

## **Africans at the ICC**

Introduction to a series of profiles of prominent Africans working at the International Criminal Court in The Hague.

The International Criminal Court, ICC, in The Hague, established four years ago, is the world's first permanent international war crimes court.

Other international criminal courts, such as the post-Second World War Nuremberg Tribunal and the United Nations International Criminal Tribunal for the former Yugoslavia, also located in The Hague, have been, or are, by comparison once-only, temporary institutions.

The ICC was set up under the 1998 Statute of Rome with the backing of the United Nations General Assembly and the approval of 120 countries, but its operations and officials are independent of the UN and are not subject to veto by the UN Security Council.

The first visible sign to outsiders that the ICC had "arrived" came on March 20 this year when Congolese militia leader and warlord Thomas Lubanga Dyilo made history by becoming the first suspect to appear in the ICC's modern courtroom, charged with war crimes by Judge Claude Jorda of France.

Gaining evidence to support the prosecution of 45-year-old Lubanga has involved more than 60 ICC prosecution missions over the past two years to the remote, minerals-rich, northeastern Ituri region of the Democratic Republic of the Congo, DRC. The ICC's Argentinian chief prosecutor Luis Moreno-Ocampo said his investigators had worked almost clandestinely in Ituri because guerrillas from the rival Lendu and Hema ethnic groups "could kill our witnesses".

Among the initial charges made against Lubanga, leader of a militia called the Union of Congolese Patriots, UPC, is of conscripting children under the age of fifteen and using them in front-line hostilities. Moreno-Ocampo alleges that Lubanga had trained children as young as seven to become guerrilla soldiers.

Lubanga is now held at the ICC's prison in Scheveningen, on the outskirts of The Hague, where the court has leased twelve cells, with the option to take more as the UN's Yugoslav tribunal, the current main tenant of the prison, winds down its operation.

The UN says more than 60,000 people have been killed in Ituri and more than half a million of the province's 4.5 million people have become internal refugees since late 1998 when war erupted in the eastern DRC, stirred by the neighbouring states of Rwanda and Uganda and by the DRC government.

Ituri's war-within-a-war, and the cycle of attacks and counter-attacks by ethnic armies, comes against the background of an only recently ended full-scale war in the DRC - often described as the "first African world war". The conflict involved nine African states, twenty different armed factions and is estimated to have cost some four million lives.

Few people outside Africa have heard of Lubanga. Nor are many in Africa familiar with his name or alleged deeds.

In quizzes for participants in seminars on the ICC and other international justice issues held in Africa by the Institute for War and Peace Reporting, the lack of knowledge has been quite striking. This is not an indictment of seminar participants because, in truth, the ICC has not been sufficiently pro-active in promoting itself and what it hopes to achieve. This is particularly unfortunate because all its initial high profile cases concern Africa - the Lubanga case; arrest warrants for Joseph Kony and other leaders of the Lord's Resistance Army in Uganda; a major investigation into war crimes and abuses of human rights in the Darfur region of Sudan; and an investigation in its infancy of alleged human rights abuses in the Central African Republic.

There is a huge need for greater understanding of the court, its powers, its limitations and its wider effects. Its very existence serves as a deterrent to would-be dictators. Following the appearance of Lubanga in the ICC courtroom, chills surely ran down the spines of the likes of former Ethiopian military dictator Haile Mariam "Red Terror" Mengistu, former Chad dictator Hissen Habre, Zimbabwe president Robert Mugabe and Sudan president Omar al Bashir.

The inadequate attention given by the ICC to public relations in Africa is also regrettable because many Africans ask why this "European" court seems to be concentrating on Africa and the hauling of Africans to a European capital to prosecute them. The spectre of some kind of neo-colonialism arises.

And yet the ICC has a good and positive story to tell to Africa, not least because so many of the top positions in the 600-member permanent staff of the ICC are held by Africans deeply concerned about human rights on their continent.

Twenty-seven African countries have ratified the treaty establishing the ICC, making Africa the most represented region in the ICC's Assembly of States Parties. And there are hopes that Togo will soon become the 101st state to ratify the founding Rome Statute.

The ICC's deputy chief prosecutor, a hugely important and powerful position, is an African, Gambia's Fatou Bensouda, who asserts, "Africa must take ownership of the court. It is our court. It is not imposed on us."

To help illustrate the importance of the court to Africa, IWPR Africa will for the rest of this year, and perhaps beyond, publish monthly profiles of key African players at the ICC in The Hague, beginning with Bensouda, as in the following article by Katy Glassborow.

While the profiles are aimed principally at African newspapers, broadcasting organisations and other media, anyone anywhere around the globe is free to use them.

The IWPR Africa Report is still young, having been launched in January last year, and we have still yet to convey adequately to all the media in Africa that our reports can be used without payment, although we do ask for attribution and ideally for our writers to be by-lined.

With this first profile of Fatou Bensouda, we hope you may begin to publish IWPR material more frequently [take a look at our website <http://iwpr.gn.apc.org>] and help the people of Africa and elsewhere to understand the enormous importance of the ICC and other issues of international justice.

Fred Bridgland is the Johannesburg-based editor of IWPR's Africa Report.

**Location:** Africa  
Balkans

**Topic:** ICC - International Criminal Court

**Focus:** ICC - International Criminal Court

---

**Source URL:** <https://iwpr.net/global-voices/africans-icc>