

The ICC in Africa**Preamble**

As Thomas Lubanga's defense team prepares to present its case before the International Criminal Court at the Hague in October, criticism¹ from the DRC against the ICC and its prosecution of African war criminals grows. Amid burgeoning accusations from many Congolese that the ICC is a 'neo-colonial project' set up to justify its own existence, proponents of the Court continue to defend the imperativeness of bringing accused warlords such as Lubanga to justice. Despite obvious differences, both supporters and critics of the ICC seem to agree that the Court must be committed to the fair prosecution of war criminals at all levels and in all countries, particularly where higher-level government officials are suspected to be involved in the execution of grave human rights violations.

Meeting Summary

The GLPF discussion this month was expanded to include the assessment of the justice versus peace dilemma, i.e. whether it is possible for the pursuit of both to exist within the ICC framework, or if there are perhaps other ways both can be achieved, in light of criticism from the AU, in addition to other global entities.

Several organizations, including the ICTJ, have conducted studies which demonstrate that there is a high demand for justice coming from ordinary African citizens, who - it is seen - must see and understand justice to be served if they are to believe that it is being served at all. This bespeaks a necessity for a commitment from the ICC to indict and prosecute fully *all* war criminals, regardless of political affiliation.

That said, the matter requires a delicate and nuanced approach, particularly in light of growing antagonism from the African Union (AU) towards Western influence on this issue. Al-Bashir's indictment seems to have created the impression among some AU members that Western governments, by ignoring the AU's requests to delay ICC involvement on the case, are launching a so-called "legal war" against Africa and undermining the AU's ability to work effectively for peace. A change of approach is in order if the ICC is to convince the greater public that it is not working within an unspoken political agenda (some suggest neo-imperialism): perhaps through the development of local and regional capacity for handling justice issues.

As suggested by the preamble and emphasized during the meeting, the ICC's greatest challenge now is to show neutrality by finding a non-African case to prosecute. Unfortunately, this automatically raises questions about the Court's impartiality, if it *must* indeed prove itself to be fair by actively seeking cases outside Africa. Nonetheless, it was generally agreed that the presence of the Court is, at the present time, essential until African governments are willing and/or able to create systems that meet international standards for compliance with human rights protections, merging justice with building peace.

¹ <http://www.dw-world.de/dw/article/0,,4650762,00.html>