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ICC

THE INTERNATIONAL CRIMINAL COURT IS IN DANGER ! FRANCE MUST
STAND FIRM VIS A VIS AMERICAN PRESSURE

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The United States was one of seven States that voted against the establishment of the International Criminal Court (ICC) in Rome on July 1998. The fact that the United States was unable to secure effective control of the Court by the Security Council has since led them to seek total immunity for their citizens from prosecution by the ICC.

Pursuant to the articles of the Rome Statute, if the State of the nationality of the accused or the State on whose territory the crime was committed is a State party to the Court, the ICC has jurisdiction over the investigation of crimes of genocide, crimes against humanity and war crimes. Therefore, the ICC would have jurisdiction over a crime committed by an American citizen if committed on the territory of a State party. For the United States - a non-party State (State which has not yet agreed to the Statute of the ICC) - such a situation is unacceptable: it seeks to limit the surrender of nationals from non-party States to the explicit authorization of the State of nationality of the accused.

We have strong reasons to believe that during the next session of the Preparatory Commission for the ICC from November 27 to December 8, the United States delegation will introduce such a proposal during the negotiations on the Relationship Agreement between the United Nations and the International Criminal Court. Such a proposal is in total contradiction with the position of the 120 States that gathered in Rome to adopt the ICC Statute.

It is fundamental that France, which has demonstrated its political will in favor of the Court by ratifying its Statute on June 09, 2000, stands firm vis à vis the United States proposal by reaffirming during the upcoming negotiations the integrity of Statute as adopted in Rome in July 1998 and ratified, as of today, by 22 countries.

The very credibility and independence of the future ICC could be gravely threatened by the United States proposal !

The French Coalition of NGOs for an International Criminal Court calls upon France, first permanent member of the Security Council to have ratified the Statute and currently assuming the presidency of the European Union (EU) to:

1. Adopt a strong position on this issue as well as facilitate the adoption of a common EU position to stop the American initiatives from going forward.

2. Maintain a firm stance against any other proposal of a similar nature, during the sixth session of the Preparatory Commission, which would aim directly or indirectly at requiring the authorization of the State of nationality of the accused for the surrender of nationals from non-party States.

For more information :

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