



**EIUC**

European Inter-University  
Centre for Human Rights  
and Democratisation



Leuven Centre  
for Global  
Governance Studies

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Diplomatic  
Conference 2018

# The Rome Statute of the International Criminal Court at 20:

## Achievements, Challenges, and the EU's Contribution to Accountability and Justice

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Leuven

Faculty Club, Groot Begijnhof 14

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Global Campus  
of Human Rights



# The Rome Statute of the International Criminal Court at 20:

Achievements, Challenges, and the EU's Contribution to Accountability and Justice

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## Synopsis

The Rome Statute of the International Criminal Court (ICC) this year celebrates its 20<sup>th</sup> anniversary. While much has been achieved, the ICC has had to – and still does – face several major challenges. Nevertheless, thanks to the support of various States Parties and international actors, including the European Union (EU), the ICC continues to make an essential contribution in the fight against impunity. Over these two decades, the EU – whose Member States have all signed and ratified the Rome Statute – has been a powerful ally and staunch supporter of the ICC and of the cause of international justice and accountability for international crimes. As such, it has developed specific conclusions, policies, resolutions and strategies. These include, for instance, its common positions, action plan on, and agreement with, the ICC; its promotion of universal ratification of the Rome Statute (including through ICC clauses in international agreements); its support for the UN Syria accountability mechanism; and its Policy Framework on support to transitional justice.

Yet, the question remains whether the EU's support for the ICC, accountability and transitional justice processes has been sufficiently effective, and how the EU can continue its support in the most productive manner, given the difficult international context. Likewise, the 20<sup>th</sup> anniversary of the Rome Statute offers the opportunity to reflect on successes, setbacks and challenges, of the ICC. All of this justifies the focus of this year's Diplomatic Conference, jointly organized by EIUC and the Leuven Centre for Global Governance Studies, entitled **"The Rome Statute of the International Criminal Court at 20: achievements, challenges and the EU's contribution to accountability and justice"**.



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# Programme

## MORNING

**The Rome Statute at 20: Successes, Setbacks and Challenges, with a special focus on EU support to the ICC and Transitional Justice Processes**

Chair: **Jan Wouters**, Director, Leuven Centre for Global Governance Studies, KU Leuven

**09:00 - 09:20** WELCOME ADDRESS

**Manfred Nowak**, EIUC Secretary General  
**Ciara O'Brien**, Chair of COHOM, EEAS

**09:20 - 09:50** KEYNOTE SPEECH: INTERNATIONAL CRIMINAL JUSTICE: THE BEGINNING OF THE END OR THE END OF THE BEGINNING?

**Christine Van den Wyngaert**, Judge, Appeals Division, ICC

**09:50 - 10:10** THE PERSPECTIVE OF THE ICC

**Christian Mahr**, Director, Division of External Operations, Registry, ICC

**10:10 - 10:45** THE PERSPECTIVE OF ACADEMIA

**Frans Viljoen**, Director, Human Rights Centre, University of Pretoria  
**Olympia Bekou**, Professor, University of Nottingham

**10:45 - 11:00** Coffee/Tea Break

**11:00 - 11:30** THE PERSPECTIVE OF CIVIL SOCIETY

**Lotte Leicht**, EU Director, Human Rights Watch  
**Alison Smith**, Director, International Criminal Justice Program, No Peace Without Justice

**11:30 - 12:45** DISCUSSION

Chair: **Mercedes Garcia Perez**, Head of Unit, Human Rights, EEAS

**12:45 - 14:00** Lunch

## AFTERNOON

**ICC and Transitional Justice - the way forward**

**14:00 - 16:00** WORKING GROUPS

1. THE ICC AND EU'S CONTRIBUTION: HOW TO ENHANCE SUPPORT FOR THE COURT

Building on the discussions of the morning session, conference participants will further assess to what extent the support of the ICC by the EU and EU Member States, as outlined in the EU Action Plan of 2011 and related policy documents, has been sufficient and effective, and which policy tools and instruments could potentially be improved. Participants will discuss, inter alia, i) how to achieve more streamlined policies on providing support to the ICC, ii) how to ensure stronger external-internal policy coherence and iii) how to engage Member States more effectively in the implementation of these policies. While the Action Plan of 2011 encompasses many objectives in order to promote universal support for the ICC, this session will reconsider how to align the types of support provided with the needs of the Court and the challenges it is faced with, such as enhancing technical and financial collaboration in addition to continuing political support, focusing on the full implementation of the principle of complementarity, and promoting ratification of the Kampala amendments.

Chair: **Manfred Nowak**, EIUC Secretary General

Speakers:

**Olympia Bekou** (University of Nottingham),  
**Eric Witte** (Open Society Justice Initiative),  
**Christopher Gosnell** (Defense Counsel, ICC),  
**Virginie Amato** (Regional Coordinator for Europe, International Coalition for the ICC)



## 2. TRANSITIONAL JUSTICE AND THE EU'S CONTRIBUTION: TOWARDS CONCRETE RECOMMENDATIONS TO MAXIMIZE IMPACT

Building upon its support for the ICC and combatting impunity, the EU adopted a Policy Framework on Transitional Justice (TJ) in 2015, making it the first regional organization with a dedicated strategy on TJ. In this session, participants will focus on the EU's engagement with different TJ mechanisms and processes and will examine the possible ways in which the EU can further promote truth, justice, reparations and guarantees of non-recurrence in situations where violations and abuses, including gross violations and abuses of human rights and serious violations of international humanitarian law have occurred. Given that TJ encompasses peacebuilding, human rights protection, crisis management, state building, development, the rule of law and other areas in which the EU is very active around the world, consideration will be given to identifying ways of implementing the EU's existing tools that are pertinent to TJ, in a more effective and complementary manner. Referring to the key objectives and policies defined in the 2015 Policy Framework, participants will elaborate on their implementation by addressing some of the more complex challenges, such as i) how to engage with all relevant local, national and regional stakeholders involved in TJ processes, ii) how to ensure consistency in EU policies towards third parties, and iii) how to support processes beyond criminal justice mechanisms.

Chair: **Ciara O'Brien**, Chair of COHOM, EEAS

Speakers:

**Thomas Unger** (Geneva Academy of International Humanitarian Law and Human Rights), **Maria Daniella Marouda** (Panteion University, Athens), **Pietro Sullo** (Leuven Center for Criminology, KU Leuven), **Santa Falasca** (International Center for Transitional Justice)

16:00 – 16:30 Coffee/Tea Break

16:30 – 17:00 FINAL PLENARY SESSION

CONCLUSIONS OF THE CONFERENCE  
**Ciara O'Brien**, Chair of COHOM, EEAS  
**Marc Giacomini**, Deputy Managing Director, Human Rights, Global and Multilateral Issues, EEAS  
**Manfred Nowak**, EIUC Secretary General  
**Jan Wouters**, Director, Leuven Centre for Global Governance Studies, KU Leuven

## Hosting Institutions

### EIUC / GLOBAL CAMPUS OF HUMAN RIGHTS

The European Inter-University Centre for Human Rights and Democratisation (EIUC), supported by the European Union, is one of the main European academic institutions aimed at pursuing the continued promotion of human rights and democratisation through education, specialised training, research cooperation, and an expanding range of other activities.

EIUC has its roots in Europe but has a global vision. It is the hub of a larger network involving 100 universities and seven regional master programmes worldwide - the Global Campus of Human Rights, a constellation of institutions and relevant partners, which makes EIUC a unique institution.

### LEUVEN CENTRE FOR GLOBAL GOVERNANCE STUDIES

The Leuven Centre for Global Governance Studies (GGS) is an interdisciplinary research centre of excellence at KU Leuven (University of Leuven), recognized as a Jean Monnet Centre of Excellence on Human Rights and the Rule of Law in Europe and the World. GGS has coordinated a large-scale FP7 Research Project, FRAME (Fostering Human Rights among EU Policies, 2013-2017), and currently coordinates a large-scale Horizon 2020 Research Project, RECONNECT (Reconciling Europe with its Citizens through Democracy and the Rule of Law, 2018-2022).

*Organisation Team:*

Manfred Nowak, Jan Wouters, Anna Zenz.

*More info at:*

[www.eiuc.org](http://www.eiuc.org)

[www.ghum.kuleuven.be/ggs](http://www.ghum.kuleuven.be/ggs)

The Diplomatic Conference 2018 is organised by EIUC / Global Campus of Human Rights, the Leuven Centre for Global Governance Studies in cooperation with the EU Working Party on Human Rights (COHOM) and the EU Working Party on Public International Law (COJUR).



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