ASSEMBLY OF STATES PARTIES

FIFTEENTH SESSION, 2016

FINAL REPORT

AMERICAN NGO COALITION

FOR THE INTERNATIONAL CRIMINAL COURT

Introduction This session met in The Hague during November 16 – 24, 2016 (ASP15). The American NGO Coalition for the International Criminal Court (AMICC) sent an eleven-person delegation: Miriam Abaya (Temple University), Enid Adler (Attorney and AMICC member), Professor Margaret M. de Guzman (Temple University), Michael D. Encke (Temple University), Rebecca Heard (Mitchell Hamline School of Law), Shannon Jankowski (University of Minnesota) Michelle Johnson (Mitchell Hamline), Professor Ellen Kennedy (World Without Genocide, University of Minnesota, Mitchell Hamline), Amanda M. McAllister (University of Minnesota), Sarah Schmidt (Mitchell Hamline), and John Washburn (Convener, AMICC).

AMICC assigned each delegate a topic to cover throughout the session. We chose these topics for their relevance to advocacy for the Court in the United States. This report therefore does not cover comprehensively everything of note that happened at the session. However, it does attempt to give a sense of the nature and atmosphere of the session and the attitudes toward the International Criminal Court (ICC) displayed in the ASP’s actions on our topics. They were the ICC Budget; ICC Relations with Africa and the African Union and State Withdrawals from the Court; Victims; Cooperation and Enforcement; Amendments to the Rules of Procedure and Evidence; the Israel/Palestine Case; The United States and the ICC.

Budget

 If States Parties keep the ICC budget too small to meet the ICC’s needs, US opponents of the Court are able to say that the United States should not support a court whose members do not care enough to keep it functional~~.~~. Action on the budget at this session gave strength to this argument and posed a serious threat to the ICC’s future. Although there were many issues that are more sensational at this session, the budget was ultimately its most important decision.

The Court asked for a total 2017 budget of €147, 250,700. The ASP session approved a total of €144,587,300. However, as in 2016, this included a payment to the Netherlands against its loan to the Court to fund its permanent premises. Accordingly, in 2017 with this payment deducted, the Court was left with €141,600,000 (equivalent to $145,896,005) it could actually spend. This was a puny 1.9% increase from the comparable figure for 2016. Only the Victims Trust Fund and the Registry saw more significant budget increases.

The ICC budget process starts well in advance of each year’s session of the Assembly, when its Committee on Budget and Finance (CBF) receives a detailed budget request from the Court. Although the Committee’s members are supposed to be independent experts, States Parties appoint them. The Court and its departments discuss the budget request directly with the Committee.

The CBF is the ASP’s only standing committee. The Court and its offices therefore have no committees of the ASP to negotiate with the CBF for them. The ASP normally approves the budget that the CBF recommends.

There were many different opinions in the negotiations and debate on the budget. Some countries, such as Switzerland, actually argued for more money than the Court had requested. Major contributing countries and others called for no increase from 2016 whatsoever in the budget: Canada, Ecuador, France, Italy, Japan, Poland, Spain, UK and Venezuela. This “zero-based budgeting group” has been growing in the ASP from year to year.

ICC officials and others in side events generally agreed that these countries had reacted to the recent international economic crisis by applying an across-the-board percentage reduction to whole categories of international relations expenditures. Moreover, many government delegations come from foreign ministries that have suffered substantial reductions in their own budgets. As a result, the Court in this ASP session got even less than the too little it requested. Although the President, the Prosecutor and the Registrar paid lip service to the CBF’s recommendation, the substance of their statements made it clear that the Court needed more money to function as they thought it should. The Prosecutor in particular has said this openly in subsequent presentations to the UN Security Council and elsewhere. Supporters of the Court in governments and nongovernmental organizations generally felt strongly that in future the Court should ask for the money it actually needs and push harder to secure it from the CBF.

Civil society organizations in side meetings decided to coordinate lobbying, especially in major contributing countries, in order to end the zero-based budgeting policy, to promote understanding of the Court’s real need for enough money and the danger to its future if states parties do not provide it.

Relations with Africa: The African Union, African Country Withdrawals

Many delegates felt that announced withdrawals from the ICC by Burundi, South Africa and The Gambia, and the controversy surrounding this issue at recent ASP meetings, overshadowed the opening of ASP 2016. In 2013 through 2015, the temperature of rhetoric and intensity of lobbying about withdrawals had increased regularly and substantially. The principal players were Kenya, and some members and representatives of the African Union. ICC trials of its president and vice president had enraged Kenya. The African Union was concerned about the precedent set by the ICC’s arrest warrant for Sudanese president Omar al- Bashir.

In 2015, Kenya, with a 100-person delegation, dominated much of the session. The Bureau inadvertently helped Kenya to dominate the session with its grievances by convening a poorly conceived special session on Africa with a panel and discussion. The session was heated but inconclusive, and many at the session thought that it was also unbalanced between competing positions and views.

Many feared that all of this would happen again in the 2016 session. Other delegations simply were fed up with and dreaded the prospect of yet another waste of time in heated speeches and special meetings that went nowhere, but damaged the environment for work on other issues. Media and press fueled rumors and fears that the Court was about to crumble under an avalanche of withdrawals.

In the end, little of this happened. The President of the Assembly, Sidiki Kaba of Senegal, took away from the Bureau the organization and control of the special meeting on African withdrawals. At his direction, it presented a panel and the government delegations gave statements. The panelists were the head of the delegation from Ghana, a senior representative from the African Union and Njonjo Mue, Senior Adviser to a leading Kenyan human rights NGO, Kenyans for Peace with Truth and Justice.

During the Opening Statements section of the session, the ASP President, Sidiki Kaba, and the ICC President, Silvia Fernandez de Gurmendi, called the withdrawals to the attention of the Assembly. Nearly every country that spoke thereafter expressed its reactions to the withdrawals and articulated the need for a constructive dialogue with the African nations that had submitted their instruments to withdraw. In statements to the ASP plenary meetings, almost every country declared its solidarity with and commitment to the Court. Many states recognized the sovereign right of countries to withdraw from the Rome Statute, but urged them to stay so as not to enable impunity as well as to further the Court’s aim of universality.

Both Burundi and South Africa expressed their reasoning for withdrawing to the Assembly. South Africa stressed that that it had not taken its decision lightly; unjust treatment and the lack of acknowledgement of their expressed concerns on head-of-state immunity prohibitions under Article 27 had prompted the decision. The representative also predicted that so long as the Court’s focus remained solely on Africa, there would be serious questions about its legitimacy.

Burundi called into question the independence and sensitivity of the Office of the Prosecutor (OTP). It asserted that the preliminary investigation process betrayed Burundi’s sovereignty and denied it complementarity (the right to try cases within its own jurisdiction in national courts). Complementarity is one of the cardinal principles of the Rome Statute.

Uganda, the first country to refer a case to the ICC, stated that the relationship between the African Union and the ICC has not reflected good will or mutual respect. Rather, Africa’s voice had gone unheeded by the Court for too long and that open dialogue could have prevented the otherwise inevitable withdrawals. Kenya said that the ICC was facing its largest test of efficacy and legitimacy. It on the Court and the Assembly to remedy the issues of bias by open and frank dialogue,

In the special meeting, Njonjo Mue emphasized that while the ICC may not be perfect, it is the only “dam built to hold back the tide of impunity.” Rather than withdraw, the NGO representative urged that it is the African nations’ obligation to engage with the Court to make the necessary changes to ensure help and assistance to ~~the~~ victims. Most government delegates agreed that perceptions of selective justice are unacceptable and harmful to the Court and the ICC should expand its scope to treat all countries equally.

 Others were more skeptical of the accusations around bias and selective enforcement, seeing the withdrawals as a way to shield heads of states from prosecution for violations of the Rome Statute in defiance of its Article 27. The U.N. High Commissioner for Human Rights, Prince Zeid, stated that the withdrawing countries “had apparently been masquerading in recent years as countries devoted to criminal accountability,” and that they should leave if they were not dedicated to this mission.

Mue called into question the ‘pathology of governance” where what is detrimental to leaders is assumed to damage the whole state. Rather, he argued, sovereignty is not “a blank check,” nor can it permit those in power to harm their own people in order to pursue power or resources. He further stressed that the Court is most active where it is most needed, and the need for post-conflict justice in African situation countries is self-evident. While the African Union had been vocal on these issues, he reminded the Assembly that we must also remember and listen to those who speak for the victims.

 He went on to say that the ICC is “not perfect.” Rather, it is a “small island of law that exists and operates in a sea of politics, and sometimes the tide rises and storms blow and politics come onto the shores of law.” Underlying these criticisms is a suspicion or conviction that selective enforcement is a symptom of a broader issue: global power relations. Therefore, any solution to the legitimacy issues faced by the ICC must be broad and holistic and include U.N. Security Council reform. The right of veto must not simply preserve certain countries’ geopolitical positions or it will continually chip away at the legitimacy of the Court, and, consequently, its ability to fight impunity and provide redress.

 Mue’s observations on institutional bias, selective enforcement, and protectionism constituted a major theme throughout various representatives’ statements. Many of these resoundingly condemned the interference of *realpolitik* interests and global power imbalances for stimulating further questioning of the Court’s legitimacy. They aimed much of this criticism at the U.N. Security Council and the “anachronistic” power of the Permanent Five members to veto the Court’s investigation into a situation country where one of them may have an interest. Three of the five permanent members, China, Russia, and the United States, are not parties to the Rome Statute. This aggravates the condition and perception of institutional inequality. Ghana’s representative argued that countries that “champion human rights,” but simultaneously refuse to join the ICC, challenge and erode universality. He pointed out the hypocrisy of privileged nations using international law as their “handmaiden of hegemonic politics.”

 Participants in these discussions raised the issue of foreign sources of African crises. They reminded the Assembly that the bombs that cause atrocities in Libya, Syria and Iraq are not African, but rather weaponry from Western nations like the United States. Nigeria claimed that the ICC ignores claims of genocide according to the desires of powerful nations leading to inattention to atrocities in Syria, Iraq and Libya. Indeed, Russia and China vetoed an attempt to refer the situation in Syria to the ICC.

 The consensus by the end of the Assembly, as President Kaba said in his closing remarks, was the need for greater dialogue and for hearing the voices of Africa and African nations, as well as of victims. However, the question of such a dialogue remained an amorphous concept without concrete details such as where and how it would take place. Nonetheless, on its content, the statements of a substantial majority of delegations made clear that the dialogue absolutely must not include any change in the Court’s mandate to try persons without regard to their immunity as senior officials granted elsewhere in international law. These statements reaffirmed that the fight against impunity for perpetrators of atrocities is at the heart of what the Court is and does.

Whereas ASP14 appeared to accelerate the momentum toward withdrawals, many observers and participants concluded that ASP 15 had stalled it. Gambia’s subsequent cancellation of its announcement of withdrawal seemed to confirm this conclusion.

Victims

The Court’s unique responsibility to victims of atrocities is an especially important subject in AMICC’s advocacy.

Both strong US supporters of the Court and Americans who know only a little about the ICC are aware of and respond warmly to the Court’s special obligations and services for victims as prescribed by the Rome Statute. This response lets us promote understanding of the Court with the uninformed by showing them that support to victims and offering them redress is not just one activity of the ICC, but rather a core mission and part of the fundamental meaning and purpose of the Court The ICC reports to the ASP on its work with victims . The ensuing subsequent debates help us to frame it for our advocacy.

American opponents of the Court have been and will raise by many of the criticisms and objections reported here from the debate about the Court’s work with victims We respond that the Court’s specially mandated concern and responsibility for victims is innovative, remarkably humane and an important contribution to peacebuilding. The Court ultimately is doing well in figuring how to implement this unprecedented mandate.

In a formal agenda item, the Victims Trust Fund (VTF) and the Registry presented reports to the ASP about the Court’s performance on its responsibilities to victims. Statements by civil society in the sessions as well as in numerous side meetings commented on this performance. Governments debated it in discussions on the reports as well as more generally in plenary statements. The conclusions from these debates appeared in a section of the ASP’s general (“omnibus”) resolution on the overall state of the Court.

The debates made it clear though extensive emphasis that treatment of victims continues to be a significant concern for ASP. In his statements, ASP President Kaba emphasized that each human deserves access to justice. He went on to say that this belief is fundamental and because of it, the Rome Statute exists for victims. The voices of victims remind us that crimes must not be repeated and lessons must be learned. The victims deserve justice from the punishment of the worst perpetrators.

The statements of governments made several observations repeatedly:

* The Court should support victims whose cases are before the ICC, including with necessary security measures
* Lack of the meaningful legal representation for victims that the Rome Statute requires has diminished the implementation of victims’ rights. The participation of victims in prosecutions and trials is a core function of the Court and especially the Registry. The quality and credibility of legal representation for victims are therefore especially importantand necessary. Translation services are expensive, but essential if victims are to participate in a meaningful way. The number of victims, number of defendants and number of languages should not impair the trial rights of victims. Reform of victim representation must be a priority with defined criteria for the eligibility and choice of representatives.
* In Kenya and those states likely to withdraw, civil society continues to fight for victims. Civil society rebuts the claims of these governments that victims support the decision to withdraw. NGOs in those countries insist that victims deeply want and must have a voice in ICC trials affecting them.
* Some states and most NGOs emphasized that inadequate budgets seriously damage services to victims. This included unacceptable limitations on services to victims in the field and The Hague, outreach and information activities, and the provision and implementation of reparations.
* Several delegations noted that the judges are now insisting that evidence in all pre-trial hearings be good enough to be admitted in trials. The result is that the Office of the Prosecutor now emphasizes forms of evidence other than witness testimony. This reduces the participation of victims in hearings.

Report of the ICC Prosecutor

Prosecutor Fatou Bensouda presented to the ASP, among other topics, her recently announced policy of giving priority to crimes against children. This has attracted considerable favorable attention in the United States, especially since this policy has resulted in many ICC charges of crimes against children, particularly the recruitment of child soldiers in the *Ongwen* and *Bemba* cases

The policy emphasizes best practices in working with some of the most vulnerable victims – child victims. It provides an extended analysis supporting its many requirements of practices to ensure that staff interaction with child victims or witnesses will be in the child’s best interests.

The Trust Fund for Victims report reviewed its current achievements and problems in fulfilling its responsibility to provide reparations and assistance to victims affected by crimes before the ICC. Reparations have been a subject of considerable interest in the United States, and, thus, important to our advocacy. The Rome Statute’s provision for a Trust Fund for Victims derived from the drafters’ strong feelings that the international community owes the victims of atrocities both reparation in money, as well as redress by justice, to help them restart their lives. American NGOs devoted to human rights or to supporting victims shared this commitment. Moreover, American opinion has been shifting slowly from the traditional view that recompense should come from lawsuits for damages to the recognition that criminal trials should order reparations.

Most prominent in the report and the debate that followed was extended discussion of the serious lack of money for the Fund. This problem is even more severe for the Fund than for other parts of the Court. Less than 2% of the total ICC budget (€1,000,000 for 2016) goes to the Trust Fund: just €20,000. This is grossly inadequate for the thousands of victims who need help rebuilding their lives after surviving atrocities. The Fund therefore has to look to voluntary contributions. It must rely on civil society’s help in finding these. However, some delegations also said that all states should be able to contribute something, that it must be a priority to develop the political will to do so and to make it a commitment.

Just how the Fund should help victims was a major subject of the debate. Should reparations go to collective projects for a community of victims, or to victims individually? There was no resolution on this, but there seemed to be a trend toward following the wishes of victims, while recognizing that they might well have no consensus on what they wanted. It is challenging for victims to have to wait after a conviction, usually 4-5 years, for the court to order reparations. Assistance that the Fund can provide without a court order becomes very important in this waiting period.

Civil society statements in particular criticized the Fund’s outreach and communications. They pressed for a more effective communication strategy that would explain exactly what the Fund can and cannot do. This is especially important when the Fund is evaluating the need and nature of reparations or assistance. The Fund must provide full and timely information to local partners. This will help ensure that recipient communities welcome programs. TFV needs to ensure community buy-in to the various programs, but they need to hear from the communities as to what they need.

Cooperation and Enforcement

American opponents of the ICC frequently charge that it is useless because it must rely on nations to enforce its arrest warrants and other orders. However, when asked if they want the Court to have its own police and marshals they recoil, saying that this would be a long step toward world government. Nonetheless, despite this and the evidence that the ICC can more than occasionally get enforcement cooperation, these charges continue.

On November 18, a three-hour panel presentation during the plenary session focused onthe challenges to effective cooperation and possible recommendations and best practices on how to improve it. The panelists were Fatou Bensouda (ICC Prosecutor), Herman von Hebel (ICC Registrar), Al-Sadieq Ahmed Al-Sour (General Prosecutor of Libya), Michele Coninsx (Eurojust), Kathryne Bomberger (International Commission for Missing Persons), Musa Yerro Gassama (UN Office of High Commissioner for Human Rights), Antoine Bernard (Federation Internationale des Droits de l’Homme).

Both the Prosecutor and the Registrar stressed the importance of national-level investigations in aiding the court’s work. Neither recommended the creation of new enforcement systems and methods, advocating instead that member states use existing ones, and stressed that this would promote efficiency and avoid duplication of efforts.

The Registrar particularly focused on the need for improved cooperation in the areas of financial investigations, witness protection, and arrest and surrender. Panelists Al-Sadieq Ahmed Al-Sour, Michele Coninsk, Kathryne Bomberger, Musa Yerro Gassama, and Antoine Bernard shared examples of cooperation efforts they have undertaken with the ICC. They presented possible recommendations for best practices: i.e. completing memos of understanding with the court; establishing designated contacts within an organization/state government for coordination of activities with the court; forming international networks of experts for sharing information and best practices.

In the interactive portion of the session, states expressed general agreement on the need for increased cooperation, but offered little insight about why past cooperation efforts have proved less than satisfactory. However, they did not much discuss specific examples of failed cooperation, such as Bashir's travels. While Uganda reiterated its call for assistance in apprehending Joseph Kony, the conversation primarily focused on a general need for improvement with respect to arrests, and the hope that the draft Action Plan on Arrest Strategies may prove helpful. Nor did any particularly innovative suggestions for cooperation emerge, such as arrest powers for UN peacekeepers.

While states acknowledged the 2007 recommendations from the OTP on cooperation, many felt that further direction was needed. Some called on the ASP to help establish guidelines on cooperation and enforcement mechanisms, particularly about how to address and/or sanction states who continuously fail to cooperate. Many praised the work of the governments assigned by the Bureau to conduct discussions on these issues in developing a toolkit on cooperation through the Legal Tools Project, as well as creating the draft Action Plan on Arrest Strategies. Many also called on member states to enact domestic legislation with respect to cooperation or, alternatively, to sign memos of understating or other ad hoc agreements with the Office of the Prosecutor (OTP). Another popular recommendation was the establishment of a designated contact point within each national government to work with the OTP on cooperation. The Registrar and several countries stressed the importance of financial investigations and the need for improved cooperation on them among countries and with the ICC.

The Cooperation section in the Omnibus Resolution as well as the separate resolution on Cooperation contain~~s~~ these suggestions from countries and the Prosecutor and Registrar.

Amendments

Our US advocacy frequently encounters charges that judges can amend too easily the Court’s rules of evidence and procedure, thus endangering due process, and that they will take advantage of that power surreptitiously to expand ICC jurisdiction and jurisprudence. The Statute provides that judges may propose such amendments, which the ASP must approve by a two-thirds vote. However, in urgent situations not covered by the existing rules, amendments may go into effect at once pending approval by the ASP. The ASP Bureau has established a Working Group on Amendments (WGA) to review proposed amendments to the Statute and to the rules of evidence and procedure and report on them to the Assembly. The Working Group report to ASP discussed and recommended three amendments to the rules of Evidence and procedure concerning translations and time limits in trials.

It also addressed another controversial amendment that would include the crime of aggression in the Rome Statute. This would require a formal amendment of the Rome Statute by supermajorities of votes in the Assembly and of ratifications of the amendment deposited thereafter. The votes are scheduled for the ASP session in 2017. The U.S. government has concerns about the crime of aggression as a constraint on State action and an evasion of the role of the UN Security Council. The WGA noted that it had yet to achieve a consensus on an analysis of this crime for the ASP. It will try to achieve one before the 2017 session.

It also discussed a proposed amendmentthat is controversial because it involves African relations with the Court as well as the integrity of its trials. The Court is pursuing cases against three Kenyans charged with witness tampering which is an offens~~e~~ against the administration of justice The Prosecutor alleges that this tampering resulted in the ending of ICC trials of the president and vice-president of Kenya. ICC judges wanted to conduct the trials quickly and efficiently and to make better use of the judges by provisionally adopting a rule to allow assigning one instead of three judges to such cases. Provisional rules stand pending an ASP decision.

A substantial and sometimes heated debate followed. Kenya opposed the provisional rule strenuously. Others took sides or proposed compromises. The WGA anticipated this lack of consensus in its report and undertook to continue working to achieve one. Meanwhile, despite Kenyan objections, the provisional rule remains in effect.

The Assembly adopted the WGA recommendations on the two translation rules. It encouraged the Group to continue work on all the amendment proposals before it.

Palestine and Israel

The potential ICC case of Israel and Palestine could blow up in the United States into a very serious and intense obstacle to our advocacy. A comprehensive and detailed preliminary examination of the situation is now underway in the Office of the Prosecutor. This could result in a Pretrial Chamber authorization to the Office of a formal investigation on the ground that, in turn, could lead to an OTP request for arrest warrants against senior Palestinian and Israeli officials. Complete descriptions of this potential process and of the case are available on the AMICC and ICC websites. ([www.amicc.org](http://www.amicc.org), [www.icc-cpi.int](http://www.icc-cpi.int)).

The situation was not on the agenda of ASP 15, but it nonetheless received considerable attention. Palestine, participating now as a State Party, said in its General Debate speech that the OTP was too slow in the preliminary examination of Israeli crimes that still continue. It was disappointed that some states parties have been attempting to thwart the OTP’s efforts. It condemned Israeli behavior and claimed that the Palestine–Israel situation is the most important test for the universal values the Court is supposed to advance. Saudi Arabia mentioned these points in its own debate statement.

There was extensive activity on the issue outside of the formal sessions. It dominated a side event on the OTP’s expanded policy on crimes against children. A member of the Palestinian delegation expanded on the themes of its plenary statement with allegations about Israeli crimes against Palestinian children and their effect on the children as a generational scar. A Palestinian defense lawyer for Palestinian children in Israeli military courts discussed the context for these cases, especially the Gaza War of 2014.

AMICC delegates were able to have informative conversations with Israeli and Palestinian delegates. From these conversations, it was clear that, as we had already heard, Israeli representatives are in close touch with the OTP to follow its actions and to present their own positions. Palestinian delegates repeated the claims in the plenary statement and then went on to describe the effects of alleged Israeli actions on themselves and their families. These discussions had much to say about the issue of the settlements.

Both the Palestinian and Israeli delegations networked widely with other governments. In most cases, these contacts provided a hearing, but did not seem to affect positions that other countries took in the formal sessions.

In conversations with AMICC delegates, ICC Prosecutor Fatou Bensouda took pains to stress, as she already had done in interviews and reports, that she will take her time. She will not allow the OTP to be rushed to reach a decision in the preliminary examination. She will not make any decision, she said, until she is sure that she has obtained and evaluated the necessary facts. From these conversations, her previous statements and our continuing contacts with her, we find her credible that this is her intention and commitment.

The United States at ASP 15

Contrary to some expectations, the United States attended as an observer state with an active delegation of five persons led by Ambassador Todd F. Buchwald, the acting head of the Office of Global Criminal Justice in the U.S. State Department. The delegation had frequent meetings with other delegations and with representatives of the ICC and of civil society.

Ambassador Buchwald delivered the delegation’s statement to a plenary session. It began by affirming the US commitment to the fight against impunity and for accountability for the world’s worst crimes. It continued with a detailed and thoughtful review of the Court’s achievements in the past year. It noted that US support for these achievements included its important role in delivering Lord’s Resistance Army leader Dominic Ongwen to the ICC and by offering rewards to persons assisting the arrest of suspects under warrants from international tribunals.

The statement addressed important international justice efforts and tribunals outside the ICC. It recognized frustrations and setbacks in Darfur, Syria and Iraq, while giving priority to institutions, political will and efforts to promote accountability and justice nationally.

The crime of aggression amendments came up at the end. “We continue to believe there remains a dangerous and substantial degree of uncertainty with respect to quite basic issues regarding the amendments and we continue to believe that it is in the interest of both peace and justice to ensure that any decision to activate the Court’s jurisdiction be preceded by concrete steps to provide greater clarity in these matters.”

The behavior and statements of the U.S. delegation showed no feeling that it was part of an administration about to go out of office.

Conclusion

ASP15 was more sober and businesslike than many previous sessions. Debates on most agenda items, including those important to advocacy in the United States, contained real efforts to deal substantively with issues. The move toward more withdrawals was forestalled in a special meeting where most countries respected the demand for African voices to be heard while stoutly supporting the Court’s mandate to pursue high-ranking officials.

Unfortunately, however, more than ever, there hangs over the Court the refusal of States Parties to give it enough money to keep it effective, allow it to grow and secure its future. Ultimately, this is a battle international civil society and we must fight with as much commitment and rigor as we bring to any other matter in the Court.