



International Criminal Court (ICC)

ICC Review Conference, Kampala (Uganda), 31 May

25 May 2010

FIDH Position Paper for the ICC Review Conference: “Renewing Commitment to Accountability”

On the occasion of the ICC Review Conference to be held in Kampala, Uganda, from 31 May to 11 June 2010, FIDH is issuing a position paper on the main issues of discussion: “ICC Review Conference: Renewing Commitment to Accountability”.

[FIDH position paper “ICC Review Conference: Renewing Commitment to Accountability”.](#)

According to Article 123, a Review Conference of the Statute was to be convened seven years after its entry into force. The first Review Conference of the Rome Statute will take place in Kampala, Uganda, from 31 May to 11 June 2010. The Conference will bring together representatives of 111 States Parties, observer States, inter-governmental organisations and hundreds of non-governmental organisations.

Almost eight years after the entry into force of its Statute, the ICC is a well-established and recognised institution, with five on-going investigations into atrocities committed in several countries. The Office of the Prosecutor is also monitoring other situations in five continents with a view to possibly opening further investigations. The Court has issued thirteen public arrest warrants, following which four persons have been arrested and surrendered to Court. The persons who are and have been sought include the President of Sudan and a former Vice-President of the Republic of Congo. This attests to the full implementation of the principle that there are no immunities for the most serious crimes. The ICC is currently conducting its first two trials and will soon open a third one. It is implementing innovative provisions on victims' rights, allowing for the participation of hundreds of victims in proceedings, and conducting assistance projects to attend to their physical, psychological and material needs.

FIDH welcomed the inclusion of a "**stocktaking**" segment in the programme of the Review Conference. In this paper, FIDH provides its own evaluation and makes recommendations on the four topics of the stocktaking exercise, namely:

- A) impact on victims and affected communities;
- B) complementarity;
- C) peace and justice; and
- D) cooperation.

FIDH will also be monitoring the adoption of the three proposals for **amendments**:

- A) the revision of Article 124;
- B) the inclusion of the use of certain weapons as war crimes in the context of an armed conflict not of an international character ("Belgian proposal") and
- C) the definition of the crime of aggression. This paper also offers an analysis and recommendations pertaining to these proposals.

The comments and evaluation provided in this paper are drawn from the experience of FIDH in the area of international justice since the 1990s. The organisation participated in the Preparatory Committee, the Rome Conference as well as the Preparatory Commission. Since the Statute's entry into force, FIDH activities in this area have focused on, inter alia, monitoring of the Court's operations, the sessions of the Assembly of States Parties ("Assembly") and the impact of the work of the Court in various countries, including but not limited to countries under investigation. Significantly, this paper incorporates the views of FIDH's member organisations which have deployed great efforts for the implementation of the Rome Statute in their respective countries.

FIDH has been involved in preparations for the Review Conference since 2006. It has also monitored negotiations for a definition of the crime of aggression over the years. It contributed actively to discussions on the Review Conference prior to, during and after the eighth session of the Assembly. Notably, throughout 2010, it contributed to shaping the stocktaking discussions, either through input provided by the Coalition for the ICC (CICC) and the Victims' Rights Working Group (VRWG), or by direct contacts with the focal points assigned to each stocktaking item. FIDH fully supports the papers produced by the CICC thematic teams during the preparation phase, as well as the VRWG Report "The Impact of the Rome Statute on Victims and Affected Communities."

<http://www.fidh.org/FIDH-Position-Paper-for-the-ICC-Review-Conference>