



# Introduction

## CHAPTER 1

*Welcome to the Training Manual for African Faith-based Communities 'Advancing Justice and Reconciliation in Relation to the International Criminal Court' (hereafter: the ICC).*

This Manual addresses the following key questions:

- Justice and reconciliation need their proper time and place in African societies in transition. How does criminal justice, especially as delivered by the ICC, fit into this?
- What is the mandate of this new criminal world court and how does it work?
- What role can religious leaders and faith-based groups play?

### 1.1. Advancing justice and reconciliation and the role of the ICC

History shows that, throughout the world, peaceful times and times of conflict alternate. Periods of violent conflicts can truly devastate a country, destroy its natural richness, infrastructure and, above all, human relationships. In this

turmoil organisations of faith are often among the few safe havens for victims of violence. In situations where genocide, crimes against humanity and war crimes occur, the impact upon victims is extremely severe and painful. How is it possible to do justice to the survivors of shocking atrocities, to rehabilitate them, and at the same time rebuild and reconcile the country when peace has finally set in? How should one balance the objectives of such a transition: peace, justice and reconciliation?

It has become clear that peace, justice and reconciliation are intertwined. That they





***During war people run to, and entrust their lives to religious leaders. Organisations of faith form safe havens for victims of violence***

traditional mechanisms for dispute resolution. Internationally, collective substantive and procedural requirements for the administration of justice have been well-developed and documented.

One of the options at hand is criminal justice. To prosecute alleged criminals, especially those most responsible for devastating crimes as genocide, crimes against humanity and war crimes, has been long propagated by many. Criminal justice can contribute to the process of achieving justice for victims, perpetrators, and society as a whole. Prosecuting those responsible can help to create respect for the rule of law, establish an accurate historical record, and act as a deterrent to future criminals.

However, to bring about peace, justice and reconciliation requires strategic planning, careful integration and sensible sequencing of activities. Moreover, approaches focusing only on one institution or another, or ignoring civil society (especially the most affected communities), will not be effective.

can be regarded as mutually reinforcing imperatives, rather than excluding one another. Peace without justice would leave victims empty-handed, not having been heard, acknowledged nor having received any reparation for the harm done. As if their ordeal did not happen and does not matter anymore. Without justice, those responsible for crimes as genocide, crimes against humanity and war crimes would not be held accountable for their wrongs. This will seriously limit the chance of a genuine transition, of a healing of society.

Therefore, from the grassroots up to the international level, a call for justice has been voiced. But what is justice? Justice refers to accountability and fairness and implies regard for the interests of victims, for the rights of the accused and for the well-being of society at large. It is a concept rooted in all cultures and traditions and ranges from formal judicial systems to



### **The International Criminal Court (ICC)**

The **ICC** is the new permanent international criminal tribunal seated in The Hague, The Netherlands, since 1<sup>st</sup> July 2002. ICC is mandated by its currently 100 States Parties to try those who bear the greatest responsibility for the crimes of genocide, crimes against humanity and war crimes.

Nobody has immunity before this international court. No Head of State or General responsible for such grave crimes is exempted from prosecution by the ICC. The ICC works complementary to national jurisdictions and will act only if the national criminal justice systems are unable or unwilling to prosecute. Also, it is up to the national authorities and civil society to decide on how to deal with the lower ranking perpetrators that the ICC will not prosecute, and on alternative means for peace, justice and reconciliation.

It is within this perspective that the authors of this Manual and the consulted African experts propose to see the mandate and the work of the ICC. That in essence the ICC is a very important worldwide institute to try those responsible for genocide, crimes against humanity and war crimes when national states are unable or unwilling to do so. Quoting ICC's Prosecutor Louis Moreno Ocampo who referred to the Uganda case:

*The ICC brings an independent and impartial justice component to the collective effort to end the violence in northern Uganda. Focusing on individuals bearing greatest responsibility for the most serious crimes in northern Uganda, the ICC complements local, national and international initiatives to promote justice, reconciliation and reintegration.*

(Interview IRIN News, June 2005)

In order for the Court to be successful the complementary role of the ICC should be very carefully developed with all stakeholders, from the local communities to the international community. This will ensure that the ICC does not operate in a vacuum but pays due regard to local concerns and hopes. Only then will the affected communities regard the justice delivered by the ICC as *their* justice.

## **1.2 Religious leaders and communities and the ICC: the need for engagement**

Religious leaders and communities throughout Africa play key roles to bring about transitions from conflict to genuine peace, justice and reconciliation. Faith-based organisations, staff and members, prioritise peace and reconciliation initiatives, disseminate information, mobilise religious communities and conduct human rights training, monitoring and advocacy. They often provide for (legal) defence of victims of violence and, otherwise, support their lobby and advocacy.





Because of these activities faith-based communities are well-positioned to engage with the ICC, especially when the Court is conducting investigations and prosecutions in their own country. The ICC has issued arrest warrants in Uganda (October 2005), after having started investigations in the Democratic Republic of Congo (DRC; 2003), Uganda (2004) and Sudan (2005) and is looking into the situations of the Ivory Coast (2005) and the Central African Republic (2005). Therefore, it is crucial to provide

support to enhance the efforts of African faith-based groups in advancing justice and reconciliation in relation to the ICC.

Following from this, we can identify **two important roles for the religious leaders and groups** to advance justice and reconciliation in relation to the ICC:

1. Activities to engage with the ICC for the true achievement of its mission: for example, support victims and witnesses to present their views to the Court, lobby before the Court to have local concerns and hopes taken into account, disseminate information on the ICC, etc.
2. Help design and support national justice proceedings and local alternative reconciliation modalities in order to bring about justice and reconciliation in the country as much as possible.

This Manual seeks to explain the mandate and mission of the ICC within the broader context of justice and reconciliation. In doing so, we hope that the religious practitioner will judge for himself or herself the potential benefits of the ICC, and decide whether to support the work of the ICC in its complementary role. This will then allow an effective relationship to develop between religious leaders, faith-based organisations and the ICC that is characterised by **critical dialogue**. In this way the ICC will help to deliver justice and hope for the future.



### **1.3 About the Manual**

This Manual is intended to serve as a resource and training tool for both faith-based leadership and project officers who will be able to train others within their religious communities or interfaith groups on issues concerning the ICC. It is hoped that this will supplement and further stimulate involvement and action on issues of justice and reconciliation, especially in relation to the ICC.

The Manual provides information on the mandate and activities of the ICC, especially its provisions for victims and witnesses, on issues of transitional justice, on African religious values with regard to justice and reconciliation and, notably, on the role of religious leaders and communities in this field. The Manual specifically seeks to clarify the many complexities, misunderstandings and often unrealistic expectations surrounding the ICC proceedings.

Copies of the Manual will be disseminated among African faith-based networks. The Manual will be translated into French. Workshops to “Train the Trainers” will be organised in Uganda, the DRC, Sudan and other African countries in due course.

This Manual was produced at the request of many African faith-based communities. It is a result of presentations and discussions of the African Expert Working Group Meeting on the role of religious leaders and communities in relation to the ICC, held from 9-11 May 2005 in Nairobi, Kenya. The meeting was organised and sponsored by the Faith and Ethics Network for the ICC (FENICC). The meeting included representatives from diverse religious communities across Africa (particularly from countries where the ICC is investigating, such as the DRC, Uganda, and Sudan) and regional faith-based organisations that focus on transitional justice and reconciliation. Participants discussed the role of religious leaders and faith-based organisations in relation to the ICC and developed guidance and examples of what can be done. Special appreciation goes to all participants, whose contact details are included in the Appendix.



## **1.4 How to use this Manual?**

The information included in this Manual has been chosen as some of the most important information that religious leaders need to know. We hope that organisations working with religious leaders in Africa will use this Manual as a tool for discussion and to raise awareness among project officers and religious leaders.

Most chapters include key questions which can be used for discussion purposes. In addition, the Manual provides two workshop outlines and guiding principles that could be used. The Appendix provides contact details for the ICC and for other useful organisations.

The Manual has eleven chapters divided into three main parts:

### ***Part One – Information on the ICC***

Chapters 1 to 5 include:

- Introduction
- Why is the ICC important?
- The ICC: mandate and mission
- The potential rights of victims
- Gender crimes and the ICC

### ***Part Two - Taking a look at practice***

Chapters 6 to 9 include:

- Case studies from the DRC, Uganda and Sudan
- Dealing with complexities and dilemmas
- Transitional justice and the ICC
- Traditional African and religious approaches to reconciliation

### ***Part Three – Promoting constructive engagement with the ICC***

Chapters 10 and 11 include:

- The roles of religious leaders and communities
- Workshop outlines

We hope you will enjoy working with the Manual!

