



P.O.V.

Season **22**

DISCUSSION GUIDE

The Reckoning

The Battle For The International Criminal Court

A film by Paco de Onís, Peter Kinoy and Pamela Yates



Professor Pilo Kamaragi inspects a skull in the killing fields of Bogoro, Ituri, eastern Congo.
Photo courtesy of Susan Meiselas/Magnum Photos



www.pbs.org/pov

**LETTER FROM THE FILMMAKER**

NEW YORK, MAY 2009

Dear Viewer,

I heard about the International Criminal Court (ICC) from a member of the Peruvian Truth Commission. In a high Andean village, he told me he had previously worked at the Coalition for the International Criminal Court (CICC) a global coalition of over 2,000 NGOs (Non-Governmental Organizations) convened to establish the first permanent, international criminal court that would try perpetrators, no matter how powerful, for war crimes, crimes against humanity and genocide. The idea that no one would be immune, that even heads of states might be brought to justice for genocide during an ongoing conflict, was amazing. This would represent a paradigm shift in the growing panorama of international justice. After the bloodiest century in human history, this new Court would force us to ask, "Does humanity have the possibility of doing better than this?"



Pamela Yates, far left, Director.
Photo courtesy of Skylight Pictures



Pamela Yates, Director; Luis Moreno-Ocampo,
Prosecutor of the International Criminal Court and
Paco de Onís, Producer.
Photo courtesy of Skylight Pictures

I started out thinking that **The Reckoning** would be about the ICC's cases and trials and would be structured like a good crime thriller. Because the Court investigates during ongoing conflicts, I knew I would have to lead a film team to some of the world's worst conflicts — Colombia, Darfur, Uganda and Congo, where over 4 million people are estimated to have died in the worst conflict since World War II. Quickly I realized that I had to expand my vision for the film in order to include the effects the International Criminal Court was having at the local level, where its investigations were causing a tremendous amount of controversy, because the court was intervening in ongoing conflicts where peace negotiations were underway. The Court's arrest warrants generated a global debate about whether the interests of peace and justice were at odds. In the end, the Court itself became the protagonist of **The Reckoning**, and all the cinematic elements were developed during the process of realizing this idea.

**LETTER FROM THE FILMMAKER**

I chose to work with a real Dutch Master, cinematographer Melle van Essen. Together we devised a look for the Court, which is based in The Hague. We chose a cool blue that echoed the Court's minimalist high-tech headquarters. It is a look that highlights the world's best and brightest, the young prosecutors who are drawn to this idea of a Court that doesn't allow perpetrators any impunity that might stand in the way of their punishment.

In the footage of Uganda and the Congo, the hues are bright, the light warm. This was meant to reflect the depth of war's destruction by setting it against the real beauty of the lands and their ancient cultures. The first humans came from this part of Africa and we are all their descendants. The culminating story of **The Reckoning** focuses on attempts to arrest the President of Sudan on charges of genocide in Darfur; I tell that story through the Court's battle in the United Nations Security Council. Hypocrisy in the corridors of power is filmed in contrast to the death and destruction in Darfur. The United Nations can have long debates about how to stop genocide, but the victims in Darfur cannot wait for power brokers to work through the issue, and the charismatic, concerned prosecutor of the ICC must act quickly. The title **The Reckoning** has three meanings: the reckoning of a world trying to bring the worst perpetrators of massive crimes to justice; the reckoning of the International Criminal Court becoming an effective global arbiter of justice; and the reckoning with the international community over whether or not we have the political will to carry out the arrest warrants and fulfill the mandate of this new Court.

Pamela Yates,

Director, **The Reckoning**



Paco de Onís, Producer.
Photo courtesy of Skylight Pictures



Editor Peter Kinoy.
Photo courtesy of Skylight Pictures

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**INTRODUCTION**

Luis Moreno-Ocampo and Fatou Bensouda
in the International Criminal Court
Photo courtesy of Michael Kooren

To date, more than 100 countries have ratified the Rome Statute, the treaty that governs the International Criminal Court (ICC) — the first permanent, international court created to prosecute perpetrators, no matter how powerful, of crimes against humanity, war crimes and genocide. **The Reckoning**, a feature length (82 minutes) documentary, follows the organization's dynamic prosecutor Luis Moreno-Ocampo and his team for three years across four continents as he issues arrest warrants for Lord's Resistance Army leaders in Uganda, puts Congolese warlords on trial, shakes up the Colombian justice system and charges Sudan's President Omar al-Bashir with genocide, war crimes and crimes against humanity in Darfur.

Without a police force to carry out its mandates, the ICC depends on the consensus and will of its member states to arrest suspects. This model of international cooperation

makes **The Reckoning** an excellent springboard for discussion, prompting viewers to think through the same issues with which the ICC must grapple. Why haven't the United States, Russia, or China yet become members of the ICC? Where does national sovereignty end and a universal rule of law that governs all of humanity begin? Who should make arrests, especially when sitting heads of state are indicted? How is the jurisdiction of the Court determined? And, as human beings, what are our essential responsibilities to one another, irrespective of national boundaries, political and religious differences or ethnic backgrounds?

**POTENTIAL PARTNERS****KEY ISSUES**

The Reckoning is well suited for use in a variety of settings and is especially recommended for use with:

- **Your local PBS station**
- **Groups that have discussed previous PBS and P.O.V. films relating to human rights or international justice, including *Discovering Dominga*, *Inheritance*, or *The Judge and the General***
- **Groups focused on any of the issues listed in the “Key Issues” section**
- **NGOs for issues before the Court, such as children’s issues, women’s issues, torture, etc.**
- **High school students**
- **Faith-based organizations and institutions**
- **Cultural, art or historical organizations, institutions or museums**
- **Civic, fraternal and community groups**
- **Academic departments or student groups at colleges, universities and high schools**
- **Community organizations with a mission to promote education and learning, such as local libraries**
- **Local human rights, international accountability and social justice networks**

The Reckoning is an excellent tool for outreach and will be of special interest to people interested in the following topics:

- **Colombia**
- **Congo**
- **Crimes against humanity**
- **Ethnic and nationality groups**
- **Foreign policy**
- **Gender crimes**
- **Genocide**
- **Global studies**
- **Human rights**
- **International Criminal Court**
- **International justice**
- **International relations**
- **Peace studies**
- **Political science**
- **Social justice**
- **Sudan/Darfur**
- **Uganda**
- **United Nations**
- **War crimes**

**USING THIS GUIDE**

This guide is an invitation to dialogue. It is based on a belief in the power of human connection, designed for people who want to use **The Reckoning** to engage family, friends, classmates, colleagues and communities. In contrast to initiatives that foster debates in which participants try to convince others that they are right, this document envisions conversations undertaken in a spirit of openness in which people try to understand one another and expand their thinking by sharing viewpoints and listening actively.

The discussion prompts are intentionally crafted to help a wide range of audiences think more deeply about the issues in the film. Rather than attempting to address all of the prompts, choose one or two that best meet your needs and interests. And be sure to leave time to consider taking action. Planning the next steps can help people leave the room feeling energized and optimistic, even in instances when conversations have been difficult.

For more detailed event planning and facilitation tips, visit www.pbs.org/pov/reckoning.



Children in a rainstorm, northern Uganda.
Photo courtesy of Skylight Pictures

**BACKGROUND INFORMATION**

The International Criminal Court in The Hague, Netherlands
Photo courtesy of Max Koot

ICC History

The International Criminal Court (ICC) began operation as the first permanent international court in history created to investigate and prosecute individual perpetrators, no matter how powerful, for genocide, war crimes and crimes against humanity. Prior to the creation of the ICC, there had been international tribunals set up following specific atrocities, such as the trials of Nazi officials at Nuremberg after World War II and temporary tribunals for perpetrators in Rwanda and the former Yugoslavia, but these were never intended to be permanent. For centuries many serious international crimes occurred without any justice.

Though some people had hoped that Nuremberg would set a precedent and prevent future atrocities, since World War II millions have been murdered in mass atrocities, including but not limited to:

- Guatemala – 200,000
- Cambodia – 1,700,000
- Kurdistan – 150,000
- Sierra Leone and Liberia – 250,000
- Bosnia and Herzegovina – 200,000
- Rwanda – 800,000

To address repeated crimes against humanity in the hope of deterring future crimes, representatives from a wide range of nations used the Nuremberg Tribunals and the ad-hoc tribunals for the former Yugoslavia and Rwanda as models to craft a draft treaty for an International Criminal Court. After several years of preparation under the auspices of the United Nations, that draft was formally presented at a 1998 conference in Rome, now known as the Rome Conference.

**BACKGROUND INFORMATION**

The Rome conference was attended by 160 states, 33 international organizations and 236 NGOs (non-governmental organizations). The treaty that resulted is known as the Rome Statute.

A total of 120 nation representatives voted for the treaty, but the Court could only become operational after a minimum of 60 nations had ratified the treaty. It took four years for that ratification to be achieved, and since 2002, 139 nations have signed the treaty and more than 100 countries have ratified it to become members.

The ICC is a fully independent institution and should not be confused with the International Court of Justice at the United Nations, which settles disputes between nations. The ICC's seat is at The Hague in the Netherlands. Its jurisdiction is potentially global with respect to genocide, crimes against humanity and war crimes, and in the future may include the crime of aggression, which is in the process of being defined.

Filming in the killing fields of Bogoro in the Democratic Republic of Congo the day after the ICC arrest warrant was issued.
Photo courtesy of Skylight Pictures

The ICC can only investigate and make arrests for crimes committed since July 2002.

Source:

www.icc-cpi.int; "From Nuremberg to Hague: The Road to the International Criminal Court," Nuremberg Human Rights Centre, Federal Foreign Office, and Goethe Institute (2006); www.un.org/icc/crimes.htm.

"From Nuremberg to Hague: The road to the International Criminal Court," Nuremberg Human Rights Centre, www.menschenrechte.org/beitraege/straflosigkeit/International_Criminal_Court.pdf



BACKGROUND INFORMATION

ICC Structure and Procedures

The ICC is governed by the Assembly of States Parties, comprised of member nations. Judges are elected by the Assembly, which must take into account “equitable geographical representation” and a “fair representation of female and male judges.”

The ICC is meant to be a court of last resort and can only pursue a case when a country is unable or unwilling to do so under its own national system.

Before a case is brought to the ICC, an investigation must be initiated by one of three methods:

- **State Party Referrals:** A State Party has the right to introduce evidence of one or more crimes within the authority of the court. ICC member nations may also refer their own situations to the prosecutor, claiming that they are unable to prosecute the crimes in question. This is how the cases in Uganda, Democratic Republic of Congo and Central African Republic came to the ICC.
- **The UN Security Council (UNSC):** The UNSC can refer a situation to the prosecutor and extend the Court’s jurisdiction to UN member states that have not ratified the Rome Statute. This is how the Sudan/Darfur case came to the ICC, since Sudan is not a member of the ICC.
- **Proprio Motu:** The prosecutor can move to open a situation independently with the approval of a three-judge panel, though to date the current prosecutor has not chosen to do so. Victims cannot initiate investigations directly, but may bring information to the attention of the prosecutor that could result in an investigation into a particular situation.

The decision to take up a case rests with the prosecutor, but a panel of judges must weigh the evidence submitted and decide whether to issue an arrest warrant.

In order to guarantee fair trials, the ICC offers nearly all of the protections guaranteed by the U.S. Bill of Rights, one of the ways that the ICC combines elements of common law and civil law. This means:

- Defendants are guaranteed representation by qualified attorneys.
- Prosecutors must turn over to the defense any potentially exculpatory evidence as well as any evidence of guilt.
- No defendant can be tried more than once for the same conduct (i.e., no double jeopardy).
- No one can be tried for a crime retroactively, either for conduct that has not been previously defined as a crime or for actions taken before the Court began work in 2002.
- The defense may cross-examine witnesses and present its own evidence.
- There is a process for appealing the Court’s rulings and verdicts.

The ICC does not impose the death penalty, but it may imprison convicted defendants in the prisons of assenting countries, possibly for life, and/or order them to pay reparations to victims. The Court may also make reparations through a Trust Fund for Victims overseen by the Court’s Assembly of States Parties. Because of the heinous nature of the cases it hears, the Court recognizes no statute of limitations on the crimes over which it has jurisdiction.

Sources:

www.icc-cpi.int; “From Nuremberg to Hague: The Road to the International Criminal Court,” Nuremberg Human Rights Centre, Federal Foreign Office and Goethe Institute (2006); Skinnider, Eileen. *Ensuring the Independence of the Criminal Court*, March 2006, www.icclr.law.ubc.ca/Publications/Reports/ES%20paper%20-%20ICC%20and%20China.pdf; Mitchell, Sara and Powell, Emilia. *The Creation and Expansion of the International Criminal Court: A Legal Explanation*, www.saramitchell.org/powellmitchellICC.pdf; www.icc-cpi.int/menus/icc/press%20and%20media/press%20releases/2005/the%20prosecutor%20of%20the%20icc%20opens%20investigation%20in%20darfur?lan=en-GB

**BACKGROUND INFORMATION****The United States and the ICC**

The United States made many important contributions to the Rome Statute but ultimately voted against it. President Bill Clinton reluctantly signed the treaty in the last days of his presidency in 2000. However, it was never submitted to the Senate for advice and consent to ratification.

The United States wanted the UN Security Council to determine which cases the ICC would or would not hear - effectively granting the Security Council (and its five permanent member nations, including the United States) veto power over cases that the ICC could prosecute. That provision was deemed unacceptable by other signatories and was rejected. However, the Security Council can still defer an investigation or prosecution for one year unless that motion is vetoed by any one of the permanent members of the Council.

The United States expressed concern that without the filter of the Security Council, Americans, including military personnel, might be put on trial for political purposes. The administration of President Clinton announced that the United States would not pursue ratification to become a member state of the court.

The administration of President George W. Bush broadened the government's objections to the Court. The United States officially withdrew its support for the Rome Statute, though it did not "unsign" the treaty. Additionally, under the Bush administration in 2002, the U.S. Congress passed a law called the American Service-Members Protection Act (ASPA), authorizing the U.S. president to use "all means necessary" to free U.S. nationals held at The Hague. In line with ASPA, the Bush administration also launched a campaign to secure bilateral non-surrender agreements with other countries that would "protect American citizens from the International Criminal Court." Countries that signed such

agreements agreed not to surrender American nationals to the jurisdiction of the ICC.

The United States still has not joined the ICC and does not recognize its authority over Americans yet supports certain ICC investigations such as the effort to prosecute Sudanese



A common sign in Bunia, Congo
Photo courtesy of Skylight Pictures

president Omar al-Bashir. The Obama administration has taken a more positive approach to the Court, but has delayed taking specific action concerning ratification of the Rome Statute until it completes a review of U.S. policy toward the ICC.

Sources:

Article 16, Rome Statute; www.globalissues.org/article/490/united-states-and-the-icc; www.unwire.org/unwire/20010102/12349_story.asp; U.S. Department of State, Article 98 Agreements, <http://www.state.gov/t/pm/art98/>.

**BACKGROUND INFORMATION**

Dennis Lemoyi, far right, leader of the Pagak internally displaced persons camp with other Acholi leaders from the camp.
Photo courtesy of Skylight Pictures

Countries featured in the film

Uganda

Uganda has seen many conflicts and been host to thousands fleeing conflicts in neighboring Sudan, Rwanda and Congo. One of the most persistent sources of conflict in Uganda over the last two decades has been the war between the government of Uganda and the Lord's Resistance Army (LRA), which operates largely in the northern part of the country, especially near the Sudanese border and in the Democratic Republic of Congo.

The goals of the LRA have not always been clear. The group has claimed to fight on behalf of ethnic Acholi, who have been the targets of discrimination and neglect by the government. They have also announced a desire to institute a government based on the Ten Commandments and, ironically, given their brutal tactics, to end war.

Unable to defeat the LRA or protect the civilian population from LRA abuses, Uganda sought help from the ICC. In

2005, after extensive investigation of both the government and the LRA, arrest warrants were issued for five leaders of the LRA, including Joseph Kony and Vincent Otti. Two of the five leaders named in the warrants are now deceased. Joseph Kony, the commander in chief, and the other two remain at large.

Sources:

Farmer, Sam. "I will use the Ten Commandments to Liberate Uganda," www.timesonline.co.uk/tol/news/world/article680339.ece; CIA World Factbook, <https://www.cia.gov/library/publications/the-world-factbook/>; International Criminal Court, www.icc-cpi.int/menus/icc/situations%20and%20cases/situations/situation%20icc%200204/related%20cases/icc%200204%200105/uganda?lan=en-GB.

CIA World Fact Book, <https://www.cia.gov/library/publications/the-world-factbook/geos/UG.html>

**BACKGROUND INFORMATION****Democratic Republic of Congo (DRC)**

The Democratic Republic of Congo (also known as the Congo) has been embroiled in internal and external conflicts for decades. At various places and times, the conflicts have had political, ethnic and economic origins, with rebels attempting to overthrow dictators, tensions between Hutus and Tutsis spilling over from neighboring Rwanda and everyone attempting to control significant mineral resources, including coltan, gold and diamonds.

In 1998, an armed insurrection supported by Rwanda and Uganda began a five-year conflict that went on to involve Angola, Namibia and Zimbabwe. Dubbed “Africa’s World War,” the conflict ended in 2003, shortly before the ICC prosecutor was named, but unrest has continued, especially in the eastern part of the country. The war in eastern Congo has claimed over 4 million lives, the most lost in any conflict since World War II. The ICC investigation began at the behest of the current DRC government.

Thomas Lubanga Dyilo led a militant faction of the UPC (Union des Patriotes Congolais), which is alleged to have massacred thousands of citizens in 2002-2003. In 2004, the UPC was reestablished as a legitimate political party. As leader of this militia, he is suspected of a variety of war crimes and crimes against humanity, and the ICC arrested him in 2006 on the evidence it had gathered to charge him with conscripting children. His trial began in January of 2009. Cases against two other Congolese militia leaders are in the pretrial stage.

Sources:

CIA World Factbook, <https://www.cia.gov/library/publications/the-world-factbook/>; International Criminal Court, www.icc-cpi.int.

“Profile of Thomas Lubanga Dyilo,” American NGO Coalitions for the ICC (AMICC), <http://www.amicc.org/docs/Lubanga%20Profile.pdf>



The Congo, which has suffered a culture of impunity for over a century, now has 4 defendants set to go on trial at the International Criminal Court.

Photo courtesy of Marcus Bleasdale/VII

**BACKGROUND INFORMATION**

Colombian soldiers outside government building in Bogotá

Photo courtesy of Skylight Pictures

Colombia

The ongoing internal armed conflict between FARC and ELN rebel guerrillas and the Colombian government escalated in the 1990s. In the 40-year confrontation, the government is implicated in collaborating with unofficial paramilitary groups so as not to involve its army in war crimes and massacres. Civil society organizations have documented human rights abuses on all sides. The conflict initially centered around economic and political philosophies and representation, but has been complicated by funding from the illicit drug trade, which generated its own violence.

The ICC is currently monitoring the situation and collecting information, but it is waiting to see what the Colombian government will do to address the situation before deciding whether to open a formal investigation. The government has complicated ICC's analysis by extraditing 14 paramilitary leaders to the United States to face drug trafficking charges, putting them out of the reach of the ICC. Some of those

leaders had been threatening to give the ICC information about the connections between the government of Colombian President Alvaro Uribe and paramilitary groups.

Sources:

<http://online.wsj.com/article/SB123980682351421211.html>. "Colombia Captures Alleged Drug Lord Wanted in the U.S." *The Wall Street Journal*, Apr. 16, 2009; www.nytimes.com/2008/08/16/world/americas/16colombia.html?_r=2&ref=world&oref=slogin&oref=slogin. "Court Looks at Supporters of Rebels in Colombia." Romero, Simon. *The New York Times*. Aug. 15, 2008; www.cfr.org/publication/15239/colombias_rightwing_paramilitaries_and_splinter_groups.html#2. "Colombia's Right-Wing Paramilitaries and Splinter Groups." Hanson, Stephanie. Council on Foreign Relations. January 11, 2008; www.latimes.com/news/nationworld/world/la-fg-colombia-extradite6-2009mar06,0,3985181.story. "Colombia hands ex-paramilitary leader over to U.S." Kraul, Chris. *The Los Angeles Times*. March 6, 2009



BACKGROUND INFORMATION

Sudan (Darfur)

Most of Sudan's modern history has been dominated by conflicts over political, economic, territorial and ethnic autonomy. In 1989, current President Omar al-Bashir took power in a bloodless military coup while a colonel in the Sudanese army. In recent years, charges of genocide have been leveled against the government of Sudan, in the Darfur region, in western Sudan. The 2009 arrest warrant for President al-Bashir lists five counts of crimes against humanity and two counts of war crimes, including "intentionally directing attacks against a civilian population." Estimates vary, but most observers accept a figure of approximately 200,000 people killed and over 2 million displaced by the conflict. Much of that displacement was handled in brutal fashion by the Janjaweed, paramilitary groups supported by the government.

In 2005, concern about the brutal conflict in Darfur led the United Nations Security Council to refer the situation in Darfur to the ICC. In 2007, the ICC issued arrest warrants for former Sudanese Minister of State for the Interior (now for Humanitarian Affairs) Ahmad Harun and Janjaweed militia leader Ali Kushayb, charging them with war crimes and



Casualties of the Sudanese government attacks living in refugee camps on the Darfur/Chad border.

Photo courtesy of Marcus Bleasdale/VII

crimes against humanity. Both men, and President al-Bashir, remain at large.

Sources:

CIA World Factbook, <https://www.cia.gov/library/publications/the-world-factbook/>; International Criminal Court, www.icc-cpi.int/; www.reuters.com/article/topNews/idUKL1435274220080714?sp=true. "FACTBOX - Sudan's President Omar Hassan al-Bashir." Reuters, July 14, 2008.

Flint, Julie, and Alex de Waal. *Darfur: A Short History of a Long War*. London: Zed Books, 2008. Print. Pages 145, 275

www.icc-cpi.int/menu/icc/structure%20of%20the%20court/outreach/darfur%20%20sudan/press%20releases/warrants%20of%20arrest%20for%20the%20minister%20of%20state%20for%20humanitarian%20affairs%20of%20sudan_%20and%20a%20leader%20of%20the

"Warrants of Arrest for the Minister of State for Humanitarian Affairs of Sudan, and a leader of the Militia/Janjaweed."; Thirteenth Diplomatic Briefing of the International Criminal Court, www.icc-cpi.int/NR/rdonlyres/80987990-691F-498A-9A6E-DC8506D0970E/278591/ICCDB13IPENG.pdf; Sudan: Ethnic Cleansing in Darfur, www.state.gov/documents/organization/31952.pdf.



Jimmy Otim, International Criminal Court outreach coordinator in northern Uganda

Photo courtesy of Skylight Pictures



BACKGROUND INFORMATION

Definitions

GENOCIDE

According to Article 6 of the Rome Statute, *genocide* means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or

religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

CRIMES AGAINST HUMANITY

According to Article 7(1) of the Rome Statute, *Crimes against humanity* means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity based on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as



Bunia, Congo
Photo courtesy of Skylight Pictures

impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.



Congolese Army Soldiers prepare to secure Bunia, a volatile town in the eastern Congo.
Photo courtesy of Skylight Pictures

**BACKGROUND INFORMATION****WAR CRIMES (SELECTED PROVISIONS)**

The ICC generally adheres to the definitions of war crimes as enumerated in the Geneva Conventions. Without denying the ability of a government to maintain or re-establish law and order within its national boundaries or to defend its national sovereignty by legitimate means, the Statute prohibits:

- (a) Torture or inhuman treatment, including biological experiments;
- (b) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
- (c) Willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
- (d) Unlawful deportation or transfer or unlawful confinement;
- (e) Taking of hostages;
- (f) Intentionally directing attacks against the civilian population or against individual civilians not taking direct part in hostilities;
- (g) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in humanitarian assistance or a peacekeeping mission;
- (h) Intentionally using starvation of civilians as a method of warfare;
- (i) Killing or wounding a combatant who, having laid down his arms or having no longer means of defense, has surrendered;
- (j) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- (k) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
- (l) Committing any form of sexual violence;
- (m) Conscripting or enlisting children under the age of 15 years into the national armed forces or using them to participate actively in hostilities.



Children in a school in the Pagak internationally displaced persons camp in northern Uganda.

Photo courtesy of Skylight Pictures

Source:

The Rome Statute, www.icc-cpi.int/Menus/ICC/Legal+Texts+and+Tools/Official+Journal/Rome+Statute.htm.

**BACKGROUND INFORMATION****Selected People Featured in The Reckoning****At the ICC:****Luis Moreno-Ocampo, Prosecutor**

Luis Moreno-Ocampo is the first prosecutor of the International Criminal Court. From 1984 to 1992, as a prosecutor in Argentina, Moreno-Ocampo was involved in precedent-setting prosecutions and convictions of top military commanders accused of masterminding the “dirty war” that included mass killings, disappearances and other large-scale human rights abuses against civilians.

In 1992, Moreno-Ocampo established a private law firm in Buenos Aires, Moreno-Ocampo & Wortman Jofre, which specializes in corruption control programs for large firms and organizations and criminal and human rights law. He also took on a number of pro bono activities, including serving as legal representative for the victims in the extradition of former Nazi officer Erich Priebke to Italy, the trial of the chief of the Chilean secret police for the murder of General Carlos Prats and several cases concerning political bribery, journalists’ protection and freedom of expression.

Moreno-Ocampo has been a visiting professor at both Stanford University and Harvard University.

**Christine Chung, ICC Senior Trial Attorney**

The first senior trial attorney to work in the office of the prosecutor of the International Criminal Court, Christine Chung directed the ICC investigation that led to the issuance of the first ICC arrest warrants, which named the leadership of the Lord’s Resistance Army, a Ugandan rebel group. Chung also participated in the ICC’s investigation in Darfur and led the investigation in the Democratic Republic of Congo that resulted in the case *Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*.

Before being appointed to the ICC, Chung served as federal prosecutor in the U.S. attorney’s office for the Southern District of New York, where she held a number of positions, including chief of criminal appeals. She prosecuted gangs, organized crime, white-collar fraud and terrorism cases.

She has been a visiting lecturer and senior fellow at the Schell Center for International Human Rights at Yale Law School. She is now a partner at the law firm Quinn Emanuel.

Chung is a graduate of Yale College and Harvard Law School.

**BACKGROUND INFORMATION****Selected People Featured in The Reckoning****At the ICC:****Fatou Bensouda**

On 8 September 2004, Mrs. Fatou Bensouda of the Gambia was elected Deputy Prosecutor by the Assembly of States Parties. She is in charge of the Prosecution Division of the Office of the Prosecutor.

Prior to her election, Mrs. Bensouda worked as a Legal Adviser and Trial Attorney at the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania, rising to the position of Senior Legal Advisor and Head of The Legal Advisory Unit.

Before joining the ICTR, she was the General Manager of a leading commercial bank in The Gambia. Between 1987 and 2000, she was successively Senior State Counsel, Principal State Counsel, Deputy Director of Public Prosecutions, Solicitor General and Legal Secretary of the Republic, then Attorney General and Minister of Justice, in which capacity she served as Chief Legal Advisor to the President and Cabinet of The Republic of The Gambia.

Mrs. Bensouda also took part in negotiations on the treaty of the Economic Community of West African States (ECOWAS), the West African Parliament and the ECOWAS Tribunal. She has been a delegate at United Nations' conferences on crime prevention, the Organization of African Unity's Ministerial Meetings on Human Rights, and the delegate of the Gambia to the meetings of the Preparatory Commission for the International Criminal Court.

Mrs. Bensouda holds a masters degree in International Maritime Law and Law of The Sea and as such is the first international maritime law expert of The Gambia.

She is the lead lawyer in the first ICC case prosecuting Thomas Lubanga Dyilo.

Source:

http://www.icc-cpi.int/otp/otp_bioProsec&l=en.html

**BACKGROUND INFORMATION****Selected People Featured in The Reckoning****At the ICC:****Judge Sir Adrian Fulford (United Kingdom),
ICC Trial Chamber I**

Judge Sir Adrian Fulford has been a barrister since 1978 and a Queen's counsel since 1994. He was previously a high court judge in the United Kingdom and presided over the trial dealing with the 2005 London bombings. He is presiding over the ICC's first case, that of Congolese militia leader Thomas Lubanga Dyilo, charged with conscripting child soldiers.

He specializes in criminal law and procedure and is experienced as both judge and advocate. He is an expert in relevant areas of international law, in particular human rights law, and has extensive experience in professional legal ethics. Fulford has legal expertise on a wide range of specific relevant issues, including violence against women and children and serious acts of violence, such as murder and terrorism. He also has extensive practical experience with questions relating to evidence in criminal cases and the handling of sensitive information, including the protection of victims and sources. He has edited important legal publications and has been widely published.

Source:

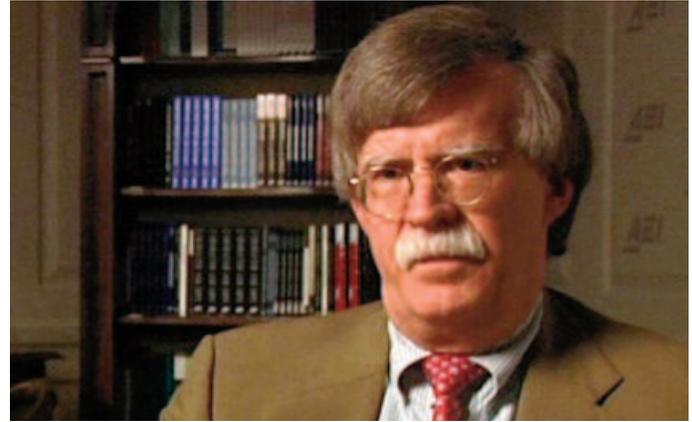
<http://www.icc-cpi.int/menus/icc/structure%20of%20the%20court/chambers/the%20judges/the%20judges/judge%20sir%20adrian%20fulford/judge%20sir%20adrian%20fulford?lan=en-GB>

**BACKGROUND INFORMATION****Selected People Featured in The Reckoning****Others featured in the film:****David Scheffer, Former U.S. Ambassador at Large for War Crimes Issues under President Clinton**

David Scheffer holds an endowed professorship at Northwestern Law and serves as the Director of the Center for International Human Rights. He teaches International Human Rights Law, International Criminal Law and Corporate Human Rights Responsibility. Scheffer was previously the U.S. ambassador at large for war crimes issues (1997-2001) and led the U.S. delegation [at the Rome Conference] establishing the International Criminal Court. During his ambassadorship, he negotiated and coordinated U.S. support for the establishment and operation of international and hybrid criminal tribunals and U.S. responses to atrocities anywhere in the world. Scheffer also headed the Atrocities Prevention Inter-Agency Working Group. During the first term of the Clinton administration, he served as senior adviser and counsel to the U.S. representative to the United Nations, Madeleine Albright, and from 1993 through 1996 he served on the Deputies Committee of the National Security Council. He has published extensively on international legal and political issues and appears regularly in the national and international media. Scheffer is a member of the New York and District of Columbia Bars, the American Society of International Law (where he formerly served on the Executive Council) and the Council on Foreign Relations, and he has served as chairman of the board of directors of the International Law Students Association (2004-2008).

Source:

www.law.northwestern.edu/faculty/profiles/DavidScheffer

**John Bolton, Former U.S. Ambassador to the United Nations under President George W. Bush**

John Bolton currently serves as a senior fellow at the American Enterprise Institute (AEI). His portfolio includes foreign policy and international organizations.

Prior to arriving at AEI, Bolton served as the United States Permanent Representative to the United Nations from Aug. 1, 2005 to Dec. 9, 2006. From June 2001 to May 2005, Bolton served as Under Secretary of State for Arms Control and International Security, also in the Bush Administration.

Bolton has spent many years of his career in public service. Previous positions he has held include assistant secretary for international organization affairs, Department of State, 1989-1993; assistant attorney general, Department of Justice, 1985-1989; assistant administrator for program and policy coordination, U.S. Agency for International Development, 1982-1983; general counsel, U.S. Agency for International Development, 1981-1982.

Bolton is also an attorney. He was an associate at the Washington, D.C. office of Covington & Burling and then a member of the firm from 1983 to 1985, after serving at the U.S. Agency for International Development. He currently is "of counsel" to the law firm of Kirkland & Ellis. Bolton graduated Phi Beta Kappa, summa cum laude from Yale College (1970) and received his J.D. from Yale Law School (1974), where he was editor of the Yale Law Journal.

Source:

<http://www.aei.org/scholars/filter.all,scholarID.121/scholar2.asp>

**BACKGROUND INFORMATION****Selected People Featured in *The Reckoning*****Others featured in the film:****Dennis Lemoyi, Pagak (Uganda)**

Dennis Lemoyi is Pagak Camp leader, an internally displaced persons camp in northern Uganda.

**Benjamin Ferencz, Nuremberg Prosecutor**

Benjamin Ferencz, now in his 90th year, is one of the only living prosecutors from the Nuremberg Trials. He was just 27 years old when he prosecuted his first case ever - convicting leaders of the Nazi murder squad Eitzengruppen of genocide. Ferencz's primary objective then as well as now has been to establish legal precedents that encourage a more humane and secure world in the future.

He became a lifelong advocate for international justice and world peace and in 1980 wrote *An International Criminal Court - A Step Toward World Peace*, a prescient work that called for creation of an International Criminal Court that would replace the rule of force with the rule of law.

In 1998 he participated in the Rome Conference, where the constitution for the International Criminal Court was drawn up and passed by 120 countries. Veteran human rights defenders considered this founding document of the Court one of the most remarkable achievements of their lifetime.

Ferencz has continued to mobilize support for the ICC, taking on media pundits and informing an oft-misinformed media about the ICC. He continues to write and speak worldwide on international law and global peace.

**GENERAL DISCUSSION QUESTIONS**

Immediately after the film, you may want to give people a few quiet moments to reflect on what they have seen. If the mood seems tense, you can pose a general question and give people some time to themselves to jot down or think about their answers before opening the discussion.

Unless you think participants are so uncomfortable that they can't engage until they have had a break, don't encourage people to leave the room between the film and the discussion. If you save your break for an appropriate moment during the discussion, you won't lose the feeling of the film as you begin your dialogue.

One way to get a discussion going is to pose a general question such as:

- **If you could ask anyone in the film a single question, who would you ask and what would you ask them?**
- **Who is the person that you most related to and why?**
- **What did you learn from this film? What insights did it provide?**
- **Describe a moment or scene in the film that you found particularly disturbing, interesting, or moving. What was it about that scene that was especially compelling for you?**

**DISCUSSION PROMPTS**

Patrick Makasi, former LRA Commander, after he defected from the LRA, in Kampala, Uganda. Photo courtesy of Skylight Pictures

Seeking Justice

- Given the debates in Uganda and Sudan, do you think that pursuing arrest warrants for high-level commanders and government leaders makes peace negotiations more or less difficult? Explain your reasoning.
- The film's narrator says that the atrocities committed during World War II forced humanity to come "face to face with its own depravity," yet the film points out that millions have been killed in atrocities across the world since World War II. So what lessons did humanity learn from Nazi atrocities? What has prevented us from using those lessons to prevent subsequent genocides?
- The film opens with a man saying "Without justice, people have no respect for each other. If these crimes are left unpunished, it will happen again. Communities will go on killing each other." What are the consequences of impunity?
- ICC Prosecutor Luis Moreno-Ocampo says of his own experience in Argentina, "There should be no revenge, but also no forgetting. There must be justice." What is the difference between "revenge" and "justice"? How would you answer those who might argue that people must forget in order to heal? In your view, what is the relationship between memory, justice and healing?
- Nuremberg prosecutor Benjamin Ferencz evokes "man's right to live in peace and dignity regardless of his race or creed." Do you agree that every person is entitled to such a right? What is the source of that right?

**DISCUSSION PROMPTS**

Former paramilitary soldiers in Colombia.

The ICC is analyzing alleged links between the paramilitaries, their crimes and the Colombian government.

Photo courtesy of Skylight Pictures

Pursuing Justice – Policies and Decisions

- When prosecutors' procedure is challenged, ICC Deputy Prosecutor Fatou Bensouda emphasizes the importance of transparency in the ICC's work. Why is transparency important to the pursuit of justice? How transparent is the justice system serving your community, state or nation?
- How would you rate the strength of the case that Moreno-Ocampo presents to the United Nations when urging that body to execute the warrant against Sudan's President Omar al-Bashir for crimes against humanity in Darfur? What are the potential long-term consequences for the ICC if al-Bashir is never arrested? Should the international community and the UN put pressure on Sudan to turn over al-Bashir to the International Criminal Court? Why or why not?
- ICC Prosecutor Moreno-Ocampo says that in addition to stopping those who were committing the atrocities, they also had to stop "those who were fueling the conflict. There's a business there, so people are trying to make money with this." Should owners or officers of businesses that profit from war crimes or crimes against humanity be subject to criminal prosecution? Why or why not?

**DISCUSSION PROMPTS****Pursuing Justice - Structures**

- Senior Trial Attorney Christine Chung reflects on the creation of the ICC as a response to human rights abuses by noting that the question that animates the Court is “Does humanity have the possibility of doing better than this?” In what ways does the ICC provide humanity with the hope of “doing better”? What role does the “rule of law” play in preventing atrocities?
- Compare and contrast the situations in Uganda, Congo and Darfur. What do you learn from the comparison about circumstances and procedures that are most likely to result in successful prosecution?
- The ICC can investigate, but cannot arrest. Should its authority be expanded? What are the strengths and weaknesses of relying on the consensus and will of member nations to carry out enforcement of ICC decisions? What would be the benefits and drawbacks of the ICC having its own law enforcement department?



Courtroom, International Criminal Court
Photo courtesy of Marco Okhuizen

helped push for adoption of the 1998 Rome Statute, or the one that rejects joining the ICC?

- If there were a referendum tomorrow on whether or not the United States should become a member state of the ICC, how would you vote? If the United States does not join the ICC, what, if anything, should it do instead to secure justice for people who have been the targets of serious atrocity crimes?

The United States and the ICC

- David Scheffer describes the United States in the 1990s as “the leader in international justice in the world . . . judicial carpenters helping to build and support several courts.” Even though the United States voted against the Rome Statute at Rome, Scheffer’s position favors a multilateral approach. But by 2002, when the ICC became operational, John Bolton recommended no financial support, collaboration or negotiations to improve the statute that created the ICC in order “to maximize the chances that the ICC will wither and collapse, which should be our objective.” Bolton’s position looks to undermine the ICC. Which U.S. foreign policy do you prefer and why – the one that
- John Bolton, former U.S. ambassador to the United Nations says, “The notion that somehow we’re obliged to sign on to a treaty just because a lot of other people have done it, frankly, is ridiculous. If that’s American exceptionalism, I’m an American exceptionalist.” Where do you stand on American “exceptionalism”? Should the number of countries agreeing to a policy matter to the United States or not? How does cooperating or not cooperating with international consensus serve United States interests?

**TAKING ACTION**

Trial Chamber, International Criminal Court

Photo courtesy of Michael Kooren

- Visit IJCentral (<http://ijcentral.org>) if you want to join a global social network about the international justice movement, join in its action campaigns and follow it on Twitter.
- Benjamin Ferencz challenges viewers to “never stop trying to make it a humane world.” Brainstorm a list of things that you could do to make this a more humane world. Then choose one thing from the list and commit to doing it.
- Contact your elected federal officials and let them know what you want them to do about the United States joining the ICC.
- Convene a study group or teach-in on a pending case before the ICC or on a case that you think should be tried by the ICC. Find public ways (online or at community events) to share what you learn.
- Join with existing human rights organizations to support applications for asylum by those fleeing from human rights abuses.
- Hold a speak-out to create an opportunity for victims of human rights abuses to share their stories. Help connect speakers and their families with support services in your community.
- Use issues from the film as the basis for a classroom debate or public forum. Consider the following as premises for debate:
 1. The ICC’s warrants for leaders of the LRA are impeding Uganda’s peace process and should be withdrawn.
 2. Colombia should offer to reduce pending charges against paramilitary leaders if those leaders agree to demobilize.
 3. Colombia should not extradite suspected paramilitary leaders to the United States to face drug charges, because extradition to a non-member state will impede the ICC investigation.
 4. The United Nations should enforce the arrest warrant for Sudan’s president.

**RESOURCES****FILM-RELATED WEB SITES****Original Online Content on P.O.V. Interactive (www.pbs.org/pov)****P.O.V.'s *The Reckoning* companion website www.pbs.org/pov/reckoning**

To further enhance the broadcast, **P.O.V.** has produced an interactive website to enable viewers to explore the film in greater depth. The companion website to **The Reckoning** a streaming video trailer for the film; an interview with filmmakers Paco de Onís, Peter Kinoy and Pamela Yates; a list of related websites, organizations and books; a downloadable discussion guide; classroom activities and the following special features:

- Additional video interviews with Ben Ferencz, former U.S. Ambassador to the United Nations John Bolton, Fatou Bensouda, and Christine Chung
- Question & Answer with Christine Chung
- Timeline on the history of the ICC
- Brief survey on viewer perspectives on the ICC
- Experts weigh in on issues in **The Reckoning: "Perspectives on International Justice and Human Rights"**, with a special focus on the U.S. position vis-à-vis the ICC and current events in Africa, including essays from **Naomi Roht-Arriaza**, professor of international law at Hastings Law School and author of *The Pinochet Effect*; **Scott Gilmore**, researcher, Center for Justice and Accountability and Huffington Post blogger; **Anthony Dworkin**, editor of Crimes of War project; and representatives from the International Center for Transitional Justice and the American NGO Coalition for the International Criminal Court..

What's Your P.O.V.?

Share your thoughts about **The Reckoning** by posting a comment on the P.O.V. Blog www.pbs.org/pov/blog or send an email to pbs@pov.org.

SKYLIGHT PICTURES

www.skylightpictures.com

For more on the making of **The Reckoning** and the team that created it, visit the filmmakers' official website. For 25 years Skylight Pictures has been committed to producing artistic, challenging and socially relevant independent documentary films on issues of human rights and the quest for justice. Through the use of film and digital technologies, we seek to engage, educate and increase understanding of human rights amongst the public at large and policy makers, contributing to informed decisions on issues of social change and the public good.

IJCENRAL

<http://ijcentral.org>

In tandem with the documentary film **The Reckoning: The Battle for the International Criminal Court**, this website will be the core of a global social network for international justice to combat the entrenched culture of impunity for crimes against humanity. The site implements a multi-platform citizen engagement strategy to build worldwide support for the rule of law, with an active global constituency supporting the justice mandate of the ICC, to prosecute perpetrators of the worst crimes, no matter how powerful.

**RESOURCES****International Criminal Court****COALITION FOR THE INTERNATIONAL CRIMINAL COURT****www.iccnw.org**

The Coalition for the International Criminal Court includes 2,500 organizations around the world working in partnership to strengthen international cooperation with the ICC; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide. The group's website offers a comprehensive list of publications, fact sheets and government reports pertaining to the ICC. In particular, the Coalition, in conjunction with the Nuremberg Human Rights Centre, produced a report that highlights the history of the ICC, beginning with the Nuremberg Trials, the structure of the courts and an overview of past criminal charges the ICC has made: www.iccnw.org/documents/FromNurembergtoHague_07july_eng.pdf ("The Road to the ICC" July 2007)

THE AMERICAN NON-GOVERNMENTAL ORGANIZATIONS COALITION FOR THE INTERNATIONAL CRIMINAL COURT**www.amicc.org**

The American Non-Governmental Organizations Coalition for the International Criminal Court is a coalition of non-governmental organizations committed to achieving full United States support for the International Criminal Court and the earliest possible U.S. ratification of the Court's Rome Statute through education, information, promotion and an aroused public opinion. The Coalition promotes grassroots activities to advocate U.S. support of the Court. The group's website offers information on the relationship between the United States and the ICC, a calendar of advocacy events and ways for organizations to join the campaign.

GLOBAL POLICY FORUM**www.globalpolicy.org/intljustice/icc/usindex.htm**

The Global Policy Forum, which monitors policy making at the United Nations, has gathered a set of articles and links explaining opposition to the United States joining the ICC.

INTERNATIONAL CRIMINAL COURT**www.icc-cpi.int**

The Court's website is available in both English and French. It features video streaming of trials, information on pending cases and detailed information on how the court operates.

UNITED NATIONS**<http://un.org/law>**

The official website for the United Nations contains general information on international law, with additional links to the ICC website and the full text of the Rome Statute.

(Source: www.un.org/News/facts/iccfact.htm)

(This fact sheet addresses some of the common questions about the Court.)

ROME STATUTE**www.iccnw.org**

A simplified PDF version of the Rome Statute is available here.

U.S. DEPARTMENT OF STATE**<http://fpc.state.gov>**

The document found at this link, the 2006 U.S. Policy Regarding the International Criminal Court, details U.S. government opposition to joining the ICC.

**RESOURCES****Articles:****LOS ANGELES TIMES: "JUDGING THE ICC"****www.latimes.com**

This *Los Angeles Times* article, written as a collaborative effort by the editorial board, lays out the cases for and against U.S. participation in the ICC. Taking a neutral perspective on the multiplicity of views, this piece looks at the major concerns regarding the Court, and offers pros and cons on both sides of the issue. [March 16, 2009]

CRIMES OF WAR: "WHY THE UNITED STATES IS SO OPPOSED" BY PAUL W. KAHN**www.crimesofwar.org**

This in-depth article from the Crimes of War Project magazine analyzes why the United States has opposed the ICC. Author Paul W. Kahn argues that resistance to the ICC serves as a symbol for the battle between law and politics in the United States. [December 2003]

THE NEW YORK TIMES: "GAMBIAN DEFENDS THE INTERNATIONAL CRIMINAL COURT'S INITIAL FOCUS ON AFRICANS"**www.nytimes.com**

The majority of cases tried by the ICC have involved African nations. This *New York Times* article, which focuses on the perspective of a current ICC judge, discusses the reasons behind the focus on this region, including the fact that a majority of the nations that are full members of the court are African states. [February 2007]

Countries featured in the film**BBC NEWS: COUNTRY PROFILES****http://news.bbc.co.uk**

The website for the BBC offers comprehensive country profiles of Sudan, Colombia, Uganda and the Democratic Republic of the Congo. The profiles provide an instant guide to the history, politics and economic background of each country, including background on key institutions and audio and video clips from BBC archives. There are additional resources, including Q&As, timelines and photo essays that focus on the conflicts in each nation.

RADIO NETHERLANDS WORLDWIDE**www.rnw.nl/internationaljustice/icc**

The website for this Dutch world broadcaster and multimedia organization contains profiles of the African countries discussed in the film. Through an eclectic mix of articles and audio recordings, this webpage offers a good overview of the human rights issues facing each nation.

Sudan (Darfur)**THE ICC AND DARFUR QUESTIONS AND ANSWERS***Found in icc.now.org database of "fact sheet" articles**www.iccnw.org**

This Q&A report from the Coalition for the ICC and the International Federation for Human Rights explores more in-depth questions regarding the ICC in Darfur. This exploration takes a critical approach to the Court's intervention in Sudan and provides all-inclusive answers to issues regarding President al-Bashir, the genocide and the process of carrying out an arrest from the search warrant.

NPR: "SUDAN'S BASHIR FACES ARREST ON DARFUR CHARGES"**www.npr.org**

In spring 2009, the ICC released an arrest warrant for Sudan's president, Omar al-Bashir. [March 2009]

**RESOURCES****THE NEW YORK TIMES: “FEARS OF MORE MISERY IN DARFUR”: SLIDESHOW****www.nytimes.com**

The Sudanese government’s expulsion of aid organizations from the region of Darfur has displaced civilians, putting the lives of millions of people at risk. This photo slideshow from *The New York Times* is a graphic portrayal of the misery in Darfur.

www.pbs.org/now/politics/sudan2.html**Uganda****YOUTUBE: BACKGROUND TO CONFLICT WITH LRA AND JOSEPH KONY****www.youtube.com**

This video from VanishingRites’ YouTube channel provides background on the conflict in Uganda and the Lord’s Resistance Army. Through first-hand interviews with former LRA soldiers, this piece offers a short yet encompassing depiction of the war that has been devastating northern Uganda over the past 20 years.

Democratic Republic of the Congo**TIME: “THE DEADLIEST WAR IN THE WORLD”****www.time.com**

The article points out that humanitarian aid for the Congo totaled approximately \$9.40 per person last year, as compared with the tsunami relief fund, which totaled approximately \$550 per person. The Congo is referred to as “among the worst places on earth.” [May 28, 2006]

NEWSWEEK: “CONGO’S WOUNDS OF WAR: MORE VICIOUS THAN RAPE”**www.newsweek.com**

Although widespread systematic rape among civilian populations was no secret in the DRC’s civil war, it was only after the conflict was officially over that health and human rights experts began to understand just how prevalent rape and the resulting fistulas were. This report from *Newsweek* indicates that, unfortunately, attacks on civilian women — and fistulas — are not a thing of the past. [June 1, 2007]

THE NEW YORK TIMES: “MASS KILLINGS IN EASTERN CONGO”: VIDEO**www.nytimes.com**

This video piece from *The New York Times* captures the massive killings, kidnappings, and violence that Congolese civilians face daily, despite their proximity to UN peacekeepers. And although rebel forces in eastern Congo say they are not responsible for mass killings that took place in November, this footage indicates otherwise.

Colombia**TIME: “IN THE JUNGLE WITH FARC”: PHOTO ESSAY****www.time.com**

The Revolutionary Armed Forces of Colombia (FARC), the left-wing guerilla army in Colombia, is responsible for the majority of kidnappings, thousands of deaths and the forced displacement of millions of civilians in Colombia. This photo essay from Time offers an insightful depiction of this violent rebel army, funded largely through the illegal drug trade.

THE NEW YORK TIMES: “COURT LOOKS AT SUPPORTERS OF REBELS IN COLOMBIA”**www.nytimes.com**

This short *New York Times* article written by Simon Romero details Luis Moreno-Ocampo’s decision to visit Bogotá to determine whether the court should open a formal investigation into support networks for Colombian rebel group FARC. [August 2008]

**BACKGROUND INFORMATION****Human Rights Organizations****AMNESTY INTERNATIONAL****www.amnesty.org**

Amnesty International is a worldwide movement of people who campaign for internationally recognized human rights to be respected and protected for everyone. The organization's website provides updated news and country profiles regarding Amnesty's campaigns and ways to get involved as activists in the fight for justice.

DOCTORS WITHOUT BORDERS: INTERNATIONAL ACTIVITY REPORTS**<http://doctorswithoutborders.org>**

As one of the most highly respected medical-aid NGOs in the world, Doctors Without Borders has access to health statistics that reflect on the overall situations in war-torn countries. The organization's 2007 reports cover its activities, including the opening of health-care clinics and treatment of cholera patients, in regions discussed in the film. [2007]

THE ENOUGH PROJECT**www.enoughproject.org**

The Enough Project is helping to build a permanent constituency to prevent genocide and crimes against humanity. The group's official website hosts a blog that features information on upcoming events, information on nations experiencing genocides and ways for people to take action against the injustices and join the project.

FACING HISTORY AND OURSELVES**www.facinghistory.org**

Founded in 1976, Facing History and Ourselves is an international educational and professional development non-profit organization with a mission to engage students of diverse backgrounds in an examination of racism, prejudice and anti-Semitism in order to promote the development of a more humane and informed citizenry. As a partner to The Reckoning, the group's mission is to cultivate tolerance and prevent violations to human rights.

HUMAN RIGHTS WATCH**www.hrw.org**

Founded in 1978, Human Rights Watch is a human rights organization composed of researchers who conduct fact-finding investigations into human rights abuses around the world. Find the latest reports on progress and setbacks in human rights, as well as yearly reports, by searching through the different geographical regions and nations featured on the organization's website.

CENTER FOR MEDIA, CULTURE AND HISTORY AT NEW YORK UNIVERSITY**www.nyu.edu/gsas/dept/media**

The Center for Media, Culture and History is a collaborative project, drawing on faculty from the Africana Studies Program and the Departments of Anthropology, Cinema Studies, Comparative Literature, History and Religious Studies. It addresses issues of representation, social change and identity construction embedded in the development of film, television, video and new media worldwide. In addition, it focuses on the role that these media play in shaping our perceptions of history and culture; in forging individual, collective, national and transnational identities; and in mediating the direction and character of social change.

SAVE DARFUR COALITION**www.savedarfur.org**

Around the country and across the globe, the Save Darfur Coalition is inspiring action, raising awareness and speaking truth to power on behalf of the people of Darfur. Working with world leaders, the organization is demanding an end to the genocide. The group's website provides resources for activists to take action and join the campaign.

WITNESS**www.witness.org**

WITNESS uses video and online technologies to open the eyes of the world to human rights violations. The organization empowers people to transform personal stories of abuse into powerful tools for justice, promoting public engagement and policy change. This website features a media archive containing many films related to international justice and social issues.

**BACKGROUND INFORMATION****International Justice****AMERICAN SOCIETY OF INTERNATIONAL LAW****<http://www.asil.org>**

The American Society of International Law looks to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice. Their website provides a link to all of the Society's publications and other electronic resources from their library.

CENTER FOR CONSTITUTIONAL RIGHTS (CCR)**<http://ccrjustice.org>**

Founded in 1966 by attorneys who represented civil rights movements in the American South, the Center for Constitutional Rights is a nonprofit legal and educational organization committed to the creative use of law as a positive force for social change. CCR uses litigation proactively to advance the law in a positive direction, to empower poor communities and communities of color, to guarantee the rights of those with the fewest protections and least access to legal resources, to train the next generation of constitutional and human rights attorneys and to strengthen the broader movement for constitutional and human rights.

GLOBAL KIDS (GK)**www.globalkids.org**

Global Kids is committed to educating and inspiring urban youth to become successful students, as well as global and community leaders. Using interactive and experiential methods to educate youth about critical international and foreign policy issues, GK provides students with opportunities for civic and global engagement.

INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE (ICTJ)**www.ictj.org**

The International Center for Transitional Justice assists countries in pursuing accountability for past mass atrocity or human rights abuse. ICTJ works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved.

To learn more about the following countries featured in the film, please visit the ICTJ's fact sheets:

Congo<http://www.ictj.org/en/where/region1/646.html#BAC>**Uganda**<http://www.ictj.org/en/where/region1/629.html#BAC>**Colombia**<http://ictj.org/en/where/region2/514.html#BAC>**THE NATIONAL SECURITY ARCHIVE****www.gwu.edu/~nsarchiv/nsa/the_archive.html**

An independent non-governmental research institute and library located at George Washington University, the National Security Archive collects and publishes declassified documents obtained through the Freedom of Information Act. The Archive also serves as a repository of government records on a wide range of topics pertaining to the national security, foreign, intelligence and economic policies of the United States.

**HOW TO BUY THE FILM**

To order **The Reckoning**, go to www.thereckoningfilm.com



Produced by American Documentary, Inc. and beginning its 22nd season on PBS in 2009, the award-winning P.O.V. series is the longest-running showcase on American television to feature the work of today's best independent documentary filmmakers. P.O.V., which airs June through September with primetime specials during the year, has brought more than 275 acclaimed documentaries to millions nationwide, and has a Webby Award-winning online series, *P.O.V.'s Borders*. Since 1988, P.O.V. has pioneered the art of presentation and outreach using independent nonfiction media to build new communities in conversation about today's most pressing social issues. More information is available at www.pbs.org/pov.

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P.O.V. Interactive www.pbs.org/pov

P.O.V.'s award-winning Web department produces special features for every P.O.V. presentation, extending the life of our films through filmmaker interviews, story updates, podcasts, video and community-based and educational content that involves viewers in activities and feedback. P.O.V. Interactive also produces our Web-only showcase for interactive storytelling, *P.O.V.'s Borders*. In addition, the *P.O.V. Blog* is a gathering place for documentary fans and filmmakers to discuss and debate their favorite films, get the latest news and link to further resources. The P.O.V. website, blog and film archives form a unique and extensive online resource for documentary storytelling.

P.O.V. Community Engagement and Education

P.O.V. works with local PBS stations, educators and community organizations to present free screenings and discussion events to engage communities in vital conversations about our world. As a leading provider of quality nonfiction programming for use in public life, P.O.V. offers an extensive menu of resources, including free discussion guides and curriculum-based lesson plans. P.O.V.'s *Youth Views* works with youth organizers and students to provide them with resources and training to use independent documentaries as a catalyst for social change.

American Documentary, Inc. www.amdoc.org

American Documentary, Inc. (AmDoc) is a multimedia company dedicated to creating, identifying and presenting contemporary stories that express opinions and perspectives rarely featured in mainstream media outlets. AmDoc is a catalyst for public culture, developing collaborative strategic engagement activities around socially relevant content on television, online and in community settings. These activities are designed to trigger action, from dialogue and feedback to educational opportunities and community participation. *Simon Kilmurry is executive director of American Documentary | P.O.V.*

