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A catalyst for justice? The International Criminal Court in Uganda, Kenya, and the Democratic Republic of Congo

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Propositions relating to the dissertation *A Catalyst for Justice? The International Criminal Court in Uganda, Kenya, and the Democratic Republic of Congo* by Christian De Vos:

1. Complementarity is both a legal rule of admissibility and a policy instrument designed to catalyze domestic proceedings. This policy has involved two key strategies for complementarity: it signals the Court's potential to act as a coercive stimulant on national jurisdictions and to serve a more cooperative function, wherein the ICC supports or literally "complements" national jurisdictions.
2. Article 17 of the Rome Statute has largely been interpreted in a manner that privileges a mirroring of the ICC's normative and institutional frameworks. While this approach is consistent with the coercive dimensions of complementarity insofar as it seeks to pull states towards compliance with the Rome Statute framework, such strict interpretations may well stymie, rather than catalyze, domestic proceedings.
3. Preliminary examinations and investigations are both important stages where complementarity's catalytic properties could be exploited; however, in Uganda, Kenya, and the DRC, the ICC Prosecutor's efforts to catalyze domestic proceedings have been hobbled by the lack of a long-term ground presence, insufficient communication with key national-level actors, and inadequate appreciation of domestic political contexts.
4. State and non-state actors have summoned the shifting, adaptive nature of complementarity to create domestic judicial units specialized in the prosecution of international crimes. Depending on the political context, such units have been established with the intention of displacing the ICC's intervention; at other moments, they are depicted as institutional extensions of the Court, meant to "complement" and complete its work.
5. A desire for uniformity with the Rome Statute's substantive and procedural provisions on the part of powerful external constituencies was largely responsible for driving the Statute's domestic implementation in Kenya, Uganda, and the DRC, but it often glossed over deeper political debates about the place of accountability within broader transitional justice processes.
6. Interest in the capacity of international courts and prosecutions to serve as "catalysts" at the national level has strong affinities with a growing literature on the socializing power of international law and legal institutions, and their role in shaping state behavior.
7. ICC interventions and the goals they seek to achieve have not transcended politics; they are constituted by politics. The ICC's "catalytic effect" on state behavior is thus better understood as part of a complex political process, rather than a singular desired outcome.
8. Civil society organizations are both object and subject of the ICC's catalytic effect: they seek to expand complementarity's normative influence, while having themselves been transformed by it.

9. A more deferential approach by the ICC to Article 17 challenges could better navigate the tensions between the legal test for complementarity and its policy-based elements. Because the space that such challenges admit for dialogue between the ICC and national jurisdictions is limited, greater attention to the Rome Statute's cooperation and consultation regimes is also warranted.
10. A disproportionate focus on the ICC has overlooked other hybrid arrangements that, by their design, could have a deeper relationship to national jurisdictions and a more lasting effect on strengthening domestic capacity. Greater investment should be made in these arrangements and in a critical orientation that welcomes international criminal justice less as a matter of rule following than a project of global legal pluralism.
11. The logic of complementarity shifts depending on the political priorities and goals of those who seek to invoke it.
12. Legalism is seductive but perilous.