



Coalition for the International Criminal Court

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LANDMARK ICC REVIEW CONFERENCE CONCLUDES BUSINESS

States Agree on Crime of Aggression Provisions; NGOs Say Kampala Conference a
Crucial Assessment of the Rome Statute's Impact

WHAT: Today the first-ever Review Conference of the Rome Statute – the International Criminal Court's founding treaty – concluded in Kampala, Uganda. After a week of high-level discussions on the impact of the Rome Statute to date, ICC Member States came to an agreement regarding amendments to the Rome Statute pertaining to the crime of aggression.

WHO: From 31 May to 11 June 2010, ICC states parties, observer states, international organizations, NGOs, and other participants met in Kampala to discuss proposed amendments to the Rome Statute as well as to take stock of its impact to date, making the Review Conference a critical milestone in the evolution of the new system of international justice created twelve years ago.

HOW: On 12 June, shortly after midnight, the Review Conference of the Rome Statute adopted by consensus a definition for the Crime of Aggression. The definition criminalizes the use of armed force by one State against another and carried out in contravention to the UN Charter. On this basis individuals responsible for unlawful acts of war may be subject to prosecution before the Court.

Following long negotiations, States Parties adopted provisions governing the terms of the Court's ability to investigate and prosecute individuals for the crime of aggression. Notably, the Review Conference determined that the Court will not be able to exercise jurisdiction until 30 states have ratified the new amendment. In addition, States Parties will have to make a positive decision to activate the jurisdiction after 1 January 2017.

ICC States Parties agreed upon a jurisdictional regime for the crime of aggression, which provides separate procedures depending on whether the situation was referred by the UN Security Council, or whether it came before the Court through a State referral or upon the ICC Prosecutor's initiative.

States Parties made important decisions on 2 other proposed amendments to the Court's treaty. First they agreed not to delete Article 124 but to review it in five years. Article 124 of the Rome Statute is an optional protocol which allows States not to subject their nationals to the Court's prosecutions or investigations over war crimes for a seven year period. Second, States accepted to extend the use of certain weapons as war crimes in non-international conflicts.

The Kampala gathering also helped identify areas in which the Court's positive impact can be further strengthened. Debates focused on the impact of the Rome Statute on victims and affected communities, complementarity, cooperation, and peace and justice, issues truly central to the system's fair, effective, and independent functioning.

More than 600 Coalition members played a central role in enhancing the dialogue on the Rome system and ensured that the voices of civil society were truly heard through a number of debates, roundtables and other events.

The Coalition and its global membership are committed to work to maintain the momentum with States, the UN, other regional bodies and the Court to ensure commitments made in Kampala result in concrete actions.

COMMENTS AND BACKGROUND

'The Coalition for the ICC is advocating for an end to impunity for all serious crimes, including the Crime of Aggression,' said CICC Convenor William R. Pace. 'Although today's agreement on the definition of the crime is a step forward for international justice, and more importantly for victims of this crime, the conditions agreed by States for the prosecution of the crime would leave many states out of the reach of justice,' he emphasized. 'There also remains a question mark over when the Court will be able to exercise its jurisdiction over this crime of concern to the international community as a whole,' he added. 'The Coalition is committed to work with like-minded governments and other bodies to maintain the pressure on the United Nations Security Council of its very heavy responsibilities with regard to the crime of aggression.'

NGOs experts and members of the CICC are listed on the following pages for comment and background on the Review Conference of the Rome Statute.
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Important notice: The Coalition for the International Criminal Court (CICC), an independent
NGO movement, is dedicated to the establishment of the International Criminal Court as a
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