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JOURNAL AIMS & SCOPE

Eyes on the ICC is the first peer-reviewed, scholarly journal devoted to the study of the International Criminal Court. The journal seeks to advance the understanding of the ICC and to provide a forum to address the most pressing issues surrounding the establishment and operation of the Court as an international institution. Scholarship on the Court examines the history of its founding; the Court's place within the international legal landscape; the politics of the Court's governance, membership, jurisdiction, investigations, and prosecutions; the Court's current and potential subject matter jurisdiction; the Court's current and potential territorial jurisdiction; the Court's current and potential cases; the Court's jurisprudence; enforcement of the Court's decisions; and implications of the Court's existence and activities on diverse spheres of human and institutional behavior. Submissions from any field of study are encouraged.

ABOUT THE PUBLISHER

The Council for American Students in International Negotiations (CASIN), founded as the Independent Student Coalition for the International Criminal Court (ISC-ICC), began as the only student-based organization in the United States dedicated to educating the American public about the Rome Statute and the International Criminal Court. The ISC-ICC started as a simple petition, signed by U.S. college and university students across the country, asking then-President Clinton to allow the United States to become a signatory to the Rome Statute. The belief of this initial group of students in the value of a relationship between the U.S. and the ICC has since grown into an effective organization that depends the understanding and commitment of American students to multilateral institutions.

American students from across the country, referred to at the UN as "voices of the future," participated in the preparatory negotiations for the Court under the auspices of the ISC-ICC. Representing the next generation of American leaders, CASIN has continued to participate in negotiations for the Court at meetings of the Assembly of States Parties, the governing body for the Court. Several times a year CASIN sends delegations of students to high-profile international conventions to participate first-hand in the international policy-making process.

CASIN publications are produced by members of the organization, composed of students and young professionals across the country. With the oversight of an advisory board of top scholars and practitioners of international law and policy, CASIN members work to disseminate the best research on international legal issues and human rights to a global audience. By working closely with leading scholars, the students who produce CASIN publications gain valuable insight into the fields of policy and academia. Scholars who contribute to CASIN publications earn the satisfaction of mentoring highly motivated and forward-thinking young Americans.

INFORMATION FOR AUTHORS

Eyes on the ICC is published annually by the Council for American Students in International Negotiations. Manuscripts are accepted on a rolling basis until August 15.

Eyes on the ICC accepts three types of manuscripts for review: (1) articles, 15- to 40-page research papers; (2) notes, student-authored analytical or critical reviews; and (3) book reviews, 600 to 1,000 words on a recent book related to the field. All manuscripts must be typewritten in English and submitted electronically, either via e-mail to icc@americanstudents.us or Berkeley Electronic Press's Expresso submission service at http://law.bepress.com/expresso. All submissions must include an abstract and detailed contact information and credentials (e.g., in the form of curriculum vitae) for the author(s). Each submission under consideration is subjected to double-blind external peer review by two anonymous referees.

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A NOTE FROM THE EDITOR-IN-CHIEF

December 2010

2010 has been a year of great achievements and challenges at the International Criminal Court (ICC).

The Court took a more proactive stand in bringing alleged perpetrators to justice by granting the Office of the Prosecutor the right to open an investigation into the situation in Kenya and by admitting the additional charge of genocide to the arrest warrant against the Head of State of the Republic of Sudan, Omar Al-Bashir. The *Bemba* trial commenced on 22 November 2010. Mr. Mbarushimana, who was arrested by the French authorities on 11 October 2010, will likely be tried at the ICC after the Paris Court of Appeals approved his extradition to the Court. Mbarushimana will be the fourth person to be brought before the ICC in relation to the situation of the Democratic Republic of Congo.

The rules on criminal procedure were further developed and strengthened due to emerging case law, which has provided the ICC with an approach on how to handle victims' issues and appeals procedures. The States Parties to the Rome Statute agreed on a definition for the crime of aggression at the ICC Review Conference, which took place from 31 May to 11 June 2010 in Kampala, Uganda. Naturally, the reactions to the outcome were mixed. Some felt that the Review Conference did not reach the desired outcome, as the field of application for the crime of aggression was given a limited scope. According to Article 15bis, the Court will only be able to claim jurisdiction for crimes of aggression committed by a State Party that accepted (by omission) that jurisdiction against another State Party to the Statute. Others stressed that by not requiring that allegations of aggression be dependent upon a final approval by the U.N. Security Council, the ICC was spared an overt amount of political interference and, as such, the Court was able to preserve its role as a strictly judicial organ.

The ICC also faced numerous challenges. The dilemma of non-disclosure of evidence, which started in 2009, reached a climax in 2010. ICC Trial Chamber I was forced to bring the *Lubanga* trial to a halt and to order the provisional release of the Accused. The Defense had not been provided with the evidentiary material to which it was entitled for purposes of a fair trial. Orders of the Chamber were not sufficiently complied with by the ICC Office of the Prosecutor. *Lubanga*'s provisional release was overturned on appeal by the ICC Appeals Chamber.

This 2010-2011 Issue of the *Eyes on the ICC* pinpoints some of these recent developments.

Author Lenore Horton addresses the discretionary power of Prosecutors at International Tribunals and the ICC. She argues that increased discretion of the Prosecutor has lead to greater accountability in international criminal law proceedings and a resulting greater fairness for the accused.

Author Anthony Diala provides an in-depth analysis of the Majority Decision of ICC Trial Chamber I of 14 June 2009 and the ICC Appeals Chamber Decision of 8 December 2009 with regard to re-characterization of the facts in the *Lubanga* trial, drawing connections to victims' justice.

Author Elizabeth Kimundi analyzes the Majority Decision of ICC Pre-Trial Chamber II of 31 March 2010 allowing the ICC Office of the Prosecutor to open an investigation into the situation in Kenya. Kimundi takes a closer look at the Kenyan history in which the post-election violence was imbedded. Coming from this analysis, she claims that the Chamber was correct to hold that the required elements of gravity and complementarity were met for the ICC to take the prosecution of the post-election violence into its own hands.

Author Kristin Gallagher discusses the legal ramifications of Articles 8(2)(b)(xxvi) and 8(2)(e)(vii) of the Rome Statute, highlighting them through a gender-based perspective. Gallagher argues that the war crime of 'conscripting or enlisting children under the age of fifteen' should include not only boys but also girls, due to the broad language of the provision and the purpose of the punishment.

Author Jennifer Lincoln elaborates on the intersection between the principle of *nullum crimen sine lege* [Latin: no crime without a law] and crimes against humanity. She argues that the residuary category of crimes against humanity as interpreted in international criminal law poses a danger toward maintaining a fair trial for the Accused, and undermines the confidence of what the international community understands as being a crime against humanity.

Author Abadir M. Ibrahim analyzes the practical work and legal framework of the ICC from a human rights perspective by applying common factors of human rights mechanisms. By applying these factors, and by learning from past experiences, Mr. Ibrahim argues that the effectiveness of the ICC can be strengthened.

Finally, this year's issue concludes with a commentary from the field by Author Aurora Bewicke, who was present at the 2010 ICC Review Conference. Although the primary focus of the Conference was to define the crime of aggression, additional topics relevant to the discussion were also introduced. By reviewing the stocktaking in Kampala in relation to victims, Bewicke analyzes a spectrum of the Conference which has not yet received major attention.

I wish all readers of the 2010/2011 issue of *Eyes on the ICC* much enjoyment and a greater insight into the role and functioning of the International Criminal Court. The journal tremendously profited from the work of Managing Editor, Yasmin Tabi, all members of the Advisory Board, and all Assistant Editors. Much gratitude is due to the CASIN Board of Directors for their enduring trust and support for the journal.

Cordially,

Bernhard Kuschnik
Editor-in-Chief

PROSECUTORIAL DISCRETION BEFORE INTERNATIONAL CRIMINAL COURTS AND PERCEPTIONS OF JUSTICE:
HOW EXPANDED PROSECUTORIAL INDEPENDENCE CAN INCREASE THE ACCOUNTABILITY OF INTERNATIONAL ACTORS

Lenore F. Horton[*]

This article traces the history of the international criminal prosecutor and determines that prosecutorial discretion before the ICC, vis-à-vis ad hoc *criminal tribunals, is more clearly articulated by governing instruments, more transparently and proactively interpreted by the Office of the Prosecutor through* ex ante *guidelines and policy statements, more consistent and cohesive in connection with the mandate of the court as a whole and the Office of the Prosecutor in particular, and subject to more oversight by other organs of the court. As a result, prosecutorial discretion before the ICC is more restricted than in other criminal tribunals, even though the court's jurisdictional and enforcement powers are heavily reliant on consent by other actors. Taking these grounds into consideration, it is argued that, despite numerous reasons to mold prosecutorial decisions in light of peace interests, political maneuvering, and the desire to obtain cooperation by states in the enforcement of arrest warrants, the Office of the Prosecutor would be better served by pursuing its mandate to remain independent and impartial. Doing so forces political actors to be more accountable for the decisions that they make in regards to peace issues and the duty to investigate and prosecute atrocities at the domestic level.*

I. INTRODUCTION

In February 2010, Luis Moreno-Ocampo, chief prosecutor of the International Criminal Court (ICC), made public his office's Prosecutorial Strategy for 2009–2012.[1] This approach is consistent with a pattern of

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[*] Lenore Horton is a former corporate litigator and white-collar criminal defense attorney with substantial *pro bono* experience on matters involving human rights issues, international humanitarian law, anti-discrimination law, and criminal sentencing reform. A member of the New York bar since 2005, she holds a J.D. from Howard University School of Law, and an LL.M. in International Law & Justice *magna cum laude* from Fordham Law School. She most recently taught a seminar on the Law of Peace & State-building as one of three Inaugural Fellows in Fordham Law School's LL.M. Teaching Fellowship Program. She thanks Justice Richard Goldstone for his guidance during the initial drafting of this article in Fall 2009. The opinions in the article are her own, and conclusions in this article are based upon events through October 2010.

[1] ICC, Office of the Prosecutor, Prosecutorial Strategy: 2009–2012 (1 Feb. 2010).

VICTIMS' JUSTICE AND RE-CHARACTERIZING FACTS IN THE *LUBANGA* TRIAL AT THE ICC

Anthony C. Diala[*]

Following some victims' request in the Lubanga *trial, Trial Chamber I of the International Criminal Court issued a split decision on 14 July 2009 notifying all parties that the legal characterization of the facts may be changed to re-qualify the charges against* Thomas Lubanga Dyilo. *On 8 December 2009, the Appeals Chamber reversed this decision, rightly ruling that the Trial Chamber exceeded its authority and encroached on the Prosecutor's powers to amend charges. These decisions reveal the victims' dissatisfaction with the charges. But underneath this dissatisfaction are ambiguous provisions for victims' participation in the formulation of the charges. This Paper describes the re-characterization debate, and examines whether, and to what extent victims can contribute to the formulation of the charges. Using the notion of substantive justice, it posits that the victims' desire for justice may not be satisfied with the present charges against* Lubanga.

I. INTRODUCTION

Following a joint request by the legal representatives of 27 victims in the *Lubanga* trial at the International Criminal Court (hereinafter "ICC" or "the Court"), Trial Chamber I, on 14 July 2009, issued a remarkable ruling. In a split decision, it gave notice to the parties in the trial "that the legal characterization of the facts may be subject to change in accordance with Regulation 55(2) of the Regulations of the Court."[1] It stated that it would entertain submissions at an appropriate stage of the proceedings on the re-characterization of facts.[2] On 8 December 2009, the Appeals Chamber reversed the Trial Chamber's decision (hereinafter "Appellate Decision").[3] It held that the Trial Chamber employed a wrong

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[1] Prosecutor v. Thomas Lubanga Dyilo, Case No. ICC-01/04-01/06-2049, Decision Giving Notice to the Parties and Participants that the Legal Characterization of the Facts may be Subject to Change in Accordance with Regulation 55(2) of the Regulations of the Court (July 14, 2009) [hereinafter *Majority Opinion*].

[2] *See generally* Rome Statute of the International Criminal Court, July 17, 1998 (CN.177.2000.TREATIES–5); *Id.* ¶ 33–35.

[3] Prosecutor v. Thomas Lubanga Dyilo, Case No. ICC-01/04-01/06-2205, Judgment on the Appeals of Mr Lubanga Dyilo and the Prosecutor Against the Decision of Trial Chamber I of 14 July 2009 Entitled "Decision Giving Notice to the Parties and Participants that the Legal Characterization of the Facts may be Subject to Change in Accordance with Regulation 55(2) of the Regulations of the Court," ¶ 112 (Dec. 8, 2009) [hereinafter *Appellate Decision*].

POST-ELECTION CRISIS IN KENYA AND THE IMPLICATIONS FOR THE INTERNATIONAL CRIMINAL COURT'S DEVELOPMENT AS A LEGITIMATE INSTITUTION

Elizabeth Kimundi[*]

Kenya plunged into a dark period of post-election violence following the highly contested presidential elections of December 27, 2007. The violence that occurred, though unprecedented, was not entirely unforeseen. Since achieving independence, elections have not served as a watchdog in the democratic process.[1] *Instead Kenya became a "bureaucratic-executive" state with an all-powerful presidency.*[2] *Ethnic identity in Kenya had become salient because it embodied other societal divisions, such as regional inequalities, control over land, and access to political opportunity.*[3] *This article explores how the post-election unrest, over which the International Criminal Court claimed jurisdiction in 2010, was grounded on the deep fissures in Kenyan society. The analysis will be done against Kenya's historical background and show how tribalism had become deep seated in the Kenyan political sphere,*[4] *arising out of competition for land and resources. Coming from this analysis, the article addresses the problem of whether the International Criminal Court's decision to claim jurisdiction for the Kenyan post-election violence was viable.*

I. HISTORICAL BACKGROUND

The factors that led to the post-election violence in Kenya had been festering since the end of colonial rule by Britain. Following the Mau Mau revolt of 1952–1960 (comprised predominantly of Kikuyus),[5] Kenya achieved internal self-governance (*Madaraka*)[6] on June 1, 1963, and gained independence on December 12, 1963. On December 12, 1964, it became a republic. Mzee Jomo Kenyatta (a Kikuyu) was named Kenya's first president. This was in part because the British were anxious to prevent another Mau Mau revolt.[7] Jaramogi Oginga Odinga (a Luo[8]) became the

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[1] Karuti Kanyinga, Duncan Okello, and Akoko Akech, TENSIONS AND REVERSAL IN DEMOCRATIC TRANSITION 3 (Karuti Kanyinga & Duncan Okello eds., 2010).

[2] Daniel Branch and Nic Cheeseman, *Democratization, Sequencing, And State Failure in Africa: Lessons from Kenya,* 108 AFR. AFF. 1, 3 (2008).

[3] *Id.* at 3.

[4] Godfrey M. Musila, *Options for Transitional Justice in Kenya: Autonomy and the Challenge of External Prescriptions*, 3 INT'L J. TRANSITIONAL JUST. 445, 445 (2009).

[5] The Mau Mau were a militant African nationalist movement active in Kenya during the 1950s whose main aim was to remove British rule and European settlers from the country.

[6] Madaraka is the Swahili word for internal self-governance.

[7] Mba Chidi Nmaju, *Violence in Kenya: Any Role for the ICC in the Quest for Accounta-*

TOWARDS A GENDER-INCLUSIVE DEFINITION OF CHILD SOLDIERS:
The Prosecutor v. Thomas Lubanga

*Kristin Gallagher**

This article addresses the importance of the first case before the International Criminal Court through the lens of gender analysis. While the charges against the defendant in The Prosecutor v. Thomas Lubanga Dyilo are limited to conscripting and enlisting child soldiers and using them actively in hostilities, the case has huge precedential value because it will be the first decided before the International Criminal Court. This article argues for a broad interpretation of the law so that female child soldiers receive protection and recognition under the law.

I. INTRODUCTION

The trial of Thomas Lubanga Dyilo ("Thomas Lubanga") will set international precedent for crimes related to child soldiers.[1] As the first trial before the International Criminal Court (ICC or the Court), this trial will be setting a standard for interpreting what it means to conscript, enlist, or use child soldiers actively in combat.[2] While the use of child soldiers has garnered international attention recently due to the charges against Mr. Lubanga,[3] the practice is hardly a new phenomenon. Children have been used as warriors throughout history, for example as drummer boys in the American Revolution[4] and powder monkeys in the War of 1812, the Mexican War, and the Civil War.[5] The Nazis established training camps along with other forms of indoctrination to prepare Hitler Youth for battle,[6] a process that often began when a child was ten years of age.[7] During the Iran-Iraq War, Iranian President Ali-Akbar Rafsanjani declared that "all Iranians from 12 to 72 should volunteer for the Holy

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*Kristin Gallagher will receive her J.D. from Brooklyn Law School in June 2011. She is an Edward V. Sparer Public Interest Fellow and Executive Symposium Editor of the *Brooklyn Journal of International Law*. She would like to thank Professor Evan J. Wallach for his guidance and Maxine Marcus for her time and expertise. She would also like to thank Vanina Serra for her brilliant activist mind and Jose Cruz for his encouragement and rides to the library.

[1] *See The Prosecutor v. Thomas Lubanga Dyilo,* ICC-01/04-01/06 (commenced Jan. 26, 2009) [hereinafter the *Lubanga* case].

[2] *See, infra,* Section III.A for a more detailed account of the charges against Mr. Lubanga.

[3] *See. i.e.,* Marlise Simmons, *International Court Begins first Trial,* N.Y.TIMES, 26 Jan. 2009, *available at* http://www.nytimes.com/2009/01/27/world/europe/27hague.html?_r=1 (last visited 11 Nov. 2010).

[4] Jonathan R. Dull, A DIPLOMATIC HISTORY OF THE AMERICAN REVOLUTION (1985).

[5] Powder monkey is the name given to those who carried the gunpowder from the magazine to the guns, often done by children because of their speed and agility. Eleanor C. Bishop, PONIES, PATRIOTS AND POWDER MONKEYS: A HISTORY OF CHILDREN IN AMERICA'S ARMED FORCES, 1776-1916 (1st ed. 1984).

[6] Gerhard Rempel, HITLER'S CHILDREN THE HITLER YOUTH AND THE SS, 185 (1989).

[7] Alfons Heck, A CHILD OF HITLER: GERMANY IN THE DAYS WHEN GOD WORE A SWASTIKA, 1 (1985).

NULLUM CRIMEN SINE LEGE IN INTERNATIONAL CRIMINAL TRIBUNAL JURISPRUDENCE:
THE PROBLEM OF THE RESIDUAL CATEGORY OF CRIME

Jennifer Lincoln[*]

This paper discusses the significance of nullum crimen sine lege, *the principle of nonretroactivity in prosecution, to international law and the role that international criminal tribunals play in upholding this principle. It primarily focuses on the dangers posed by the residual category of crimes present in international criminal tribunals in that these categories allow judiciaries to convict defendants for crimes that are not listed in the tribunal statutes. This practice violates the principle of* nullum crimen sine lege *and threatens to undermine international confidence in, and the legacy of, the world's foremost criminal courts.*

I. *NULLUM CRIMEN SINE LEGE* AS AN UNLAWFUL INTERNATIONAL PRACTICE

A. General Acceptance

Nullum crimen sine lege (no crime without law) is one of the most fundamental and internationally recognized principles in criminal prosecution.[1] Modern nations do not tolerate their judiciaries convicting citizens for what has not been already codified or otherwise recognized as a crime, valuing the protection of the populace against the whim of the judiciary over potential dangers of freed wrongdoers. If there is no defined crime, then one cannot rightfully be convicted for such an offense.

Adherence to this principle is not new. *Nullum crimen sine lege* was recognized in ancient Roman times and has been affirmed at various times throughout history in the legal systems of renowned societies. Jeremy Bentham described the significance of *nullum crimen sine lege* by ensuring that if one prosecutes a person for a crime not specifically codified in a jurisdiction, this violates the liberty guaranteed by the social contract and safeguarded by penal law.[2] The early United States Supreme Court case Calder v. Bull identified any law that criminalizes an act after the fact as unlawful practice in the national legal system.[3] Having found its way into some to the world's most influential legal systems, *nullum crimen sine lege* has long governed and shaped criminal prosecutorial norms.

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[*]Jennifer Lincoln is an American juris doctorate who graduated from Pace Law School with a certificate in international law in May 2010. She interned at the International Criminal Tribunal of the Former Yugoslavia for the Karadzić and Popović trial chamber teams. She became concerned with the issue of *nullum crimen sine lege* whilst examining the precedential Stakić Appeal decision, which evaluated and convicted the defendant for forcible transfer, a previously unlisted crime within the tribunal statute.

[1] Beth Van Schaack, *Crimen Sine Lege*: Judicial Lawmaking at the Intersection of Law and Morals, 97 GEO. L.J. 119, 122–23 (2008).

[2] *See* Machteld Boot, GENOCIDE, CRIMES AGAINST HUMANITY, WAR CRIMES: NULLUM CRIMEN SINE LEGE AND THE SUBJECT MATTER JURISDICTION OF THE INTERNATIONAL CRIMINAL COURT (2002), 85.

[3] *Calder v. Bull*, 3 U.S. 386, 390 (1798).

THE INTERNATIONAL CRIMINAL COURT IN LIGHT OF CONTROLLING FACTORS OF THE EFFECTIVENESS OF INTERNATIONAL HUMAN RIGHTS MECHANISMS

Abadir M. Ibrahim[*]

The International Criminal Court (ICC) is the most recent international institution that attempts to deal with the worst human rights violations. If we take stock of the international community's experience we can identify common conditioning factors that have either strengthened or weakened the effectiveness of the mechanisms established by the international community to deal with gross violations of human rights. The study of these conditioning factors can teach invaluable lessons for new institutions such as the ICC. This study identifies three types of determining factors that will affect the effectiveness of the ICC: determining factors that are constitutional to the ICC, those that depend on the agency of the people running the ICC, and factors external to but that can potentially be rectified by actors both inside and outside of the ICC.

I. INTRODUCTION

Sixty-four years ago, the Nuremberg and the Tokyo tribunals were a novelty that ended a history of international indifference toward the wellbeing and dignity of millions, who were barely visible under the veil of state sovereignty. In the years between the Nuremberg tribunals and the creation of the International Criminal Court (ICC), the international community was content with numerous but less enthusiastic institutions and mechanisms that dealt with gross violations of human rights. International and regional mechanisms that employed coercive and persuasive procedures became associated with the success of the internationalization of human rights. However, before the international community grew content with these procedures, events in the former Yugoslavia and Rwanda served as a heartbreaking wake-up call. The rekindled interest in international criminal prosecution and the belief that it is the best deterrent against gross violations of human rights and humanitarian law culminated in the establishment of the *ad hoc* International Criminal Tribunals for the former Yugoslavia and Rwanda (ICTY and ICTR respectively), and ultimately the permanent ICC.

Although the ICC has been established, we should not rest assured that widespread inhumanity has ended. Since the ICC has commenced its work, inhumanity has not ceased and gross violations continue to take place in the world. The establishment of the ICC can be considered as one of the greatest achievements in the history of human rights. However, after its establishment, we are still faced with the reality that the ICC is not a magic bullet that will bring an end to all massive violations. Therefore, it is neces-

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WHAT DID VICTIMS ACHIEVE IN KAMPALA? REVIEWING THE ICC REVIEW CONFERENCE IN RELATION TO VICTIMS

*Aurora Elizabeth Bewicke**

From Nuremburg to Rome, victims have gained an ever-increasing role in international criminal justice. The Review Conference of the International Criminal Court (ICC) in Kampala, Uganda in summer 2010 was an opportunity for victims and victims' interest organizations to take advantage of this elevated status to bring about further progress. From the first-hand perspective of participant-delegate, this advantage was never fully realized. This article presents a thematic summary of events at Kampala, as they related to victims within the ICC mandate, drawing from panel presentations, victim interventions, and distributed texts. Concluding that the conference was a decidedly limited success for victims' interests, this article offers a critical analysis of both positive achievements and missed opportunities, urging a more focused way forward

I. INTRODUCTION

On Tuesday, June 8, 2010, in Kampala, Uganda, the Assembly of the States Parties (ASP) to the International Criminal Court (ICC) adopted a resolution on *The Impact of the Rome Statute System on Victims and Affected Communities*, by consensus.[1] This resolution was accompanied by the adoption of five other resolutions and two declarations,[2] which were the result of years of preparation, a week and a half of ASP negotiations, panel presentations, civil society interventions, as well as informal meetings taking place at the Munyonyo Speke

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[1] International Criminal Court [ICC], *Resolution on the Impact of the Rome Statute System on Victims and Affected Communities*, ICC-ASP/RC/Res.2 (14 June 2010) [hereinafter Resolution on Victims].

[2] ICC, *Kampala Declaration*, ICC-ASP/RC/Decl.1 (1 June 2010); ICC, *Resolution on Complementarity*, ICC-ASP/RC/Res.1 (8 June 2010); ICC, *Resolution on the Strengthening the Enforcement of Sentences*, ICC-ASP/RC/Res.3 (8 June 2010); ICC, *Resolution on Article 124*, ICC-ASP/RC/Res.4 (10 June 2010); ICC, *Resolution on Amendments to Article 8 of the Rome Statute*, ICC-ASP/RC/Res.5 (10 June 2010); ICC, *Resolution on The Crime of Aggression*, ICC-ASP/RC/Res.6 (11 June 2010); ICC, *Declaration on Cooperation*, ICC-ASP/RC/Decl.2 (8 June 2010).