEX 4). Their responses helped us to focus on their points of interest, tinge the programme and sharpen the topics the panelist would present. Among the respondents the main objective to be achieved during the conference was to discuss the connection between the ICC and Africa (and each one’s specific field of work). Some participants mentioned the hope of overcoming certain misperceptions about the ICC and that the conference would become a “critical platform without any bias”. Opinions were divided on the role of the ICC in contributing to peace in Africa. Another controversial issue was the question of whether Africa is either a participant or a target in the global fight against impunity. Some respondents showed their concern about the proposal to confer criminal jurisdiction to the African Court. The questionnaire addressed other relevant issues, namely: the question of immunity, criminal accountability and impunity, universal jurisdiction, the frozen SADC tribunal. In relation to justice for victims and the issue of gender-based crimes, respondents identified the need for improvement in both fields. All these aspects were dealt with during the different sessions of the conference.



Participants of the conference “Africa and the ICC: 10 years on” during one of the sessions.

3.2. Results- outputs

The high-level conference was attended by more than 120 participants among whom were representatives from civil society, academia, opinion leaders, state and government officials from around Africa, Europe and America. 75% of the participants came from Africa. The remaining 25% came from international and intergovernmental bodies including the ICC and UN bodies. Civil society groups from Europe and North America, and government officials from Europe and Canada participated as well. The counterparts from ICC state parties from Northern countries shared experiences on complementarity of International Justice at the national level, the status of the ongoing ratification process and implementation of the ICC Statute, which are truly essential in support of ICC in Africa. The conference engaged many groups that have had previous involvement in ICC related activities and others who have not, but who had a valuable expertise to share in topics related to justice, gender, victims and witness protection.

During the two-day conference the work of the ICC and was analyzed. Participants presented and discussed unsettling aspects and undertreated related topics of the international criminal justice system which helped to assess the impact of the ICC on the African continent. Participants reflected on the last ten years of the ICC's existence with a view to exploring what can be learned from the experiences so far and how the ICC, and more generally international criminal justice, can carry forward in the next ten or more years. Concrete legal issues on what should be done to ensure that justice is done were addressed, as well as the relationship between the ICC and national justice systems, issues of complementarity and differentiated but shared responsibilities were tackled. Some presentations focused on the need for support, assistance and cooperation of State Parties. Further more, a closer look was taken at issues of concern for victims, in terms of participation, reparation, and gender justice.



Participants of the conference "Africa and the ICC: 10 years on" during one of the sessions.

3.3. Summary of activities:

The conference was organized along 8 panels during which the following aspects and themes were addressed:

- Is the ICC today what Africa expects or wants?
- African victims and the ICC, hope or delusion?
- The gender dimension: adopting a holistic approach to gender justice;
- Complementarity, lessons from other jurisdictions;
- Ratification and implementing legislation;
- Complementarity and strategies for intensifying African cooperation within the ICC;
- The SADC Tribunal;
- Carrying forward the legacy of the UN International Criminal Tribunal for Rwanda (UN ICTR)

Due to unforeseen circumstances resulting in last minute cancellations, the panel on "The Arab Spring: Engaging North African Countries in the ICC" was removed from the Program. Rather, it was decided to address this issue in depth at AFLA's upcoming Workshop in Tunisia, in October 2013.

Participants were very enthusiastic about the conference and its outcome, below are some of the responses/feedback received from participants:

"Thank you so much for giving me the opportunity to remind the participants about the ongoing human suffering of the victims of the Darfur Genocide. I greatly appreciate AFLA's activities that always address the major problems and challenges that face the people of Africa. Please Continue the good work. I wish you all the best." *SALIH MAHMOUD OSMAN, LEGAL HUMAN RIGHTS ADVOCATE AND DEFENDER IN DAFUR, FORMER MEMBER OF THE PARLIAMENT OF SUDAN*

"I am humbled to extend my sincere thanks to you for successfully organizing the conference on Africa and the ICC: 10 Years On. The conference was very educative and it has impacted on many of us. As a young magistrate from the Tanzanian judiciary, I learnt a lot and I have a lot to tell about the conference". *JONAS IYAKUNDI*

"I thank AFLA for the perfect organization. Looking forward to cooperating with AFLA many more times during the rest of my mandate. With all my best wishes". *AMB. TIINA INTELMANN, PRESIDENT, ASSEMBLY OF STATE PARTIES (ASP) TO THE ICC*

"It was my pleasure to participate and I also received very valuable information and learning from other participants". *JUSTICE SOPHIA AKUFFO, PRESIDENT, AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS*

"I enjoyed very much participating in the conference which I found most informative and enriching". *PROF. ANDRE KLIP, PROFESSOR OF CRIMINAL LAW, MAASTRICHT UNIVERSITY*

"It was an extremely thought provoking and informative event that was well organized. As a representative of the most recent international institution of criminal justice, I was pleased to have the opportunity to attend this landmark conference" *KAREN JOHNSON, UNITED NATIONS MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS MICT*

"It was a great conference. One of the best that I have attended in a long time". *AMB. MIRJAM BLAAK SOW, UGANDAN MISSION TO THE BENELUX AND THE EU*

"It was very nice to meet the various participants in Arusha. The conference was a success". *JEAN PIERRE KILENDA, LEAD DEFENSE COUNSEL FOR MATHIEU NGUDJOLO CHUI, FIRST ICC AQUITTAL*

"It was a great conference. I learnt a lot". *ALI OUATTARA, PRESIDENT, IVORIAN COALITION FOR THE ICC.*

3.4. Follow-up activities on Africa and International Justice:

In the near future, AFLA will continue to pursue its goal to translate paper written rights into practical reality for Africa and its people through the following activities:

- The proceedings of the "Africa and the ICC: 10 years on" conference will soon be posted on AFLA's website, as well as sent directly to conference participants;
- Consultation with stakeholders meeting: "Africa and the ICC: A stakeholders meeting on unsettling and emerging issues" (July 2013);
- Outreach workshop on engaging Francophone and North African countries in international Justice (Tunis, October 2013);
- Bringing emerging and undertreated international justice issues of African resonance to the Assembly of States Parties to the ICC (November 2013);
- Engaging the United Nations Security Council (2014);
- Engaging the African Union and sub regional bodies;
- Engaging the African Youth through capacity building conferences and workshops documentary screenings, debates, essay competitions;
- Engaging the African Media;
- Incorporating Gender and African perspectives;
- Pan-African stocktaking conference on Africa and the ICC;
- Publications:
 - Editions of the AFLA Quarterly on Africa and International Justice,

- Volume 4 of Africa Legal Aid Book series on “Africa and the ICC: One decade on”,
- Dissemination of proceedings of AFLA’s conferences,
- Publish regular editions of AFLA’s Electronic Reporter on Human Rights and International Justice,
- Post News Items on AFLA's highly visible website on emerging and topical areas of International Justice.

Building on the achievements and results of the “Africa and the ICC: 10 years on” conference, AFLA will continue working to engage in dialogues in Africa and the global North in relation to the following topics, among others: mainstreaming African perspectives in International Criminal Justice; Africa’s support for the ICC; the interface between Peace and International Criminal Justice in Africa; Engaging the African Union with the ICC, towards a Criminal Law Regime for Africa; South-North aspects of International Criminal Justice.

4. ANNEXES: Attached documents

Annex 4.1 - Programme



Africa Legal Aid (AFLA)

In cooperation with

**Commonwealth Secretariat, International Legal Assistance Consortium (ILAC),
International Bar Association (IBA), and Supported by the UN-ICTR**

Presents a Workshop on

AFRICA AND THE ICC: 10 YEARS ON

SNOWCREST HOTEL, ARUSHA, TANZANIA, 28th FEBRUARY- 1ST MARCH 2013

DAY 1

8.30-9.00	Registration, Coffee/Tea
9.00-10.30	OPENING CEREMONY
Chair	PROF. SHADRACK GUTTO , Centre for African Renaissance Studies, University of South Africa (UNISA), Chair of the Governing Council of Africa Legal Aid (AFLA)
Welcome Address	H.E. BONGANI MAJOLA U.N. Assistant Secretary-General and Registrar, U.N. International Criminal Tribunal for Rwanda (UN-ICTR)
Address	H.E. TIINA INTELMANN , President of the Assembly of State Parties (ASP) to the ICC
Address	JUSTICE SOPHIA AKUFFO , President of the African Court on Human and Peoples' Rights
Address	EVELYN A. ANKUMAH , Executive Director, Africa Legal Aid (AFLA) <i>The Evolving Regime of International Criminal Justice: African Perspectives</i>
Opening	HIS LORDSHIP JUSTICE MOHAMED CHANDE OTHMAN , Chief Justice of Tanzania
Keynote Address	H.E. FATOU BENSOUDA , Prosecutor, International Criminal Court (ICC) <i>Africa's Support for the ICC</i>
10.30-10.45	Coffee/Tea
10.45-12.15	PANEL 1 THEME: IS THE ICC TODAY WHAT AFRICA EXPECTS OR WANTS?
Chair	ADVOCATE TOM NYANDUGA , Former Member of the African Commission on Human and Peoples Rights (AFCHPR), Member of Africa Legal Aid (AFLA) Governing Council
Presenters	KILENDA KAKENGI , Lead Defense Counsel for Mathieu Ngudjolo Chui case before the ICC <i>Is Africa a Participant or Target of International Justice- a Defense Perspective</i>
	AKBAR KHAN , International Bar Association (IBA) Independent Expert, Member of the World Economic Forum Global Council on the Rule of Law <i>Ten Years of ICC Practice- Trials, Achievements and Tribulations</i> Presented by Jaffer Murtaza, Special Assistant to the prosecutor (ICTR)
	ALPHA SESAY , Legal Officer, Open Society Justice Initiative, The Hague <i>From Rome to Kampala and beyond: IS the ICC heading in the right direction?</i> KARIM KHAN , Lead Counsel in the Kenya and Darfur Cases before the ICC <i>Raising the Bar: Quality of Justice for African Defendants.</i>
Floor Discussion	

12.15-13.15	Lunch
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13:15- 14:45	PANEL 2 THEME: AFRICAN VICTIMS AND THE ICC- HOPE OR DELUSION?	
Chair	ROLAND AMOUSSOUGA , Senior Legal Adviser, Chief, External Relations and Strategic Planning, International Criminal Tribunal for Rwanda (ICTR)	
Panelists	Presenter	PIETER DE BAAN , Executive Director, ICC Victims' Trust Fund for Victims <i>Achieving "Reparative Justice" for Victims of International Crimes: the Dual Mandate</i>
	Presenter	COMMISSIONER ANNE KYALO NGUGI , Ag. Chair, Kenya National Commission on Human Rights, <i>Victims Participation: Challenges and Opportunities</i>
	Presenter	CECILE APTEL , Senior Legal and Policy Adviser, Office of the U.N. High Commissioner for Human Rights, Co-Chair of the IBA War Crimes Committee <i>Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law: a Human Rights Perspective</i>
Floor Discussion		
14.45-15.00	Coffee/Tea	
15.00-16.30	PANEL 3 THEME: THE GENDER DIMENSION: ADOPTING A HOLISTIC APPROACH TO GENDER JUSTICE	
Chair	RICHARD KAREGYESA , Chief of Prosecutions (ICTR)	
Panelists	Presenter	GLORIA ATIBA DAVIS , Head of Gender and Children's Unit, Office of the Prosecutor (OTP), International Criminal Court (ICC) <i>An Update on the OTP's Strategy on Gender based Crimes: Beyond Charging to Complementarity</i>
	Presenter	RENIFA MADENGA , Legal Advisor and Focal Person, Sexual Exploitation and Sexual Abuse, International Criminal Tribunal for Rwanda (ICTR) <i>Carrying forward the Legacy of the ICTR on Gender Justice</i>
	Presenter	DR. HELEN KIJO-BISIMBA , Executive Director, Legal and Human Rights Centre, Dar Es Salam, Tanzania <i>Are International Trends on Prosecution of Gender-based Crimes Having an Impact at the National Level?</i>
	Presenter	REDSON KAPINDU , University of Johannesburg, South Africa <i>Towards Universality of Gender Justice</i>
Floor Discussion		

16.30-18.00	PANEL 4 THEME: COMPLEMENTARITY – LESSONS FROM OTHER JURISDICTIONS THIS PANEL IS SPONSORED BY THE HAGUE INSTITUTE FOR GLOBAL JUSTICE (THIGJ)	
Chair	PROF. ANDRE KLIP , Faculty of Law, Maastricht University, The Netherlands	
Panelists	Presenter	DR. KJELL ANDERSON , Projects Leader, The Hague Institute for Global Justice (THIGJ) <i>The Role of the International Criminal Court (ICC) in Building Capacity for Domestic Prosecution</i>
	Presenter	THIJS BERGER , Prosecutor, National Division of the Dutch Department of Prosecutions <i>Lessons from The Netherlands</i>
	Presenter	JOHN McMANUS , War Crimes Unit of the Department of Justice of Canada <i>The Canadian Experience</i>
Floor discussion		
18:00-19:30	Networking reception	

Day 2

8.30-9.00	Registration, Coffee/Tea
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9.00-10.30	PANEL 5 THEME: RATIFICATION AND IMPLEMENTING LEGISLATION	
Chair	JAMES ARGUIN , Chief of Appeals & Legal Advisory Division (ICTR)	
Panelists	HON. SALIH MAHMOUD OSMAN , Human Rights Advocate and Defender, Darfur, Former Member of the National Parliament of the Republic of Sudan <i>The Sudan Experience</i>	
	AMB. MIRJAM BLAAK-SOW , Ugandan Mission to the Benelux, Member of Africa Legal Aid (AFLA) Governing Council <i>Lessons from Uganda</i>	
	HON. GITHU MUIGAI , Attorney General of Kenya <i>The Kenya Experience Presented by Belinda Kuilu</i>	
	AMBASSADOR ALLIEU IBRAHIM KANU , <i>Perspectives from Sierra Leone</i>	

Floor Discussion	Coffee/Tea
10.30-10.45	PANEL 6 THEME: COMPLEMENTARITY AND STRATEGIES FOR
10.45-12.15	INTENSIFYING AFRICAN COOPERATION WITH THE ICC JUSTICE SOPHIA AKUFFO , President, African Court on Human and Peoples' Rights
Chair	DONALD DEYA , Chief Executive Officer, Pan African Lawyers Union (PALU)
Presenters	<i>The Proposed Expansion of the Jurisdiction of the African Court of Justice and Human Rights</i> MICHEL CARRIE , Organisation Internationale de la Francophonie <i>Complementarity and Strategies for Intensifying African Cooperation</i>
	DONALD FERENCZ , Executive Director, The Planethood Foundation <i>Criminalizing the Illegal Use of Armed Force: Does it Matter to Africa?</i>
	DR. CHANTAL JOUBERT , Legal and Operational Affairs Department, Ministry of Security and Justice, The Netherlands <i>Fixing the Legal Gap: Judicial Assistance and Extradition</i>
Floor Discussion	Lunch
12.30-13.30	
13.30-15.00	PANEL 7 THEME: SPECIAL SESSION – THE SADC TRIBUNAL
Chair	MORAY HATHORN , Partner in Charge of Pro Bono, Webber Wentzel, Johannesburg, South Africa
Presenters	PROF. CHRIS PETER MAINA , School of Law, University of Dar es Salaam, Tanzania LLYOD KUYEYA , Programme Head, Regional Advocacy Programme Southern African Litigation Centre (SALC) TISEKE KASAMBALA , Africa Advocacy Director, Human Rights Watch CLEMENT PHEBE MAVUNGU , Legal Advisor: Africa Regional Program, International Commission of Jurists (ICJ)
15.00-15.15	Coffee/Tea
15.15-16.45	PANEL 8 THEME: CARRYING FORWARD THE LEGACY OF THE UN INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (ICTR)
Chair	H. E. JUDGE VAGN JOENSEN , President, U.N. International Criminal Tribunal for Rwanda (UN-ICTR)

Presenters	H. E. HASSAN ABUBACAR JALLOW , Chief Prosecutor, UN-ICTR <i>Prosecutorial Legacy of the ICTR to Humanity</i>
	H. E. BONGANI MAJOLA , Registrar, UN-ICTR <i>Achievements and Challenges of the ICTR</i>
	DIDIER PREIRA , Deputy Registrar, International Criminal Court (ICC) <i>Perspectives from the ICC</i>
Discussant	PROF. ANDRE KLIP , Faculty of Law, Maastricht University, The Netherlands <i>Critical Appraisal of the Work of the ICTR in the last two Decades</i>
Floor Discussion	

Annex 4.2 -Template of the pre-conference questionnaire

1. What is your Organization's focus?
.....
2. Has your Organization been involved in any ICC related activities?

Yes. Please indicate the extent
.....
.....
No. Please explain why this is so
.....
.....
- 2a. Are you keen on learning /understanding more about the ICC?
.....
.....
3. Has your Organization been involved in SADC Tribunal related activities in any way?

Yes. Please indicate the extent
.....
.....
No. Please indicate why this is so
.....
.....
- 3a. Are you keen on learning/understanding more about the challenges facing the SADC Tribunal?

Yes.
No.
4. From the concrete perspective of your work/profession, what are your expectations of this Conference?
.....
.....
5. In your opinion, by furthering criminal accountability, does the International Criminal Court (ICC) contribute to justice in Africa?

Yes. Please explain why
.....
.....
No. Please explain why
.....
.....
6. In your opinion, by furthering criminal accountability, does the International Criminal Court (ICC) contribute to peace in Africa?

Yes. Please explain why

.....
.....

No. Please explain why

.....
.....

7. In your opinion, is Africa a target of or a participant in the global fight against impunity?

Please explain why

.....
.....

8. In your opinion, is the proposal to confer criminal jurisdiction on the African Court desirable?

Yes. Please explain why

.....
.....

No. Please explain why

.....
.....

9. In your opinion, is it realistic to expect that the proposed criminal law chamber of the African court will actually be able to contribute to criminal justice?

Yes. Please explain why

.....
.....

No. Please explain why

.....
.....

10. In your opinion, should heads of state and/or other governmental leaders enjoy immunity from prosecution before the African Court's criminal chamber?

Yes. Please explain why

.....
.....

No. Please explain why

.....
.....

11. In your opinion, does the exercise of universal jurisdiction by foreign national courts contribute to peace and/or justice in Africa?

Yes. Please explain why

.....
.....

No. Please explain why

.....
.....
12. In answering question 11, in your opinion, should a distinction be made between European national courts and national courts in other African countries?

Yes. Please explain why

.....
.....

No. Please explain why

.....
.....

13. In your opinion, should the problem caused by the freezing of the SADC Tribunal be solved, and if so, how?

Please explain your answer.

.....
.....

14. In your opinion, in the light of the Arab Spring and the transformation that the M-E region is going through, is it wise to promote criminal accountability there right now?

Yes. Please explain why

.....
.....

No. Please explain why

.....
.....

15. In your opinion, have international criminal tribunals adequately so far dealt with the question of justice for victims?

Yes. Please explain why

.....
.....

No. Please explain why

.....
.....

16. In your opinion, have international criminal tribunals so far adequately dealt with gender based crimes in Africa?

Yes. Please explain why

.....
.....

No. Please explain why

.....
.....

Personal information (Optional)

Name:

Organization:

Email:

Phone No.:

Annex 4.3 – Pictures

For more images from the 'Africa and ICC: 10 years on' conference click [here](#).







Annex 4. 4 - Press coverage, news publications

6.1. Press release “Africa and the ICC: 10 years on”

<http://www.africalegalaid.com/news/africa-and-the-icc-10-years-on>

6.2. President of the Assembly of States Parties and ICC Prosecutor:

<http://www.icc->

[pi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/pr875.aspx](http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/pr875.aspx)

6.3. Opening remarks by His Lordship Mohamed Chande Othman, Chief of Justice of the United Republic of Tanzania

<http://www.africalegalaid.com/news/opening-address-of-his-lordship-mohamed-chande-othman>

6.4. Opening address of Ms Evelyn A. Ankumah, Executive Director Africa Legal Aid: the Evolving regime of the International Criminal Justice: African Perspectives

<http://www.africalegalaid.com/news/africa-and-the-icc-evelyn-ankumah-opening>