

Microsite WG African francophone countries – Abidjan

While most Francophone African governments have expressed their support for the International Criminal Court (ICC), a number of them have not yet taken the necessary measures to ratify or accede to the Rome Statute, or when they have done so, to incorporate its relevant provisions in their national legislation. Currently, some Francophone African countries have launched or are considering launching a process of ratification or implementation of the Rome Statute. Thus, several parliamentarians of Côte d'Ivoire, Guinea Conakry and Mali, and the government of Madagascar have requested technical assistance to PGA to assist them in drafting bills implementing the Rome Statute. In addition, parliamentarians from Togo and Cameroon have expressed the wish to see their country ratify the Rome Statute of the ICC.

In this context, the Working Group on the fight against impunity in Francophone African countries met for its 1th session under the gracious auspices of the National Assembly of Côte d'Ivoire in Abidjan on 31 January and 1 February 2014. The aim of the Working group is to promote regional efforts for the ratification and implementation of the Rome Statute of the ICC, to allow experience sharing among parliamentarians and to raise awareness on the need to prevent the most serious crimes of international concern.

Considering the important work of PGA in Ivory Coast for over 10 years, in light of the unique experience of Côte d'Ivoire and its significant efforts in the field of justice and reconciliation following the post-electoral violence in 2010 -2011, and being the last state to ratify the Rome Statute in February 2013, it was symbolic that the first session of the Working Group was held in the National Assembly of Côte d' Ivoire.

The Working Group followed a format of closed-door political, legal and strategic consultations among a selected group of Parliamentarians from the region whereby experts and ICC officials were invited to provide specific input and to participate in inter-active dialogue.

The session was opened by **Hon. Mamadou Diawara**, Chair of the Institutional and general affairs of the National Assembly of Côte d'Ivoire, along with **H.E. Amb. Tiina Intelmann**, President of the Assembly of States Parties to the Rome Statute, **H.E Ms. Aichatou Mindaoudou**, Special Representative of the Secretary General of the United Nations in Côte d'Ivoire, **Mr. Bruno Pozzi**, 1st Councillor of the European Delegation in Côte d'Ivoire, **Mr. Lamine Thiam**, PGA Member and Former Convenor of the PGA Peace and Democracy Programme and **Hon. Mariame Traoré**, PGA member and member of the National Assembly of Côte d'Ivoire.

The Working Group also benefitted from the active participation of **Ms. Paolina Massidda**, Principal Counsel of the Office of the Public Counsel for Victims at the ICC, **Mr. Amady Ba**, Head of the Cooperation Division of the Office of the Prosecutor of the ICC as well as the Procureur général de la République d'Abidjan, **Mr. Richard Christophe Adou** and several representatives of the civil society and academia, including **Mr. Ali Ouattara**, President of the Ivorian Coalition for the ICC, **Mr. Abdouramane Ouattara**, Professor of Law and **Mr. Drissa Traoré**, Vice-President of the International Federation for Human Rights (FIDH). It was moderated by the Secretary-general of PGA, **Dr. David Donat Cattin**, and it gathered 15 MPs from Côte d'Ivoire, along with parliamentarians from Cameroon, Guinea-Conakry, Mali, Senegal and Togo.

Amb. Intelmann reminded that the ICC was created to contribute to the prevention of international crimes and that the Court has done much to address situations where mass atrocities have been committed. She highlighted the vital role that parliamentarians can play to support the international community and their governments to consolidate the important pillars on which the Court rests (universality, complementarity, cooperation and political support). Finally, Amb. Intelmann called on States Parties to the ICC to promptly ratify the amendments to the Rome Statute adopted during the Review Conference in Kampala, to ensure that the 30 ratifications are reached before 2017, enabling thereby the jurisdiction of the Court on the crime of aggression (for more information about PGA's work on the crime of aggression).

Ms. Paolina Massidda, the legal representatives of a large group of victims participating in the trial of former President Laurent Gbagbo, explained the mechanisms at the ICC allowing for the participation of victims, which is one of the main specificities of the Court. She invited parliamentarians to create a strong group to support the ICC and insisted on the need to establish witnesses and victims' protection programmes at the national level.

Mr. Amady Ba, presented the latest developments at the ICC, in particular in Côte d'Ivoire, Mali, Guinea and Kenya. He notably underlined the important role the Court has played in situation countries or in countries where there are preliminary examinations, like in Guinea, where the Court's assistance and regular monitoring has allowed for national investigations and prosecutions as well as has been a positive factor for the relatively smooth conduct of presidential and legislative elections in 2013. Reminding that the Court encourages in every case that the national authorities engage the necessary investigations and prosecutions, he highlighted the vital role of parliamentarians in doing so by strengthening their judicial systems, notably through the implementation of the Rome Statute and the allocation of appropriate human and financial resources in support of institutions fighting impunity.

The Procureur général de la République d'Abidjan, **Mr. Richard Christophe Adou** also participated in the event and stated that genuine investigations and prosecutions are necessary to avoid the repetition of atrocities. He underlined the importance of the principle of complementarity as well as the need to ensure the protection of witnesses participating in the proceedings. He called on parliamentarians to adopt the relevant bills to strengthen the Ivorian judicial system on those two aspects.

All along the meeting, MPs insisted on the role of parliamentarians to prevent the commission of atrocities through the strengthening of a universal system of international criminal justice that the ICC represents, as well as through strong judicial and legal national systems able to carry out genuine investigations and prosecutions of international crimes.

Africa and the ICC

The relationship between Africa and the ICC was largely debated by all participants. All the present MPs recognised that the ICC must not be seen as a problem but as a resource, a tool to fight against impunity regardless of the official capacity of the persons investigated and prosecuted, as provided by article 27 of the Rome Statute. Indeed, the Rome Statute applies equally to all, and therefore does not recognise that the power position of certain leaders exempts them from prosecutions.

They applauded the Court for playing a complementary role to national jurisdictions when they are not willing or able to prosecute the most serious crimes of concern to the international community as a whole. They also praised the ICC for placing at the heart of its concerns all African victims, who have a right to truth, to justice, reparation and the non-repetition of crimes, rejecting thus any anti-ICC campaign accusing the Court of only targeting African leaders. They recognised the positive impact the Court has had on the ground, preventing the commission of crimes, assisting national authorities to fight against impunity and therefore playing a major role for reconciliation and peace as well as more generally for good governance. In particular, MPs expressed very strong support for the on-going ICC trials in Côte d'Ivoire, formal investigations in Mali and preliminary examinations in Guinea.

They committed to support the Court with their governments and public opinion, raising-awareness about its essential work, rehabilitating the Court's true purposes and encouraging States to give more resources to the ICC so that it can serve an independent, fair and effective justice.

The Fight against Impunity in the Region and the Implementation of the Rome Statute in Côte d'Ivoire, Guinea and Mali

The new PGA group in the National Assembly of Côte d'Ivoire led by **Hon. Mariame Traoré** committed to work on the incorporation of the Rome Statute and administrative measures that may advance and support the fight against impunity domestically, which is necessary for the reconciliation efforts launched after the post-electoral crisis of 2010-2011.

New PGA Member **Hon. Fodé Marega** (Guinea) committed to work on the incorporation of the Rome Statute in Guinea and to support the assistance and cooperation the Court is giving to Guinean authorities for the crimes committed in Guinea in September 2009.

Hon. Bréhima Beridogo (Mali) praised the positive impact the investigations of the ICC have had in the stabilisation process in Mali and promised to work on the adoption of a cooperation bill by the Malian Parliament in order to reinforce the cooperation with the Court and facilitate its investigations on the ground.

All those MPs requested technical cooperation on implementing legislation from the PGA secretariat.

The discussions evidenced multi-partisan support within the National Assembly of Côte d'Ivoire and among Francophone African countries to end impunity in any manner possible, through genuine investigations and prosecutions at national and international level, if necessary, reaffirming thus the commitment of Africa to protect and promote human rights and end impunity.

The Universality of the Rome Statute in Togo and Cameroun

In the difficult context of the anti-ICC campaign led by several countries within the African Union, the Working Group Meeting was successful in reaching out to MPs from

Africa whose countries are not yet parties to the Rome Statute, in order to reinforce the support to the Court and achieve the universality of the Statute.

In Togo, **Hon. Jean Koffi Kissi**, Chair of the Foreign Affairs Committee, promised to report in the National Assembly on the urgency to ratify the Rome Statute, as a strong signal of support to the Court. He also committed to start a raising-awareness process within Togo, with the government, civil society and public opinion, emphasising on the positive impact the ratification and subsequently the implementation of the Rome Statute could have on the reconciliation of the country.

In Cameroun, new PGA **Member Peter William Mandio** committed to launch the necessary consultations to reverse the blockage to the ratification process caused by decisions taken by President Biya in 2003, after he felt threatened by some activists' groups that had called for the referral of the Cameroonian situation of human rights' violations to the jurisdiction of the ICC although the ICC has jurisdiction over crimes against humanity, not human rights violations.

Reinforcement of the Role of Parliamentarians in Africa

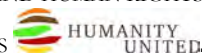
The central role of PGA and the Working Group is to enhance the democratisation of the decision-making process regarding the fight against impunity through reinforcing the position of Parliamentarians and their exercise of their legislative and political prerogatives. The 1st Meeting of the Working sought to fulfil this role especially for Côte d'Ivoire, given that the country is in a reform process to address the causes and consequences of the post-electoral crisis. The meeting also sought, through the adoption of several strategies, to reinforce the role of Parliamentarians within international fora, so that their voices and those of the constituencies they represent are taken into consideration by their leaders, notably in relation to supporting the fight against impunity and the ICC.

THE WORKING GROUP (WG) ON THE FIGHT AGAINST IMPUNITY IN FRANCOPHONE AFRICA IS PART OF THE PGA CAMPAIGN FOR THE UNIVERSALITY AND EFFECTIVENESS OF THE ROME STATUTE OF THE ICC SYSTEM, WHICH RECEIVES SUPPORT FROM

THE EUROPEAN UNION (EUROPEAN INSTRUMENT FOR DEMOCRACY AND HUMAN RIGHTS)



THE NETHERLANDS, SWITZERLAND AND LIECHTENSTEIN, AS WELL AS



THE WG HAS HIGHLY BENEFITTED FROM THE COOPERATION OF THE NATIONAL ASSEMBLY OF CÔTE D'IVOIRE.