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COJA's position on the expected role of ICC in armed conflict and peace resolution, especially in Africa

As a coalition that has been working on international justice systems since 2000, the question that we were first confronted with was **"Do we demand peace before justice or justice before peace?"**

This debate has gone on since the UN adopted the use of international tribunals in conflict countries especially in Africa, e.g. Rwanda and Sierra Leone. This debate has actually been between civil society and politicians. While civil society organizations (CSOs) engaged in the fight to end impunity believe that there is **no peace without justice**, the majority of politicians and some CSOs working in peace and conflict programmes agree that **peace is the first option to achieve before justice**.

Considering the merits and demerits in both arguments, the majority of [African] CSOs have agreed that *both* conflict resolution mechanisms should work simultaneously. **That is, justice and peace should work together.**

With this mind, when CSOs - including COJA - attended the ICC review conference in Kampala (2010) at the NGO session, to prepare for the review conference itself, it was resolved that the **ICC chief prosecutor should be given power to embark on conflict prevention through extensive outreach programmes**. It was therefore agreed that African CSOs would work with their international partners to lobby African leaders to allow the creation of an **ICC liaison office in Addis Ababa, Ethiopia**.

CSOs are confident that juxtaposing peace and justice will contribute to prevention and or conflict resolution. In Guinea, the Ivory Coast, and Libya for instance, when the ICC Chief Prosecutor announced his intention to institute investigation in those counties, there was a dramatic turn around in the war tactics where warring factions started showing pictures of their opponents involved in mass atrocities resulting to war crimes.

In Guinea, it paved the way for easy transfer of power to a democratically elected government, while in Ivory Coast and Libya combatants were weakened when the Prosecutor announced his intention to institute an investigation into the allegations



of war crimes; considering the case of former Liberian President, Charles Taylor, President Omar el-Bashir, etc.

This weakness was not popularized, but was the key factor that resulted to securing peace in those countries. In fact for el-bashir, had there not been the strong African backing, he would have reduced his belligerent tactics against his people.

As a non-governmental organization working on the ICC and RtoP it is but necessary that we lobby ICC to expand its outreach activities in countries that have early warning signs for potential conflict. This means, we must lobby the Security Council to pass a resolution encouraging the ICC to work with the ICRtoP to develop an MOU, which will allow the Court to establish **outreach in countries such as Sierra Leone before the 2012 elections that has shown early warning signs of political violence.**

The aim is not to institute investigation rather to instill in the minds of would be perpetrators that ICC will prosecute any individual(s) who commit crimes under the competence of the court or refer such case to such country that has domesticated the Rome statute.

We can further lobby Security Council tie certain aid (funds) from regional bodies such DFID, USAID etc on domesticating the Rome statute and countries ready to cooperate with the ICC. Relying both on the domestication (complimentarily) and given free access to ICC(cooperation) will overcome the challenges between the African Union and the ICC that the ICC is targeting them while countries like Syria, Israel etc are committing war crimes without any action by the West.

From the above it can be very useful for us to put in place advocacy mechanisms for complimentarily and cooperation with ICC and RtoP and to campaign for domesticating the Rome Statute in countries that have potential violence as early warning signs.