

THE INTERNATIONAL CRIMINAL COURT COLLOQUIUM

The ICC Prosecutor: Achievements, Challenges

Friday, 14 May 2021, 10:00 am - 12:15 pm EDT (Via Zoom)

INVITATION

The **Center for International Law and Policy in Africa (CILPA)**, with the co-sponsorship of the **American Society of International Law (ASIL)** and the **International Nuremberg Principles Academy**, invites you to a virtual roundtable regarding the achievements of the current Prosecutor of the International Criminal Court and the challenges facing the next Prosecutor. RSVP to info@cilpa.org.

CONCEPT

The Rome Statute of the International Criminal Court, which entered into force in July 2002, established the world's only permanent international penal tribunal. The ICC is mandated to step in when states are unwilling or unable to investigate and prosecute genocide, crimes against humanity, war crimes, and the crime of aggression. The most visible of the four ICC organs is the Office of the Prosecutor (OTP). The OTP, which is headed by the Prosecutor, is an independent organ responsible for initiating and carrying out investigations and prosecutions where there is a reasonable basis to believe that crimes within the jurisdiction of the ICC have been committed. The Prosecutor, whose role is critical as the main driver of the ICC process, is appointed for a non-renewable nine-year term.

The term of the current ICC Prosecutor, Ms. Fatou Bensouda (The Gambia), will end in June 2021. In February 2021, the ICC Assembly of States Parties (ASP) elected Mr. Karim Khan (U.K.) to replace her. The election of a new ICC Prosecutor, by an absolute majority of the ICC States Parties, is an opportunity to look back on what has been accomplished by the OTP under Prosecutor Bensouda's term.

The current Prosecutor is credited for adopting several new prosecutorial policies, for successfully completing several long running preliminary investigations, for her strong track record of independence, her successful prosecutions in a small number of cases, her efforts to strengthen the OTP's ongoing investigations and prosecutions, as well as for working, publicly and privately, to improve ICC-Africa relations. On the other hand, there have also been criticisms. Critics point to a number of cases having collapsed due to a lack of a sufficient evidentiary foundation, the challenge the OTP has faced in successfully proving its cases in court leading in some instances to either a recharacterization of the charges or rebukes by some of the judges, a number of high profile acquittals that dashed the hopes of victims, and even allegations that the current prosecutor has presided over a toxic work environment characterized by workplace bullying and harassment.

Given the pending completion of Prosecutor Bensouda's term, it is timely to use this second roundtable in the ICC Colloquium Series to not only celebrate her contributions, but to also discuss the key challenges that lie ahead for the OTP and the ICC as a whole. The next Prosecutor will have to confront these challenges if the OTP and the ICC are to fulfil the high expectations of their key constituencies. These range from addressing low staff morale, to working to improve and implement more streamlined situation and case selection criteria in concrete cases, to persuading States to strengthen their support for investigations and prosecutions, engaging the ongoing ICC review and reform process to implement appropriate policy changes, and of course, to securing more funding and cooperation for the OTP from the States Parties, the ASP, and the UN Security Council.

PROGRAM – Friday, 14th May 2021 via Zoom

10:00 I 10:15 Welcome/Opening Remarks

Catherine Amirfar, President, American Society of International Law

Viviane Dittrich, Deputy Director, International Nuremberg Principles Academy

Charles C. Jalloh, Founder, CILPA and Professor of Law, Florida International University

10:15 I 11:30 The Achievements of the Current ICC Prosecutor and Challenges Facing the Next Prosecutor

Moderator: Lorraine Smith van Lin, Director, SmithvanLin Consultancy

Talita de Souza Dias, Shaw Foundation Junior Research Fellow, Jesus College, University of Oxford

Kevin Heller, Professor of Law, University of Copenhagen and Australian National University

Sarah Kasande, Head of Office, International Center for Transitional Justice, Uganda

Alex Whiting, Deputy Prosecutor, Kosovo Specialist Prosecutor's Office

11:30 I 12:00 Open Discussion/Q and A

12:00 I 12:15 Closing Remarks