

## FILM REVIEW

### **Pamela Yates (director), *The Reckoning: The Battle for the International Criminal Court* (Skylight Pictures, 2009)**

*Lauren Fielder Redman\**

*The Reckoning* is a film that no observer of the International Criminal Court (hereinafter “ICC” or the “Court”) should miss. This award-winning documentary presents a broad overview of the Court, from its conception at the Rome Convention through its initial investigations, indictments and hearings. In addition to this historical overview, it provides a well-balanced investigation of the problems faced by the Court, as well as major criticisms of the Court’s practices and procedures.

One of the strongest features of the film is its use of interviews. The film opens with a group of Hemal tribespeople of Ituri Congo walking through elephant grass fields full of skeletons. Tribal spokesman Professor Pilo Kamaragi laments about how “the killers go unpunished.” This is an apt opening, showing in graphic clarity how much some victims may believe the world needs the ICC. After this poignant beginning in the Congolese killing fields, the film toggles between narratives from Ben Ferencz, who was 27 years old when he became a prosecutor at Nuremburg, representatives from the drafting process of the Rome Statute, ICC prosecutors and investigators, government officials, human rights defenders and, most compelling of all, victims of the horrific atrocities that gave rise to ICC indictments.

The film also delves into the objective and creation of the ICC, examining conflicts in which the Court has been involved from its inception in 2002 to the present. Throughout the film, viewers are provided insight as to the inner workings of the Court, specifically why the ICC chose to exercise jurisdiction, or how it was granted jurisdiction, over a particular matter. (Despite the existence of war crimes that took place prior 2002, the ICC is permitted only to address crimes committed since its inception in 2002.)

### **I. UGANDA**

The film begins with the Court’s first case regarding Uganda and the gross human rights violations committed by the Lord’s Resistance Army (hereinafter “LRA”) over the past two decades. Chief ICC Prosecutor<sup>1</sup> Luis Moreno-Ocampo explains why the Court chose Uganda as its first case, pointing out that, as a general practice, the Court prosecutes only Commanders who order the attacks, not the foot soldiers who carry them out. While it is sometimes difficult to link the victims to those who made the orders, the Uganda case was replete with evidence by witnesses, thus proving such a linkage was not overly difficult. In presenting this case, as elsewhere in the film, there is footage, both moving and graphic, of the atrocities and victims. Viewers get a strong sense of the many hurdles with which the Court must contend, from indictment to prosecution. These issues are especially noticeable during footage surrounding arrests of the indicted. It becomes apparent that the alleged perpetrators in the Uganda conflict, including Lord’s Resistance Leader, Joseph Kony, have not been arrested, and the filmmaker focuses on the disparity between legal systems vis a vie the arrest process. Another increasingly difficult issue with which the Court struggles is the Ugandans’ growing dis-

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<sup>1</sup> Although the ICC has only one chief prosecutor, Moreno-Ocampo, there are also members who hold the title “Deputy Prosecutors.” Unless otherwise noted, “Prosecutor” denotes only Moreno-Ocampo.