



International Criminal Law and Transitional Justice

Speakers:

- Valerie Oosterveld, Associate Dean (Research and Administration), Associate Professor at the University of Western Ontario Faculty of Law (Western Law) and Associate Director at Western's Centre for Transitional Justice and Post-Conflict Reconstruction
- Joanna Quinn, Associate Professor, University of Western Ontario's Department of Political Science & Director of Western's Centre for Transitional Justice and Post-Conflict Reconstruction
- Mark Kertsen, soon to be Postdoctoral Research Fellow at University of Toronto (PhD awarded by London School of Economics, November 2014)
- Chris Tenove, Postdoctoral Research Fellow at Centre for Ethics and Munk School of Global Affairs
- Stephen Brown (Moderator), Professor of Political Science, University of Ottawa

ICC and Views of Global State Actors:

- Speakers commented on the International Criminal Court (ICC) and how it is viewed by various state actors globally, as well as more specifically among several African countries
- Case Study: Ugandan context surrounding conflict created by the Lord's Resistance Army (LRA) and ICC's response
- Ugandans affected by local conflict expressed need to achieve peace first prior to any ICC efforts aimed at achieving justice by prosecuting perpetrators in LRA
- Ugandan population was concerned that their local justice norms were ignored in favour of a foreign ICC model focussing mainly on prosecution of LRA



- Most African countries that initially supported the ICC continue to do so, but there has been distrust and related tensions with ICC within several states including Sudan, Kenya, and South Africa
- ICC should be seen as one of many models to assist in development of transitional justice alongside truth and reconciliation commissions, rapid response and local groups collecting evidence on crime, NGOs and other actors

Which State Actors ICC Prosecutes?:

- Discussion about how ICC decides which state actors to prosecute (targets) and not to prosecute (non-targets), thereby creating a model of “good v evil” which can be both useful and harmful
- ICC selects which actors to prosecute via system of referrals as follows:
 - 1) UN suggestions on which government actors to target
 - 2) Individual states’ referrals of other offending states
- ICC criticized for lack of transparency on which state actors ICC prosecutes, and for lack of consistency in resolving similar cases with varying results
- ICC has recently produced progressive policy in crimes involving sexual and gender based crime ie) resulted in increased number of warrants issued against perpetrators of sexual and gender based crimes

ICC and Survivors of Conflict:

- ICC viewed as enforcement mechanism designed to hold perpetrators of international crimes accountable to communities they have victimized
- Many African countries see ICC as reparative or rehabilitative and feel that with ICC involvement, victims are more likely to receive reparations as victims of crime ie) ICC trust fund for victims of crime in DRC and Ugandan cases

