



Inside the International Criminal Court

Part 4

Narrator:

In March 2012 - ten years after it was set up - the International Criminal Court finally secured its first conviction – against the Congolese warlord Thomas Lubanga. Lubanga was later sentenced to 14 years in prison for the crime of recruiting child soldiers and using them to participate in hostilities.

Geoffrey Bindman:

I think that the court in pursuing that case was to a large extent feeling its way. Because it was the first case they were very anxious to get it right.

Fadi Al Abdallah:

The case against Mr Thomas Lubanga has raised a number of challenges first regarding the contact with the victims to facilitate the participation to make their voices heard inside the courtroom before the judges, but also to protect the different witnesses.

We have the obligation to translate the whole procedure to a language that the suspect fully understands.

And we need to train specific translators and interpreters to be able to deal with our obligations regarding this linguistic issue.

Robert Cryer:

There were some suggestions that some of the witnesses were not always entirely honest with the court. And it has to be said that actually the trial chamber disregarded a great deal of the witness evidence which the prosecutor brought.

Narrator:

Many people with first-hand experience of the events in question were too afraid to come forward, so the ICC used intermediaries – local people who worked for the court – to find witnesses and elicit evidence from them.

Robert Cryer:

Where international crimes have been committed we tend to be dealing with conflict or post-conflict societies. And of course, people who are being prosecuted by the International

Criminal Court are very powerful local actors, and even the possibility of someone having co-operated with the court could lead to reprisals being taken against them and their families.

Narrator:

Barrister Rebekah Wilson worked for a non-governmental organisation in The Hague which represented women who were victims of sexual violence during the civil war in the Democratic Republic of Congo. But while the ICC was aware while the Lubanga case was ongoing that the DRC conflict involved multiple allegations of rape, no one was charged with the offences.

Rebekah Wilson:

Our role as an independent NGO was to make sure that women's voices were firmly heard within that court process.

We hoped that we would ensure there was a women's perspective within that case and those proceedings and so we worked with organisations that were based within the Democratic Republic of the Congo, in particular women's organisations, to try and make sure that for example they would be recognised as victims in the case.

Unfortunately in the indictment there were no charges at all concerning crimes of gender-based violence.

Narrator:

Despite its achievements, the ICC has been widely criticised for obtaining just two verdicts in its ten-year existence: one conviction and one acquittal.

Robert Cryer:

It is not quick, but getting things right is not quick, and I think what we need to do is look to see where we are in another 10 years to see whether one case every 10 years is going to be the modus operandi of the court or simply whether in fact it was starting in first gear.

Although international courts aren't cheap they are still cheaper than fighter jets, and in the end if the message has to be reinforced that international crimes must be punished and that powerful people must be held accountable then that in itself is a worthy goal.