2012 IHRP Summer Internship Report – Final

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This summer, I worked for the Office of the Prosecutor at the International Criminal Court. Specifically, I worked with the Immediate Office of the Prosecutor (IOP) and the Public Information Unit (PIU).

With the IOP, I worked with the Chief Prosecutor in providing research on a number issues ranging from sentencing principles in international criminal tribunals to providing updates on the current situation in Darfur. With the PIU, I monitored the media reports on the situation in Libya, Kenya, Uganda, and Darfur. I also helped with press activities in the Office, such as interviews with the Chief Prosecutor and press conferences held by the OTP.

During the course of my internship, a number of key developments took place at the Court:

1. the Prosecution closed its second case, *The Prosecutor v Germain Katanga and Mathieu Ngudjolo Chui*;
2. the sentencing hearing for the Court’s first conviction against Thomas Lubanga was held, and subsequently, the Court issued its first sentencing decision;
3. the Court issued its first decision on reparations for victims, setting out the principles to be applied in the context of the case against Thomas Lubanga;
4. the Prosecutor gave his final briefing to the UN Security Council on the situation in Darfur;
5. four ICC staff were detained in Libya (and subsequently released after nearly a month in detention), causing the most significant diplomatic crisis facing the Libyan transitional government since its inception;
6. and Madam Fatou Bensouda took her place as the new Chief Prosecutor of the ICC, bringing an end to the 9-year term of the Court’s first Prosecutor, Luis Moreno-Ocampo.

In addition to these important developments, the Court also marked its 10 year anniversary this summer. It was a special time at the ICC, one which invoked reflection on the progress made thus far. A decade ago, it was not a given that the Court would be a relevant entity in the fight against impunity. When the Court first opened its doors, it had no cases, no investigations, and a prosecutor with only a handful of staff. Today, 121 countries have ratified the *Rome Statute* (the treaty establishing the Court), and sixteen cases in seven situations have been brought before the ICC, including two referrals by the UN Security Council (Darfur and Libya). Some argue that the statistics show the Court’s failures – only one conviction in 10 years. However, what speaks more than simple numbers and stats is the fact that the Court has now taken its place as a central institution in the field of international criminal justice. The speed with which the UN Security Council referred the Libyan case to the ICC is a testament to this. So is the fact that three states – Uganda, the Democratic Republic of the Congo, and the Central African Republic – have themselves requested the ICC’s intervention.

This moment however is not just one to reflect on the progress made, but also to take note of the work that is left to be done. The Court is only a relevant body in the fight against impunity in so far as it can in fact deliver justice, in an effective and efficient manner. If it cannot by virtue of its inability to secure arrests, or because it is unable to secure evidence due to a lack of state cooperation, it can lose its relevance. The Court’s continued existence is not a guarantee; it is subject in large part to the political will of State Parties, and the cooperation of states which have control over suspects and evidence. In addition, the Court is still going through growing pains (and will likely continue to do so for some time). It will learn lessons from its first conviction, from the first major diplomatic row over detained staff, and from the experiences of its first prosecutor.

Being at the Court also provided me with the opportunity to attend a number of hearings, including the closing statements hearing in the case against Germain Katanga and Mathieu Ngudjolo Chui, the sentencing hearing of Thomas Lubanga, and the status conference on the situation in Kenya. In addition, I had the opportunity to attend the swearing in ceremony of Madam Fatou Bensouda, a historic moment for the ICC and international criminal justice.

The OTP also hosted a number of internal lectures and conferences which I attended and which expanded my understanding of a number of legal issues related to the Court’s activities. These lectures include topics such as: the role of NGOs in the area of international criminal justice, challenges facing defense counsel, politics and the ICC, and Dutch asylum law and ICC witnesses.

I was provided with an incredible and unique opportunity this summer to work closely with the Court’s two Chief Prosecutors. I learned not only about substantive international criminal law and the Court’s internal procedure, but also about the numerous challenges facing the Court in general, and the prosecutor in particular, including how to protect his/her investigators, witnesses, and staff, how to secure arrests, and how to translate prosecutions and convictions into an end to massive atrocities.