The International Criminal Court Defies Borders, Threats and Intrigue in Pursuit Of Global Justice in P.O.V.’s “The Reckoning,” Tuesday, July 14, 2009, on PBS

Filmmakers Follow ICC Prosecutors Investigating Crimes Against Humanity in Uganda, Congo, Colombia and Sudan — Where the President Is Charged With Genocide in Darfur

"[The film] conveys the extreme trickiness of achieving both peace and justice amid politically loaded situations." — Dennis Harvey, Variety

The Reckoning: The Battle for the International Criminal Court is an epic, nail-biting account of the new International Criminal Court’s struggle to prosecute perpetrators — however powerful or concealed they may be — of crimes against humanity as the Court fights to establish its own credibility on the world stage. The film shows the lead-up to the court’s most recent and sensational action, the indictment of Sudan’s President Omar al-Bashir on March 4, 2009, for crimes against humanity and war crimes. Established by treaty in 2002 in response to the mass atrocities that stained the late 20th century, the International Criminal Court (known as the ICC) is the first permanent international criminal court created to seek justice for victims of genocide, war crimes and crimes against humanity. But the Court, given a historic mandate by its founding 100-plus nations, was not given a police force or other enforcement arm. Moreover, the ICC faces major obstacles in pursuing its mission from nations that did not join the treaty.

Paco de Onís, Peter Kinoy and Pamela Yates’ The Reckoning, an Official Selection at the 2009 Sundance Film Festival, has its national television premiere on Tuesday, July 14, 2009 at 10 p.m. on PBS during the 22nd season of P.O.V. (Check local listings.) The series continues on Tuesdays at 10 p.m. through Sept. 22, and returns with fall and winter specials. American television’s longest-running independent documentary series, P.O.V. is the recipient of an Emmy for Excellence in Television Documentary Filmmaking.

The Reckoning’s history of the ICC’s founding will be as valuable to those familiar with the story as to those new to it. But the film’s central drama concerns events that occurred after 2002. For three years, the filmmakers followed chief ICC Prosecutor Luis Moreno-Ocampo and his team of investigators and prosecutors across four continents as they issued arrest warrants for Lord’s Resistance Army leaders in Uganda, put an infamous Congolese warlord on trial, shook up the Colombian justice system and charged Sudan’s al-Bashir with crimes against humanity. At every turn, Moreno-Ocampo and crew faced danger, hostility and resistance. The larger drama in The Reckoning is the fate of the ICC itself. Will this tiny court in The Hague succeed against the odds in forging a new paradigm for human rights and justice in the world?

The Reckoning has a mythological opening. A man holding a human skull in a lonely field offers perhaps the most eloquent argument for the ICC. “Without justice,” he says, “people have no respect for each other. If this is left unpunished, it will be repeated.” He is speaking of the more than 5 million people killed in the wars that have torn eastern Congo apart since 1998. But he might as well have been speaking for the victims of mass murder in Guatemala (200,000), Cambodia (1.7 million), East Timor (200,000), Sierra Leone (50,000), Bosnia (200,000) and Rwanda (800,000), to name only the most notorious cases. It was the horror of these events — and the prospect of more occurring —
that brought the world’s nations together at the 1998 Rome Conference and set in motion the negotiations that would lead to the ICC’s establishment in 2002.

**The Reckoning** shows that the idea for the Court goes back further, to the Nuremberg Trials of Nazi leaders following World War II, which the U.S. was the leader in establishing. This connection is uniquely expressed in the film by Ben Ferencz, who, as a 27-year-old lawyer, prosecuted 22 German officers at Nuremberg for murdering over a million people; all were convicted and 13 were sentenced to death. Ferencz never forgot the horror of the Nazi death camps and became a writer on world peace and a tireless campaigner for a permanent tribunal to prosecute crimes against humanity. He recalls the significance of Nuremberg: that the Allies sought justice through rule of law, establishing that no one was above the law and that not only was the killing of civilians a war crime, but the murder of people on the basis of their race, creed or class — genocide — was a crime of the greatest magnitude. Ferencz was there at The Hague on June 16, 2003, when Moreno-Ocampo was sworn in as the first Prosecutor of the new International Criminal Court.

Moreno-Ocampo himself brings unique experience and moral authority to the ICC — and an acute awareness of its historical roots. In 1985, a younger Moreno-Ocampo successfully prosecuted members of the Argentine military junta that, from 1976 to 1983, conducted a “dirty war” of murder, “disappearances” and torture against its political opponents. “It was the first trial of generals since Nuremberg,” Moreno-Ocampo notes. Later, as district attorney for the Federal Circuit of the City of Buenos Aires from 1987 to 1992, he prosecuted the military commanders responsible for the Falklands War, the leaders of two military rebellions and dozens of high-profile corruption cases.

Moreno-Ocampo’s team includes such savvy lawyers and investigators as former U.S. federal prosecutor Christine Chung, the ICC’s first senior trial attorney, who 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. Well aware of the obstacles facing the ICC, she describes the Court as a “justice start-up.”

Three great powers — China, Russia and the United States — are not members of the Court. The U.S. actively opposed the Court during the George W. Bush administration. In **The Reckoning**, former U.S. Ambassador to the United Nations John R. Bolton explains his rationale for the American campaign against it. He doesn’t ever want to contemplate U.S. leaders in an international dock. For Bolton, national sovereignty cannot be compromised. For its part, China opposes the ICC arrest warrant indicting Sudanese President al-Bashir, and Russia remains skeptical about it.

The ICC’s job, as a court of “last resort,” is to support and push national judiciaries to investigate and prosecute alleged crimes against humanity, war crimes and genocide. Only when a country’s justice system proves completely incapable of dealing with such crimes, and only when asked, does the ICC step in directly — and then gingerly. Where international justice conflicts with national sovereignty, the ICC must employ both clarity of purpose and political diplomacy.

Thus, in Colombia, where officials “at the highest levels” have been implicated in the political violence ravaging the country, the Court throws its prestige and resources behind Colombian prosecutors who are fighting to investigate the allegations in the face of political opposition. In Congo, by contrast, the Congolese government has asked the ICC to intervene because chaos prevents any credible judicial process. So the ICC investigates and issues its own arrest warrant for Thomas Lubanga Dyilo, a notorious militia leader, for abducting children to serve as his child soldiers. To serve its warrant in Congo, the ICC must rely on local allies, in this case the government — making Dyilo the first war criminal brought to trial at the ICC’s headquarters in The Hague.

The Sudan/Darfur case was referred to the ICC by the U.N. Security Council. Since many around the world see Darfur as a clear case of genocide by the Sudanese government against indigenous Darfurians, the government’s open defiance of the ICC’s warrant for al-Bashir forces the ICC to return to the U.N. Security Council itself to get the international community to bring pressure to arrest
al-Bashir. At that point, the clarity provided by law and the U.N. is caught up in murky *realpolitik*. 
In the case of Uganda, an even more difficult contradiction threatens to derail the ICC’s work. The government of Uganda asked the ICC to investigate and bring the leaders of a rebel group, the Lord’s Resistance Army (LRA), to justice. After 50 investigative missions documenting some 2,200 murders, the ICC prepares to bring warrants when the LRA leaders, clearly worried, try to turn the situation on its head. They come in from the bush, offering negotiations and a new era of peace and stability — but only if the ICC warrants are lifted. After so many years of war and death, even surviving victims of the LRA’s worst atrocities find it all but impossible not to take the bait.

ICC prosecutors go on a campaign to convince Ugandans that, in the long run, there will be no peace or stability if the LRA leaders are allowed to get away with their crimes. Ultimately, whether speaking to the august ambassadors of state at the U.N. or to maimed villagers in Uganda, the ICC holds fast to the simple principle spoken by that Congolese man in the field: “Without justice, people have no respect for each other.”

Nothing less than a real-life thriller, The Reckoning keeps you on the edge of your seat with two riveting dramas — the prosecution of three cases of unspeakable crimes against humanity and the ICC’s fight for its own survival and effectiveness. Senior Trial Attorney Chung reveals the stakes that still hang in the balance when she wonders if the ICC will emerge as an effective institution for justice or simply a symbolic one, a “shadow” of what it was meant to be.

“I started out thinking that The Reckoning would be about the ICC’s cases and trials, like any good crime thriller,” says director Pamela Yates. “I quickly realized I had to expand the film’s vision to include the far-reaching effects the ICC was having at the local level, with the tremendous amount of controversy as well as hope that its investigations were causing. The Court itself became the protagonist of The Reckoning, and all the cinematic elements were developed in realizing this idea.”

The Reckoning: The Battle for the International Criminal Court is a production of Skylight Pictures.

About the Filmmakers:

Pamela Yates, Director
Pamela Yates is the co-founder (with Peter Kinoy) of Skylight Pictures, Inc., a New York-based multi-media company committed to producing artistic and socially relevant independent documentary films on issues of human rights and the quest for justice. The recipient of a 2008 Guggenheim Fellowship, she directed “When the Mountains Tremble,” which won a Special Jury Prize at Sundance in 1984; produced the Emmy Award–winning “Loss of Innocence”; and executive-produced “Witness to War,” which won the 1985 Academy Award for best documentary short.

Her most recent film, “State of Fear,” is the story of Peru’s 20-year “war on terror” and is based on the findings of the Peruvian Truth and Reconciliation Commission. The film has been translated into 48 languages and broadcast in 157 countries, and it won the Overseas Press Club award for best reporting in any medium about Latin America. Yates also produced and directed “Living Broke in Boom Times,” a trilogy of films about poor people’s movements in America; “Takeover” (1991 Official Sundance Selection); “Poverty Outlaw” (Sundance 1995) and the ITVS presentation “Outriders” on PBS (1999). A native of Scranton, Pa., she lives in New York City.

Paco de Onís, Producer
Paco de Onís grew up in several Latin American countries and is multi-lingual (Spanish, Portuguese, English, Italian and French). Prior to his work on The Reckoning, he produced “State of Fear,” a Skylight Pictures film about Peru’s 20-year “war on terror” based on the findings of the Peruvian Truth and Reconciliation Commission.

He has produced documentaries for PBS (“On Our Own Terms” with Bill Moyers), National Geographic (“Secrets from the Grave”), New York Times Television (“Police Force,” “Paramedics”) and MSNBC (“Edgewise” with John Hockenberry). He was also a news producer for two Internet
companies, www.feedroom.com, a broadband news delivery site, and www.starmedia.com, a website focused on Latin American affairs. Before producing documentaries for television and news reports for online media, de Onís organized music festivals in South America and the Caribbean, renovated and operated the Cameo arts/performance theater in Miami Beach and owned and operated a Spanish-style tapas tavern in a 500-year old colonial house in Cartagena, Colombia.

Peter Kinoy, Editor
Peter Kinoy has worked in the New York media industry as a producer and editor for 25 years. Prior to The Reckoning, he edited “State of Fear,” working with Pamela Yates and Paco de Onís. His other credits include “Presumed Guilty,” about the role of Public Defenders in the U.S. criminal justice system, broadcast nationally on PBS in 2002 and presented at the Human Rights Watch International Film Festival, and “Cause for Murder,” which he edited and co-wrote for the PBS series Wide Angle in 2002. Kinoy produced and edited “Outriders” (ITVS, 1999) and “When the Mountains Tremble” (winner of a Special Jury Prize at the Sundance Film Festival) and “Teen Dreams” (1995 Official Sundance Selection), which pioneered self-documentation with small-format cameras. With Pamela Yates, Kinoy co-produced and edited “Takeover” (PBS 1991) and “Poverty Outlaw” (Official Sundance Selection 1997).

Kinoy also edits a full range of commercial productions. His editing credits frequently appear on the PBS series NOVA, on PBS documentary specials and on programming for the BBC. He was an editor on “Louis Theroux’s Weird Weekend,” “Trauma — Life in the ER” and the Showtime documentary “Brotherhood of Hate.” He recently constructed video portions for “The Noise of Time,” the acclaimed theater piece on Dmitri Shostakovich. Kinoy has taught editing at Columbia University and at the International School of Film and Television in Cuba.

People Featured in “The Reckoning”:
Luis Moreno-Ocampo is the first Chief Prosecutor of the International Criminal Court, established in 2002. From 1984 to 1992, as a prosecutor in Argentina, he 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 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, as well as criminal and human rights law. He also took on a number of pro bono activities: legal representative for the victims in the extradition of former Nazi officer Erich Priebke to Italy, in the trial of the chief of the Chilean secret police for the murder of General Carlos Prats and in several cases concerning political bribery, protection of journalists and freedom of expression.

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

Christine Chung was the first Senior Trial Attorney to work in the Office of the Prosecutor of the International Criminal Court. She directed the ICC investigation that led to the issuance of the first ICC arrest warrants, naming the leadership of the Lord’s Resistance Army, a Ugandan rebel group. Chung also participated in the ICC’s investigation and prosecution 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 her ICC appointment, Chung served as a federal prosecutor at the U.S. Attorney’s Office in Manhattan, where she prosecuted gangs, organized crime, white-collar fraud and terrorism cases. She is a Visiting Lecturer and Senior Fellow at the Schell Center for International Human Rights at Yale Law School and is a graduate of Yale College and Harvard Law School.
Benjamin Ferencz, at 88 years old, 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 was then and remains now the establishment of a legal precedent that would encourage a more humane and secure world. Ferencz became a lifelong advocate for international justice and in 1980 wrote An International Criminal Court: A Step Toward World Peace, a prescient work that called for an international criminal court that would replace the rule of force with the rule of law. He participated in the Rome Conference in 1998, 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 continues to mobilize support for the ICC by writing and speaking worldwide for international law and global peace.

Fatou Bensouda is the Deputy Prosecutor of the International Criminal Court. She was Minister of Justice and Attorney General of the West African country The Gambia, where she brought unprecedented attention to crimes committed against women and girls. She also worked as Trial Attorney and Senior Legal Advisor to the International Criminal Tribunal for Rwanda (ICTR), which investigated and convicted perpetrators of the 1994 Rwandan genocide.

Bensouda holds a master’s degree in International Maritime Law and Law of the Sea and is the leading international maritime law expert of The Gambia.

Credits:
A Film By: Paco de Onís, Peter Kinoy and Pamela Yates
Director: Pamela Yates
Producer: Paco de Onís
Cinematographer: Melle van Essen
Executive Editor: Peter Kinoy
Original Music: Roger C. Miller

Running Time: 86:46

Festivals:
- World Premiere: 2009 Sundance Film Festival
- International Human Rights Film Festival (Paris), March 2009
- Human Rights Watch International Film Festival (London), March 2009
- Movies That Matter Film Festival (The Hague, Netherlands), April 2009
- San Francisco International Film Festival, May 2009
- Politics in Film Festival (Washington, D.C.), May 2009
- Bahrain Human Rights Film Festival, May 2009
- Ecuadorian Documentary Film Festival, May 2009
- Human Rights Watch International Film Festival (opening night at Lincoln Center), June 2009
- Nantucket Film Festival, June 2009
- Documentary Encounters (Colombia), September 2009
- Nuremberg Human Rights Film Festival (Germany), October 2009

(For a full list of festivals and screenings, go to http://www.skylightpictures.com/site/screenings/)

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.
Airing June through September with primetime specials during the year, P.O.V. 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](http://www.pbs.org/pov).

**P.O.V. Interactive** ([www.pbs.org/pov](http://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, streaming 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*, and the *P.O.V. Blog*, 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**
American Documentary | P.O.V. works with local PBS stations, educators and community organizations to present free screenings and discussion events to inspire and 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. In addition, P.O.V.'s *Youth Views* works with youth organizers and students to provide them with resources and training so they may use independent documentaries as a catalyst for social change.

Major funding for P.O.V. is provided by PBS, The John D. and Catherine T. MacArthur Foundation, National Endowment for the Arts, The Educational Foundation of America, JPMorgan Chase Foundation, New York City Department of Cultural Affairs, New York State Council on the Arts, Lower Manhattan Cultural Council, The September 11th Fund and public television viewers. Funding for P.O.V.'s Diverse Voices Project is provided by the Corporation for Public Broadcasting and The Andy Warhol Foundation for the Visual Arts. Special support provided by the Academy of Motion Picture Arts and Sciences. P.O.V. is presented by a consortium of public television stations, including KCET Los Angeles, WGBH Boston and Thirteen/WNET New York.

**American Documentary, Inc.** ([www.amdoc.org](http://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.

**DVD REQUESTS:** Please note that a broadcast version of this film is available upon request, as the film may be edited to comply with new FCC regulations.