

STATEMENT BY CHINO OBIAGWU, COORDINATOR OF THE AFRICAN NETWORK ON INTERNATIONAL CRIMINAL JUSTICE TO 2020 ASSEMBLY OF STATE PARTIES (ASP19)

The African Network on International Criminal Justice commends the Assembly of State Parties to the Rome Statute of the International Criminal Court (ICC) at the successful conclusion of Independent Expert Review of the ICC.

We think the key issue now for the ASP and the court is to undertake coordinated implementation of the report of the experts.

With 384 recommendations, most of them very relevant to the work of the court, there is need for ASP to prioritize and de-prioritize certain interventions. And most importantly, the ASP and court should focus in implementing the low hanging recommendations that will require little or no cost, and that will produce quicker results. Some of the recommendations that will require amendment of the operational manuals, the court's policies and practices, improving on the outreaches to victims and stakeholders, strengthening legal defence and victims protection system, etc could be immediately embarked upon.

The ASP could also consider a practical sequencing of the implementation of the reforms, and adopt a holistic strategy that will contain timelines and key output indicators.

We urge the ASP to ensure that a comprehensive strategy is followed in ensure that this opportunity is not mixed for building a stronger and more resourceful international criminal court.

As many stakeholders have noted, the Independent expert review is very timely. It is coming at a time the court is facing a lot of political pressure and increased non-cooperation of political leaders of the world. At the same time, with increasing impunity around the work, the court's work in the last few years is expanding beyond the region of Africa.

It is therefore timely for the court and its organs especially the ASP to undertake genuine self-assessment, and review the effectiveness and relevance of its existing working methods, operational guides, and its relationship with other institutions and stakeholders. To this end, we commend the final report of the Independent expert review, which, we believe, captures many of the issues that concern the challenges faced by the court. Some of the challenges, which are reflected in the report, were part of the issues raised we raised in our written submission to the experts under the African Network on ICJ. It is a network of over 300 civil society organization working in Africa.

We commend in particular the emphasis of the IER report on the need to deepen the relationships between the organs of the court and civil society. The report recognizes the civil society as an important catalyst of the Rome Statute project, and noted that civil society stakeholders will continue in coming decades to motivate improvement in the work of the court. This is commendable considering the important role the civil society organizations play in not only supporting victims, but in disseminating information about the court, and protecting the court against political attacks. In improving the role of civil society in the Rome Statute system, we urge the ASP to grant increased access to, and recognition for the work of civil society in its work, and embrace the recommendation of the experts in this regards.

There are also very important and commendable recommendations in the report concerning victims' participation and redress, preliminary examinations, investigations and prosecutions, especially how to reduce delays in Preliminary examinations, including reconsidering the phasing approach of PE, which has resulting in undue delays in concluding PEs.

However, through the 384 recommendations of the experts, we consider that there has not been sufficient attention to the role of Assembly of State Parties in taking the court to the next level. The ASP should be central in the ICC reform project. Its political support is crucial.

There are also no sufficient attention to the role of United Nations Security Council and other organs of the UN to the work of the court. Though some members of the UNSC are not state parties, the Rome Statute has recognized the authority of the council in activating investigations even in the territory of non-state party among other key roles. It is important the ICC reform project takes the opportunity to clarify the relationship of the court with the UNSC, especially with a view to distancing the court from the council in order to protect its independence from political influences.

There is also, in our respectful view, no sufficient recommendation on improving the resources and budge of the court. The court requires more resources to meet its expanding workload. For instance, the report noted that only 12 staff are engaged in preliminary examination work of the office of the prosecutor. This is grossly insufficient to meet the recommendations for speedier PEs and investigations.

Finally, we urge the ASP to undertake further consultations with state parties and other stakeholders including victims networks and CSOs working in situation countries in order to deepen understanding of the recommendations of the experts. The review and reform of the court should be an institutionalized periodic exercise to ensure that the ICC continues to be strengthened to fight impunity for international crimes in the world

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