

Symposium on 'The ICC that Africa wants'

9-10 November 2009, Spier Hotel, Stellenbosch

Key outcomes and recommendations

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BACKGROUND

On 9-10 November 2009 the International Crime in Africa Programme (ICAP) at the Institute for Security Studies in Pretoria hosted an international symposium on 'The ICC that Africa wants'. The event aimed to provide a forum for African governments and civil society organisations to explore possible areas of consensus in the run-up to the International Criminal Court (ICC) Review Conference that is taking place in Kampala, Uganda in 2010. The symposium hoped to find constructive ways for governments and civil society to bridge the growing divide on the continent regarding the ICC's role in contributing to justice and accountability.

The symposium provided a unique and timely opportunity for representatives of the ICC, African states parties to the Rome Statute, and African civil society organisations (CSOs) working on international justice and the ICC, to meet and discuss how to achieve 'the ICC that Africa wants' in a non-political and informal forum. Among the 64 participants were representatives of 13 African states parties and 22 CSOs active in the field.

It is not the aim of this report to summarise the symposium proceedings. Rather, the report reflects on key issues that were raised and provides recommendations developed by the authors that draw on the rich and diverse presentations and discussions at the symposium. This report and its recommendations therefore reflect the views of the authors and should not be taken to reflect the views of any government, the ICC or any other organisation that participated in the symposium.

The report and its recommendations have also been shaped by events that occurred immediately after the symposium. In particular, the section relating to the Review Conference has been shaped by the outcome of the 8th ICC Assembly of States Parties (ASP) (17-26 November 2009).

The report responds to two broad questions: what are the issues of concern around the ICC, and what are the recommendations for states parties, CSOs and the ICC in preparation for the Review Conference, and beyond?

ISSUES OF CONCERN ABOUT THE ICC, AND RECOMMENDATIONS

The symposium considered issues of concern from the perspective of African states parties, the African Union (AU) and CSOs working on international criminal justice in Africa, including several that support and monitor the ICC's activities in situation countries and in The Hague.

The uneven landscape of international criminal justice

International criminal justice is subject to the uneven and imbalanced landscape of global politics. For Africa, a key concern in this regard is the relationship between the UN Security Council (UNSC) and the ICC, specifically the Council's powers of referral and deferral under the Rome Statute (Articles 13 and 16). The skewed institutional power of the UNSC creates an environment in which it is more likely that action will be taken against accused from weaker states than those from powerful states, or those protected by powerful states. Thus the perception is that by referring the Darfur situation to the ICC but not acting in relation to, for instance, Israel, the UNSC is guilty of double-standards.

This imbalance fuels concerns that international criminal justice mechanisms threaten state sovereignty. This also applies to the ICC which, although being a treaty body, is still subject to the Chapter VII powers of the UNSC. And although the Rome Statute restricts the jurisdictional reach of the ICC (thereby making investigations in Iraq and Gaza difficult), these structural limitations in the architecture of international criminal justice are poorly acknowledged in the face of UNSC power to refer and defer situations to the ICC.

The primacy of this issue for Africa is clear from several developments. First, the flood of criticism about the ICC's work on the continent came after the Prosecutor's announcement in June 2008 that he would be seeking an indictment for President al-Bashir of Sudan following the UNSC referral of the Darfur situation to the ICC. (The indictment was subsequently approved by the ICC's Pre-Trial Chamber in March 2009.) These decisions not only brought to the fore the inherent defects within the UNSC – defects which for a long time African and other states have complained about – but the controversy was heightened because Sudan is not a state party to the ICC, yet non-state parties on the UNSC (most notably the United States) voted for the referral (and have the power to refuse deferral).

The second indication of how the UNSC's role deepens concerns about the ICC is contained in the decisions and recommendations of African states parties and the AU during 2009. The decision of the 3 July AU Summit in Sirte to withhold cooperation with the ICC in respect of the arrest of al-Bashir was framed in response to the UNSC's lack of consideration of the AU's request for a deferral. At meetings of states parties called by the AU in June and November 2009, the problematic role of the UNSC was one of the few issues around which there was consensus. The role of the UNSC was the main concern at the AU Experts Meeting (3-5 November) with the subsequent AU Ministerial Meeting (6 November)

recommending that Article 16 of the Rome Statute be amended to allow the UN General Assembly (under the Cold War 'Uniting for Peace' resolution) to 'exercise such power in cases where the Security Council has failed to take a decision within a specified time frame...'. The reasoning was that the General Assembly is more representative of the world community than the UNSC.

Although the 8th ICC Assembly of States Parties (ASP) did not adopt the proposal to include the AU's recommendation regarding Article 16 on the agenda of the Review Conference, the issue remains up for discussion at the 9th ASP. Concerns about the role of the UNSC are unlikely to diminish in importance for African leaders and governments, especially in light of the recommendations of the AU Panel on Darfur. Moreover, as long as these concerns remain unattended, they could deter African states from ratifying the Rome Statute, thus undermining the quest for universality. What exactly Africa wants on this issue is however unclear, considering that most African states parties appeared not to support the tabling of the AU's Article 16 recommendation at the 8th ASP. This (in)action shows the necessity of dialogue and consensus building among African states parties (perhaps outside the forum of the AU) on the issue.

Proposed recommendations

- African states should constructively engage with and drive the ongoing process of UNSC reform, including the question of Africa's permanent seat on the Council, in order to more accurately reflect the current global balance of power.
- African governments and CSOs should develop workable alternatives to the role of the UNSC with respect to Articles 13 and 16 of the Rome Statute. Taking into account the 6 November AU Ministerial Meeting's recommendation on Article 16, (which did not make it onto the Review Conference agenda), African states parties and CSOs need to engage in a constructive discussion about viable alternatives ahead of the 9th ASP. This could include establishing a working committee dedicated to the issue.
- CSOs, especially in the P5 member states, should step up efforts to convince their governments to help level the international criminal justice playing field, starting with ratification of the Rome Statute and the even-handed application of UNSC Chapter VII powers in relation to the ICC.

- In the interim, states parties and those affected by Article 13 referrals should be encouraged to abide by the existing application of Article 16 of the Rome Statute in making any calls for a deferral. Rome Statute provisions that facilitate appropriate engagement with the Court should also be utilised.
- The jurisdictional reach of the ICC should be extended through increased ratifications of the Rome Statute both in Africa and globally to help make the international criminal justice landscape more even. (It should be recognised, however, that it is the very perception of the uneven landscape that dissuades African states from ratifying.)
- The domestication of the Rome Statute must be encouraged in countries that have ratified to enable broader domestic application of international criminal justice, including through expanded jurisdiction and criminalisation.
- When appropriate, states parties (including non states parties willing to accept the jurisdiction of the ICC) should, with the support of civil society, be encouraged to facilitate the work of the ICC in situations beyond Africa in order that the Court's global reach is extended.

Immunities for heads of state

There is little doubt that the targeting of a sitting head of a powerful African state by the ICC in the al-Bashir matter has been deeply unsettling for a number of African rulers. Indeed it was only when the third indictment in the Darfur situation was made against al-Bashir that some African states raised concerns about the fairness of the ICC and UNSC's actions, and began accusing the Prosecutor of exceeding his mandate. These concerns were articulated in a number of AU statements, most notably the 3 July AU Summit decision of non-cooperation with the ICC, as well as statements from a number of African government officials and political leaders.

Moreover, the fact that the ICC, under mandate by the UNSC, has proceeded against a sitting head of state of a country that is not party to the Rome Statute has raised legal debates about head of state immunity under customary international law as read with Articles 27 and 98 of the Rome Statute. Although some African states (Uganda and South Africa) have clarified their legal obligations with regard to the matter, there is as yet no definitive ruling from the ICC on the relationship between Articles 27 and 98 and the effect of those provisions on immunities for heads of state.

Proposed recommendations

- States parties should be encouraged to domesticate the Rome Statute in order to clarify their legal position with regard to immunities for international crimes, giving effect to the spirit of the Rome Statute which was developed to ensure that official position, even when it applies to senior leaders, does not provide a shield from prosecution for international crimes.
- CSOs in countries that are states parties must encourage their governments to clarify their legal obligations in this matter to ensure that immunities for heads of state and senior leaders are not used to protect those accused of international crimes from facing justice.
- The ICC must be encouraged to clarify its position on the tension between Articles 27 and 98, ideally through a judicial decision of the Court.
- African states parties (possibly through sub-regional meetings) should be encouraged to develop practical recommendations to respond to the AU's concerns relating to heads of state immunity and the application of Articles 27 and 98, and to contribute effectively to future decision-making processes such as the ASPs.

Should the Prosecutor also consider the interests of peace?

Africans agree that impunity for international crimes should not be tolerated. This sentiment is expressed in Article 4(h) of the AU's Constitutive Act. However, there is less consensus about the relationship, in practice, between justice mechanisms and peace processes. The concern is that the involvement of an independent third party (like the ICC) in situations of ongoing conflict may disrupt sensitive and complex peace negotiations and attempts at conflict resolution. This is one of the reasons for the AU's insistence that the UNSC defer the prosecution of al-Bashir.

The recent report of the AU Panel on Darfur, set up to make recommendations on how to achieve peace in Darfur, states that 'It is self-evident that the objectives of peace, justice and reconciliation in Darfur are interconnected, mutually interdependent and equally desirable. ... This means that even as the peace negotiations are taking place, action should be undertaken to investigate the serious crimes that have been committed in Darfur, and to put in place measures to prevent the commission of fresh crimes'. This suggests that efforts at bringing peace and accountability should be pursued simultaneously. However, where the ICC has

acted in situations of ongoing conflict (Uganda, Sudan and in some respects the DRC), controversy has followed. Concerns are that ICC action may deter protagonists from joining the negotiation table (and thus prolong conflict and suffering), disrupt and delay active peace processes, and become a political tool for those in power to settle political scores and eliminate opponents ('selective justice'). How to synchronise peace and justice in practice is far from clear.

Although the Prosecutor rightly emphasises that he '[applies] the law without political considerations' and follows the evidence, the perception on the ground and among certain African governments is often quite different. States parties and the AU have repeatedly noted their concern about the 'conduct of the Prosecutor', resulting in the recommendation of the 6 November AU Ministerial meeting that the Office of the Prosecutor be requested to review the 2009 Regulations and 2007 Policy Paper on the guidelines and code of conduct for the exercise of prosecutorial discretion to include factors of 'promoting peace'.

Many Africans, including some states parties, are opposed to interference with the independence of the Prosecutor and are confident that the relevant mechanisms in the Rome Statute provide sufficient oversight of the Prosecutor's conduct. At the symposium, Uganda explained that '... it would not be advisable to let the Prosecutor take the interest of peace into consideration, as this would involve him in many political situations and blur his legal mandate', and that 'As a government, we feel strongly that if it wasn't for the ICC warrants of arrest for Kony and his four commanders, the lengthy peace negotiations from 2006-2008 would have never taken place'. Nevertheless, Uganda also expressed its gratitude that, after issuing the indictments for the LRA leaders, the Prosecutor 'took a back seat [while the peace talks were ongoing for two years] which was the right thing to do under the circumstances. Once the peace talks were over his office became very active again in its outreach activities'. Perhaps the question then is not whether or not to investigate or issue indictments (in the interests of domestic political processes), but rather how best to sequence the steps that follow on the road to prosecution, as the Ugandan case demonstrates.

In situations of ongoing conflict or political instability (such as Kenya), political considerations are a reality. Rather than simply restating that both peace and justice are important, practical ways to deal with this challenge that do not infringe on the independence of the Prosecutor must be found. The Office of the Prosecutor (OTP) is producing a new policy paper on what the Prosecutor calls the issue of 'appeasement or justice', and the Prosecutor has stated that 'we will be delighted to

engage in deeper dialogue with AU or African states parties' on the matter. Such an opportunity for dialogue must not be missed.

Proposed recommendations

- States parties and CSOs should reaffirm that under the Rome Statute the ICC's independence as a judicial body must be respected and that decisions of a political nature should be left to the UNSC as provided for under Articles 13 and 16.
- In light of the AU's recommendation that the Prosecutor consider peace in his decisions to institute prosecutions, dialogue among CSOs, states parties and the ICC (as suggested by the Prosecutor) should be encouraged in order to find workable recommendations that respond to the AU's concerns and that can be tabled at future ASPs or be taken up by relevant working committees.
- In its public communication strategy, the OTP's decisions to investigate or not to investigate need to be better explained to the right constituencies: African states parties (especially since Africa represents the biggest regional bloc and all ICC cases are in Africa), victims and affected communities. Perceptions of 'selective justice' will only change when there is a common understanding about how specific cases and accused have been chosen over others. Such messages should include the assurance that evidence permitting, cases against other accused in the situation in question can still be opened.

Problems of policy and practice

In recent years several international organisations have raised concerns about certain policies and practices relating to the ICC's work. This is not surprising given the difficulty of the Court's mandate, the demands that complementarity places on the ICC's work, and most importantly, the fact that the Court is a newly established treaty body working in a constantly evolving legal and political environment. The aim of this section is not to review these concerns but to note the challenges raised at the symposium by those with experience of the ICC – either in the situation countries, the courtroom, or the ICC itself.

With regard to interactions with victims, witnesses and intermediaries, concerns were raised about:

- The lack of accurate and timely information to victims about their role in proceedings.

- The need for better protection of victims, witnesses and intermediaries.
- The need for protection is especially acute in situations of ongoing conflict when levels of intimidation of victims, witnesses, and the general public are high.
- The lack of clarity with regard to the ICC's obligation towards intermediaries, including agreeing on a suitable definition of an intermediary and deciding what protection they are entitled to.
- The impact of delays in proceedings on the rights of victims as well as defendants.

Concerns about domestic capacity (in both government and civil society) to support international criminal justice and the work of the ICC include the following:

- In the case of the DRC, limited state capacity means that government officials struggle to fulfil their complementarity responsibilities and assist the ICC in its investigations. This was noted as a challenge to complementarity in all situation countries. There is a need to raise awareness and develop the skills of law enforcement and judicial officers where they are lacking, as well as harness skills where they exist on the continent.
- Weak criminal justice systems, including judiciaries that lack independence, severely constrain governments' ability to meet their complementarity obligations. The almost total lack of witness protection programmes in Africa is part of this problem, and has far reaching implications for the successful prosecution of international crime, whether domestically or in The Hague. Strategies need to be developed that tackle these problems in the interests of victims and the rule of law nationally, with international justice benefitting as a corollary.
- In the case of civil society, funding for activities in support of the ICC is insufficient. Although in the DRC the local ICC office has assisted, the scale of the challenge makes providing information about the ICC and assistance to victims, witnesses and intermediaries difficult.

The lack of political will at the national level to support international criminal justice efforts, even by officials whose governments self-referred their situations to the ICC, not only obstructs the ICC in its work, but also makes building skills and capacity in government more difficult. The Court has encountered a lack of cooperation in several states particularly on defence matters and the enforcement of arrest warrants.

Proposed recommendations

Two main areas of action for governments and the ASP relate to making complementarity work, and improving cooperation with the ICC. States parties should take the lead with the support of local CSOs. The development of political will and specialised capacity at national level is vital as the future of international criminal justice is likely to depend on domestic justice processes.

Enhancing domestic political will and capacity:

- CSOs must work with their governments to raise awareness about the important role of domestic criminal justice processes in bringing justice to perpetrators of international crimes, wherever they are committed.
- CSOs and their governments should collaborate to enhance the ability of their national justice system to deal with international crimes by:
 - Ratifying and domesticating the Rome Statute.
 - Developing appropriate law enforcement and criminal justice capacity to respond to these crimes and to cooperate with the ICC. This includes establishing dedicated and specialised law enforcement and prosecutorial units within national policing and prosecution structures.
 - Developing related capacity for witness protection, international cooperation and victim assistance.
 - Encouraging the development of capacity among defence lawyers to enable engagement with ICC processes at national level, and also directly with the ICC.

Sub-regional and regional organisations (including law societies and bar associations) also have a role in building domestic will and capacity. These organisations should be encouraged to develop specific programmes aimed at promoting the application of international criminal justice.

Recommendations for the ASP:

- Increase the ICC's budget for outreach and the provision of public information.
- Increase the focus on complementarity including through targeted funding. ASP members who have rule of law donor programmes must be encouraged to better align their ASP political and legal commitments with their legal development and funding policies to

ensure that rule of law donor programmes are better targeted and coordinated to foster Rome Statute complementarity, including through:

- Adoption of national implementing legislation.
 - Adoption of national witness protection programmes and the mechanisms to make them effective.
 - Building national capacity to investigate, prosecute, defend and adjudicate Rome Statute crimes.
- Improve cooperation with the ICC by:
 - Establishing a working group on cooperation mandated to implement the 66 recommendations contained in the Report of the Bureau on Cooperation.
 - Being more responsive to ICC requests on executing arrest warrants, cooperating on the provision of information and evidence, on freezing and tracing of assets, on requests for interim release, as well as other matters.
 - Implementing the decision at the 3 July AU Summit that encourages member states to initiate programmes of cooperation and capacity building aimed at drafting domestic legislation, training members of the police and judiciary, and strengthening cooperation among judicial and investigative agencies.
 - Assisting the ICC in its outreach work and helping to facilitate greater cooperation between the AU and the ICC through an ICC-Africa liaison office in Addis Ababa or another suitable capital.
 - Entering into a meaningful cooperation agreement between the AU and the ICC.

Apart from the obligations on individual governments and the ASP with regard to the above actions, CSOs must be proactive in urging governments and the ASP to deliver on these matters, lobby for more targeted donor support, and remind governments, broader civil society and the media about states parties' legal obligations under the Rome Statute and domestic ICC legislation where it exists.

The ICC should consider action on outreach, and victims and defence issues.

In terms of outreach, the ICC should:

- Improve the quality and extent of outreach and coordination of outreach planning and implementation with CSOs.

- Develop a consistent and coordinated public information strategy.
- Consider holding in situ proceedings where appropriate and consistent with security needs.

In terms of victims and defence issues, the ICC should:

- Make the processing of victim applications more expeditious and predictable.
- Do more through victim outreach and education to reconcile the expectations of victims with the practical realities of their limited participation in court proceedings.
- Make a concrete determination on intermediaries and their interaction with the Court (the scope of their role, protection, etc).
- Implement the decision of the Trial Chamber regarding the protection of victims participating in proceedings.
- Make a greater effort to minimise delays and ensure that proceedings are fair and expeditious.

THE ICC REVIEW CONFERENCE

The recommendations proposed above in response to the challenges facing the ICC's work in Africa could be taken up at relevant regional and international fora that deal with the ICC, meetings of regional and sub-regional organisations in Africa, and of course at the Review Conference in May-June 2010.

In the months leading up to the 8th ASP, there was a general lack of certainty about how to influence the preparations and planning for the Review Conference in order to ensure real change. This is reflected in the minutes of the 3-5 November AU Experts Meeting and the decision of the 8th ASP not to place any of the proposals from the 6 November AU Ministerial Meeting on the Review Conference agenda. It is possible that better coordination among states parties, the AU and CSOs in preparing for the 8th ASP and the Review Conference might have avoided this outcome.

Developments at the 8th ASP suggest that the Review Conference may not result in significant change but will rather provide an opportunity to consolidate achievements and lay the groundwork for future change. African states should not miss the opportunity to shape this process in the future.

The 8th ASP agreed that the Review Conference will consider amendments to the Rome Statute with regard to Article 124, provisions for the crime of aggression, and the use of weapons under Article 8. With regard to the 'stocktaking' session of the Review Conference, the topics for discussion are complementarity, cooperation, the

impact of the Rome Statute system on victims and affected communities, and peace and justice.

These 'stocktaking' issues were raised in several of the 'proposed recommendations' outlined above, and African states parties and CSOs have a responsibility to intervene in this regard. Effective engagement with the process will require better information and coordination among states parties and CSOs. To ensure that Africa constructively shapes this process, the following will be important:

- Meetings of African states parties (possibly at regional or sub-regional level) should be facilitated to share ideas and establish common positions. CSOs can help facilitate this process.
- CSOs must lobby their governments to send high-level officials, with clear briefs and positions, to the Review Conference.
- CSOs working on these issues must act proactively and timeously by identifying key issues for lobbying, and by presenting them coherently at the Review Conference.

In terms of roles and responsibilities, civil society is expected to play an important role in the Review Conference. At the 8th ASP, Resolution ICC-ASP/8/Res.6 states that 'the Review Conference will be open to participation by civil society, including non-governmental organisations and representatives of victims' organisations, and that their participation is key to successful outreach for the Court and the Review Conference'. As far as states parties are concerned, the Resolution mandates the Bureau on the Review Conference to 'continue preparations of the stocktaking...with a view to preparing the format of the discussion, preliminary background materials and proposals for outcomes for each topic...for consideration at the resumed session'. The Review Conference will be an important agenda item at the resumed session of the 8th ASP to be held from 22-25 March 2010 in New York, and African states parties should work towards both the Bureau and this resumed session in order to shape the planning process.

CONCLUSION

International criminal justice and the ICC are 'works in progress' with the potential to grow and evolve over time. The ICC already represents an important achievement in the global and African effort to ensure justice for victims and hold to account those responsible for the most serious crimes known to the international community. Support for the ICC has grown remarkably since its establishment, and the Court continues to gain

momentum: 110 of the 193 UN member states have ratified the Rome Statute. Africa, with 30 states parties, is the biggest regional supporter of the ICC. Thus far the Court is active in four situations, has issued 13 arrest warrants, has six cases at the pre-trial stage with two cases at the trial stage, and has opened preliminary investigations in six countries. The ICC is also the first international court to accord victims the right to participate in trial proceedings. Expectations of the Court are high, and as a result these achievements are easily obscured by criticism.

To ensure that the potential of the ICC is not overshadowed by its shortcomings, Africa must approach problems constructively – with the aim of strengthening the institution it helped create rather than deligitimising it. While concerns have arisen since 2002 about some aspects of the ICC's work, there is no evidence that Africa today wants a substantially different ICC from the one it called for in the 1998 Dakar Declaration: '...the Court shall be independent, permanent, impartial and effective, that a complementarity exists between the ICC, national and regional tribunals, when these are ineffective or where political will is manifestly absent to prosecute, that the ICC will be the judge of its own jurisdiction, that the independence of the Prosecutor and his functions must be guaranteed, that the cooperation of all States will be crucial for the effectiveness of the Court ...'¹

For the most part, Africa has the ICC that it wanted in 1998. The challenge now is to refine the Court's work to ensure that the practice reflects the principles embodied in the Rome Statute. In doing so, it will be important to protect the independence of the ICC and ensure not only that the Court is fair, but that it is seen to be fair. This must include developing national capacity to engage effectively with the ICC, including in matters of complementarity and cooperation. To achieve this, African states parties, with the support of CSOs, must continue to work energetically towards eradicating impunity for international crimes by strengthening and refining the ICC in its work on behalf of African and other victims of mass atrocities.

1 Sivuyile Maqungo, in AA Yusuf (ed), *Establishment of an ICC, African Year Book of International Law*, 2001, p 333-350.

APPENDIX A

Agenda

Symposium on 'The ICC that Africa wants' 9-10 November 2009, Spier Hotel, Stellenbosch

Day one: Monday 9 November

08:30	Registration
	Chairperson: Tiyanjana Maluwa, Director, School of International Affairs, Pennsylvania State University
09:00 - 09:15	Opening and welcome Cheryl Frank, Director, ISS Pretoria Office & Anton du Plessis, Head, International Crime in Africa Programme, ISS
09:15 - 10:00	Africa's role in the development of the ICC: Rome to date Sivu Maqungo, Legal Adviser, Department of International Relations & Cooperation, SA Alioune Tine, Executive Secretary, RADDHO, Dakar
10:00 - 10:30	The changing political context of international criminal justice in Africa: 1998-2009 Prof Max du Plessis, Research Associate, ISS and Faculty of Law, University of KwaZulu-Natal
10:30 - 11:15	Discussion
Break	
	Chairperson: Amb Mirjam Blaak, Deputy Head of Mission, Uganda Embassy, Brussels
11:30 - 12:00	African States Parties' concerns about the ICC Dr Athaliah Lesiba Molokomme, Attorney General, Botswana
12:00 - 12:30	Understanding the AU's position on the ICC Prof Chris Maina Peter, Faculty of Law, University of Dar es Salaam
12:30 - 13:15	Discussion
Lunch	
	Chairperson: Kimberly Prost, Judge, ICTY
14:15 - 15:00	Working with Africa: the view from the ICC Prosecutor's office Luis Moreno-Ocampo, ICC Prosecutor
15:00 - 15:20	The uneven international justice landscape: challenges and opportunities Richard Dicker, International Justice Programme Director, HRW
15:20 - 16:00	Discussion

Day two: Tuesday 10 November

08:00	Arrival
	Chairperson: Jim Goldston, Executive Director, Open Society Justice Initiative
08:30 - 09:00	Impact of limited state capacity on complementarity: the ICC perspective Phakiso Mochochoko, Legal Advisory Services Section, Registry, ICC
09:00 - 09:20	Practical challenges: victims, witnesses and intermediaries Dismas Kitenge, President, Lotus Group, DRC
09:20 - 09:40	Practical challenges: outreach and liaison in Africa Georges Kapiamba, Vice President, National African Association for the Defense of Human Rights (ASADHO), DRC
09:40 - 10:00	Respondent: Lorraine Smith, ICC Monitoring and Outreach Programme, IBA
10:00 - 11:00	Discussion
Break	
	Chairperson: Mabvuto Hara, President, SADC Lawyers Association
11:15 - 11:45	How can States Parties respond to political and practical concerns Hon Dr Khiddu Makubuya, Minister of Justice and Constitutional Affairs & Attorney General, Uganda
11:45 - 12:30	How can civil society respond to political and practical concerns Don Deya, CEO, East Africa Law Society James M Yarsiah, Director, Rights and Rice Foundation, Liberia
12:30 - 13:00	Discussion
Lunch	
	Chairperson: Anton du Plessis, ISS
14:00 - 14:45	ICC Review Conference in 2010: opportunity for change? Amb Mirjam Blaak, Deputy Head of Mission, Uganda Embassy, Brussels
14:45 - 15:15	Discussion
15:15 - 16:00	The ICC that Africa wants: towards constructive recommendations Facilitated by ISS

APPENDIX B

List of participants

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