



ICC Update

13th edition ♦ CICC Secretariat, New York, NY ♦ 21 September 2000

Introduction • Regional Updates • Recent Declarations • Upcoming Events • Press Release • ICC in the News • CICC Info

4 RATIFICATIONS & 12 SIGNATURES during the MILLENNIUM SUMMIT

"...We must strive to end the culture of impunity – which is why the creation of the International Criminal Court is so important."

Kofi Annan, We the peoples: the role of the United Nations in the twenty-first century

****RUSSIA SIGNS during the GA GENERAL DEBATE****

What is the Coalition?

The Coalition is a network of over one thousand civil society organizations from around the world, working together towards a common goal: the establishment of an International Criminal Court. The Coalition has a number of national and regional networks in Africa, Latin America, the Middle East, Asia, Europe, and North America.

What is the International Criminal Court?

The International Criminal Court will be a permanent court that will investigate and bring to justice individuals who commit the most serious violations of international humanitarian law, namely war crimes, crimes against humanity, genocide, and once defined, aggression. Unlike the International Court of Justice in The Hague, whose jurisdiction is restricted to States, the ICC will have the capacity to indict individuals. The ICC will be created on the basis of the Rome Statute, a treaty adopted on July 17, 1998 in Rome at the United Nations Diplomatic Conference of Plenipotentiaries.

When will the ICC be created?

The International Criminal Court will be established when sixty states have both signed and ratified the Rome Statute. As of now, 112 nations have signed the Statute, and 20 have ratified. The Coalition and Like-Minded governments are seeking to achieve entry into force as quickly as reasonably possible, a goal which cannot be realized without the support of civil society and governments all over the world.

The ICC Preparatory Commission

The Preparatory Commission was established by the UN General Assembly pursuant to a mandate, embodied in Resolution F, of the Rome Diplomatic Conference of Plenipotentiaries in part to draft the Elements of Crimes and Rules of Procedure and Evidence. Three sessions were convened in 1999, each three weeks in length. In 2000, two sessions have been completed (March 13-31 and June 12-30), and one more will be held (November 27 – December 8). Delegates from all states invited to the Rome Conference are welcome to attend, in addition to relevant inter-governmental and international organizations. The NGO Coalition follows these sessions, gathers on a daily basis to exchange information concerning the ongoing developments, and organizes meetings with NGOs and government delegations from all regions of the world.

If you are interested in keeping abreast of **day-to-day developments** pertaining to the ICC, you are invited to *subscribe to our distribution list*. Simply send a blank email to:

icc-info-subscribe@onelist.com

Regional Updates...

New developments since the 14 August ICC Update

Africa

Botswana

8 September 2000 Botswana became the 105th country to sign and 19th country to ratify the Rome Statute of the International Criminal Court.

Democratic Republic of Congo

8 September 2000 Democratic Republic of Congo became the 110th country to sign the Rome Statute.

Guinea

8 September 2000 Guinea became the 101st country to sign the Rome Statute.

Guinea-Bissau

12 September 2000 Guinea-Bissau became the 111th country to sign the Rome Statute.

Lesotho

6 September 2000 Lesotho became the 16th country to ratify the Rome Statute.

Mali

16 August 2000 Mali became the 15th country to ratify the Rome Statute.

Sierra Leone

15 September 2000 Sierra Leone became the 20th country to ratify the Rome Statute.

Asia and the Pacific

Marshall Islands

6 September 2000 Marshall Islands became the 99th country to sign the Rome Statute.

New Zealand

7 September 2000 New Zealand became the 17th country to ratify the Rome Statute and the second country to pass its implementing legislation.

Eastern Europe and the former Soviet Union

Republic of Moldova

8 September 2000 Moldova became the 102nd country to sign the Rome Statute.

Russian Federation

13 September 2000 Russian Federation became the 112th country to sign the Rome Statute.

Latin America and the Caribbean

Barbados

8 September 2000 Barbados became the 108th country to sign the Rome Statute.

Dominican Republic

8 September 2000 Dominican Republic became the 104th country to sign the Statute.

Jamaica

8 September 2000 Jamaica became the 103rd country to sign the Rome Statute.

Mexico

6 September 2000 Mexico became the 100th country to sign the Rome Statute.

North Africa and the Middle East

Israel

20 August 2000 According to Agence France Presse, Chief Foreign Ministry Legal Adviser Alan Baker stated that Israel is considering signing the statute of the ICC and hopes to do so before the end of the year.

Kuwait

8 September 2000 Kuwait became the 106th country to sign the Rome Statute.

Morocco

8 September 2000 Morocco became the 107th country to sign the Rome Statute.

Sudan

8 September 2000 Sudan became the 109th country to sign the Rome Statute.

North America

No update since last issue

Western Europe

Luxembourg

8 September 2000 Luxembourg became the 18th country to ratify the Rome Statute.

Scotland

August 2000 Deputy First Minister Jim Wallace pledged Scotland's support for the ICC after a draft bill was published in Westminster. Mr. Wallace stated that the Scottish Executive intends to introduce legislation that would give the Court statutory authority in Scottish law and enable Scottish police to co-operate with it.

Spain

13 September 2000 The Senate adopted the draft ratification bill and it is indicated that ratification could be completed by October.

Portugal

29 August 2000 The draft ratification bill is to be submitted to Parliament. The Portuguese Parliament resumed from summer recess on September 15, and a plenary session is scheduled to take place. The ICC is reported to be a high priority. The draft bill will first have to be voted for at the Foreign Affairs Committee and then at the Plenary. Ratification is expected to be completed before the end of the year.

United Kingdom

25 August 2000 The draft ratification bill was published on 25 August 2000. The Foreign and Commonwealth Office has indicated that the draft contains no provision on universal jurisdiction, but it does include all the requirements for the UK to comply with the Court's obligations. The consultation period runs until 12 October 2000 and involves a number of NGOs, as well as professional associations and political parties. Once the consultation period is over, the bill will go to the House of Lords, then to the House of Commons and back to the House of Lords.
The draft bill is available on the Foreign and Commonwealth Office website at: <http://www.fco.gov.uk>

RATIFICATIONS CHART

2000			1999		
Norway 16 Feb	France 9 June	New Zealand 7 Sept	Senegal 2 Feb	Italy 26 Jul	
Belize 5 Apr	Belgium 28 June	Luxembourg 8 Sept	Trinidad and Tobago 6 Apr	Fiji 29 Nov	
Tajikistan 5 May	Canada 7 July	Botswana 8 Sept	San Marino 13 May	Ghana 20 Dec	
Iceland 25 May	Mali 16 August	Sierra Leone 15 Sept			
Venezuela 7 June	Lesotho 6 Sept				

Recent Declarations

Several governments heeded the call of the International Criminal Court at the U.N. Millennium Summit, 6 - 8 September, New York

Secretary-General Kofi Annan called on countries to sign and ratify the Rome Statute of the International Criminal Court, among other treaties, on the occasion of the Millennium Summit held from 6 – 8 September 2000 in New York. At this gathering, said to be the largest meeting ever of Heads of State, the world leaders reaffirmed the significance of and their support for the creation of the International Criminal Court. The following are excerpts, where reference was made to the ICC.

For the full statements, visit the U.N. web site: www.un.org/millennium/statements_summit.htm

ARGENTINA – H.E. Mr. Fernando de la Rúa, President of the Argentine Republic

“Argentina also wishes to express its satisfaction on the creation by the international community –before the end of the millennium- of an International Criminal Court, of a general and permanent nature, with jurisdiction over the most serious international crimes. This institution will contribute to enhance the rule of law and the respect for human rights in the international community.”

AUSTRIA - H.E. Mr. Thomas Klestil, Federal President of the Republic of Austria

“Today it might well be unthinkable to deal with any one of the global issues without the participation and contributions by civil society. The way we address today the issues of human rights, of the environment, of disaster relief and development co-operation, of security and, in particular, of human security, to mention only a few, has been characterised by new forms of dialogue, participation and commitment on the part of civil society. The successful completion of the negotiations for the landmines treaty as well as the Rome Statute [sic] process towards an International Criminal Court would not have been possible without the truly innovative and productive response on their part.”

CANADA – H.E. Mr. Jean Chretien, Prime Minister of Canada

“We must work harder to deny the agents of violence and conflict their sources of supply. By halting the proliferation of small arms and light weapons. And by controlling the illicit trade in diamonds. We must keep moving ahead with initiatives that put the security of people first. The Ottawa Treaty on Landmines and the Statute of the International Criminal Court are milestones marking our way.”

CHILE - H.E. Mr. Ricardo Lagos Escobar, President of the Republic of Chile

“Globalization carries with it responsibilities and Chile has assumed its responsibilities without hesitation. As evidence of this, we have committed ourselves to disarmament policies; to United Nations peacekeeping forces; to the International Criminal Court; to regional and universal instruments for the defense of human rights and democracy; to the fight against racism, xenophobia and other forms of discrimination; to the protection of the environment; to the fight against drug trafficking and organized transnational crime; and to the promotion of free trade at all levels. Chile has been and will continue to be present on all the fronts of globalization.”

CROATIA - H.E. Mr. Stipe Mesic, President of the Republic of Croatia

“Speaking of undertakings, one of the vehicles which can help us best in arranging this world is certainly international law, and in this regard the role of the UN and of the Secretary General as the depositary of more than 500 treaties is of irreplaceable and invaluable significance. In endeavouring to safeguard and reinforce the elementary norms of international humanitarian law, the Security Council has also established ad hoc criminal tribunals for the former Yugoslavia and Rwanda. However, genuine progress towards universal protection will be achieved through the International Criminal Court.”

DJIBOUTI – H.E. Mr. Ismael Omar Guelleh, President of the Republic of Djibouti

“Today the major threat to peace and security is no more the external aggression between States, but the internal violence perpetrated against communities and individuals. The violence has reached a critical point all around the world, even though it affects Africa in an excessive way, where conflicts, human rights violations, physical destructions, and generalized displacements leave the international community anaesthetized. The incredible savagery of some of the conflicts, and the unacceptable sufferings inflicted, compel us to find the ways to help our fellows. In this way, we must activate and urgently use the new International Criminal Court, in order to make sure criminals who defy the laws are brought to justice.”

ITALY – H.E. Mr. Giuliano Amato, Prime Minister of Italy

“...Another key point is the effective defense of universal human rights, as a guarantee of a fairer and more democratic international system. We have made progress in recent years in this respect, but much more can be achieved, especially once that we reach the required number of ratifications for Rome Treaty establishing the International Criminal Court. In an era when internal conflicts abound, overcoming intolerance in every form is at the same time one of the most effective ways to prevent

conflict.”

LIBYA - H.E. Mr. Abdurrahman M. Shalghem, Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya

“The objective behind the establishment of the International Criminal Court is the punishment of the perpetrators of the most serious crimes against international security, but the Rome Statute is designed to try only the weak. Such a statute cannot be accepted, neither can it be signed or ratified unless it is modified in a manner that guarantees the trial of all perpetrators of acts of aggression, drug smugglers and their trade-partners, and those responsible for group massacres of innocent people, as well as those who commit aggression against international forces.”

LIECHTENSTEIN – H.E. Mr. Mario Frick, Prime Minister of the Principality of Liechtenstein

“The respect for and the promotion of human rights and the rule of law have been a high priority of Liechtenstein's UN engagement throughout our 10 years of membership. Within the group of like-minded countries, Liechtenstein participated actively in the work to create the International Criminal Court, one of the outstanding achievements in the area of international law, and we hope that the Court will become operational soon. The ICC will lead to full accountability for the commission of the most serious crimes under international law and it has a strong potential to help prevent conflicts.”

MALI – H.E. Mr. Alpha Oumar Konare, President of Mali

“The prevention of murderous conflicts, the application of conventions on human rights and international humanitarian law, and the protection of the most vulnerable, necessitate the entry into force of the Statute of the International Criminal Court. We must end impunity so as to protect people and communities from violence.”

NETHERLANDS - H.E. Mr. Wim Kok, Prime Minister of the Kingdom of Netherlands

“The international rule of law needs to be strengthened. The International Court of Justice, the Yugoslavia Tribunal and the Organisation for the Prohibition of Chemical Weapons, all located in the Hague, contribute to that goal. In the near future they will be joined by the International Criminal Court.”

NEW ZEALAND - Her Excellency Helen Clark, Prime Minister of New Zealand

“New Zealand places great importance on the rule of law and on the peaceful settlement of disputes. We have participated actively in the development of international law. This year we have responded to the Secretary-General's request to member states to sign or ratify as many of the 25 core treaties as possible. We have also undertaken a full review of the extent of our participation in the international legal framework with a view to becoming party to more treaties. As a first step in that process, at this summit we are carrying out seven fresh treaty actions, including signature, ratification, or accession to five of the 25 core treaties. This week we are ratifying the Rome Statute of the International Criminal Court...”

NORWAY - H.M. King Harald V, the King of the Norway

“The United Nations should be empowered to provide post-conflict rehabilitation, to alleviate the suffering and protect the rights of innocent civilians, of innocent women and children, to punish genocide, war crimes, and crimes against humanity.”

SAN MARINO - H.E. Mr. Captains Regent of the Republic of San Marino

“San Marino is committed to the International Criminal Court, it has strongly supported the abolition of the death penalty world wide, and has constantly participated in international solidarity projects to alleviate the suffering of man women and children.”

SAMOA - H.E. Mr. Tuiloma Neroni Slade, Chairman of the Delegation of Samoa

“Samoa believes most strongly in the need for and the purposes of the International Criminal Court, and will continue to play its part in the development of the Court. Humanity needs more than ever a fair, effective and independent instrument of international criminal justice.”

SLOVAKIA – H.E. Mr. Mikulás Dzurinda, Prime Minister of the Slovak Republic

“Standing on the threshold of the new century, the international community must focus its endeavors on ensuring full respect for international law and, in particular, human rights, whose violations have recently been grave and numerous. Hence, Slovakia fully supports the expedient constitution of an International Criminal Court and subscribes to the Secretary-General's appeal to put an end to the culture of impunity.”

SOMALIA - H.E. Dr. Abdikassim Salad Hassan, President of the Somali Republic

“A Somali government which is the off-spring of the efforts of the Somali civil society is bound to be responsive to the demands of the renewed, democratized and energized UN. The new Somalia and its Third Republic are wanting [sic] to re-dedicate themselves to an international legal framework which values the rights of the child, is committed to the elimination of all forms of discrimination against women and is ready to pledge full support for the effective institutionalization of the International Criminal Court in Rome.”

SPAIN - H.E. Mr. José María Aznar, President of the Government of the Kingdom of Spain

“Globalization creates new challenges, among which are the need to protect and preserve the environment for future generations, the fight against organized international crime, the establishment of an international criminal justice system, and also finding a cure for globally spread diseases. To deal with those problems, the Organization remains indispensable in the threshold of the XXI century. Only the UN has the global reach and vision required to

accomplish the task at hand. Needless to say, Spain will vigorously support any and all efforts to find consensus solutions and uphold agreements. Specifically, ratification by my country of the Rome Treaty establishing an International Criminal Court is very near and we trust that it will be implemented promptly."

SWITZERLAND - H.E. Mr. Adolf Ogi, President of the Swiss Confederation

"It has become more difficult to ensure respect for international humanitarian law. Because we do not deal with states only. We cannot remain passive, confronted with this suffering, with these tragedies. Traditional international law is still important. It is no longer, unfortunately, quite sufficient. We must explore new approaches, create and develop new tools. Maybe even new structures. Within the United Nations. Let's seek out and punish the guilty! During the conflicts, certainly after the conflicts, after the terror, after the intolerance. This is the reason why I welcome the ongoing efforts to establish an International Criminal Court in the nearest possible future and to preserve its integrity."

TRINIDAD AND TOBAGO - H.E. Mr. Basdeo Panday Prime Minister of the Republic of Trinidad and Tobago

"We record our appreciation for the United Nation's positive response when Trinidad and Tobago moved to revive the concept of the establishment of a permanent International Criminal Court. It is our firm conviction that the crime of illicit drug trafficking should be included in the jurisdiction of the International Criminal Court."

Tentative!

Upcoming Events and Dates Related to the ICC...

September

- 8-9 September IALANA and 2000 Hague Appeal for Peace conference including discussions of the ICC campaign, compulsory jurisdiction of the International Court of Justice, stopping the use of child soldiers and humanitarian intervention, jointly initiated by the Hague Appeal for Peace, IALANA-Germany and the IALANA International Office in The Hague
Aachen, Germany
For more information email Hap@antenna.nl
- 10-17 September International Conference on War-Affected Children, hosted by UNICEF and the government of Canada. Consists of three meetings: a meeting of international war-affected youth (Sept. 10-12); an experts' meeting (Sept. 13-15); and a ministerial-level meeting (Sept. 16-17). The importance of the ICC as one mechanism of addressing this issue will be discussed at the experts' meeting.
Winnipeg, Canada
For more information see www.cpcc.ottawa.on.ca/cachm.htm
- 14 September Conference on the ICC and American national security, hosted by the Committee on the International Security Studies of the American Academy of Arts & Sciences, to be held at the American University's Washington College of Law
Washington, USA
For more information e-mail tracy@amacad.org
- 15-17 September Amnesty International National Lawyers Meeting to discuss the AI International campaign against torture and bringing perpetrators of human rights abuses to justice, with keynote speaker Juan E. Mendez of the Inter-American Commission on Human Rights, OAS
San Francisco, CA
For more information see www.aiusa.org/group/events/lawyersmeeting092000.html or email AI Legal Support Network at legal@aiusa.org
- 20-29 September "Should Commonwealth Countries Ratify the Statute of the International Criminal Court, and Accept the Compulsory Jurisdiction of the International Court of Justice and the International Criminal Court?" debate at the 46th UK Commonwealth Parliamentary Conference
London, England
For more information see <http://www.comparlhq.org.uk/index1.htm> or call Shem Baldeosingh at +44 20 7779 1460

29 September Colloquium at the IUHEI on Switzerland and the United Nations including a debate on the Swiss ratification of the Rome Statute, hosted by the Forum Suisse de politique internationale (FSPI)
Geneva, Switzerland

29-30 September Meeting on ratification and implementation of the Rome Statute, hosted by the Constitutional and Legal Policy Institute of the Central European University. Participants will include parliamentarians, governmental representatives, NGOs and academics from the region
Budapest, Hungary
For more information email mcottier@hotmail.com
For more information email besirev@osi.hu

October

10-11 October "From Argentina to Latin America", a conference on the ratification of the Rome Statute, hosted by Parliamentarians for Global Action (PGA), to be held at the Chamber of Deputies, involving MPs from Argentina and its neighboring states, sponsored by the European Commission
Buenos Aires, Argentina

16-20 October For more information e-mail David Donat-Cattin donat@pgaction.org
Pacific Island Law Officers Meeting (October 16-18) followed by the ICC implementation training session (October 19-20)
Ratatoga, Cook Island
For more information e-mail Jennifer Schense at cicclelegal@iccnw.org

12-14 October "Globalisation of Peace" conference, organized by the Peace Bureau, to include the ICC member countries and advocates
Paris, France

18 October For more information e-mail hap99@igc.org
Panel on the ICC, as a side event during the meeting on Human Dimension Implementation (October 17-27), hosted by the Europe office for Democratic Institutions and Human Rights, of the Organization for Security and Co-operation
Warsaw, Poland

18 October For more information email Irune Aguirrezabal at cicceurope@iccnw.org
Rafael Lemkin Centenary Conference on Genocide, organized by the Leo Kuper Foundation, to include key ICC advocates
London, UK

21-22 October For more information email at LKF@west-end.demon.co.uk
"The Rome Statute – What's Next?", a conference on Domestic and Foreign Approaches to the Implementation of International Criminal Law in National Law, hosted by the International Criminal Law Society
Berlin, Germany

For more information see www.icls.de/english/copro.htm or email the International Criminal Law Society at organisation@icls.de
23-24 October Pacific civil society and media mobilization session on the ICC
Auckland, New Zealand

For more information e-mail Fergus Watt at wfcnat@web.net and Mike Crowley at crawley@nbi.ispkenya.com

28-29 October The 2nd Annual Conference of the International Association Caucusus for Ethnic Relations, Human Rights, Geopolitics (IACERHRG) to discuss the International Criminal Court and the Caucusus
Tbilisi, Georgia
For more information email Dr. Levan Z. Urushadze at jacerhr98@hotmail.com

November

- 3 November “Universal Jurisdiction: Myths, Realities, Prospects”, a regional conference of the American Society of International Law
Boston, USA
For more information contact Professor Michael Scharf email at mscharf@fac.nesl.edu
- 8-10 November Implementation meeting, hosted by the Ministry of Justice, Ghana, focusing on implementation of the Rome Statute in Senegal, Ghana, Mali, and Sierra Leone
Accra, Ghana
For more information, e-mail Jennifer Schense at ciclegal@iccnw.org
- 23-25 November “Justice Internationale et Torture”, a conference jointly organized by Organisation Nationale des Droits de l’Homme in Senegal and le Fonds de Contributions Volontaires des Nations-Unies pour les Victimes de la Torture
Dakar, Senegal
For more information e-mail ondh@telecomplus.sn

December

- 3-7 December “Human Rights and the Administration of Criminal Justice”, the 14th International Conference of the International Society for the Reform of Criminal Law, including speeches by Hon. Justice Arthur Chaskalson, President of the constitutional court of the Republic of South Africa, and Dr. Nelson Mandela, former President of the Republic of South Africa
Sandton, South Africa
For more information e-mail isrc@swinton.ca
- 18-21 December “The Rome Statute of the ICC – Global Developments & National Consequences”, a course jointly organized by the T.M.C. Asser Institute and Science Alliance and supported by the Dutch Ministry of Foreign Affairs. The target audiences for the program include parliamentarians, policy makers (foreign affairs and justice departments) and scientists.
Peace Palace, The Hague, Netherlands
For more information email ICC2000@science-alliance.nl

January 2001

- 4-6 January “Into the 21st Century: Reconstruction and Reparations,” presented by the International Third World Legal Studies Association, and the Community Peace Program, School of Government, University of Western Cape, to bring together law teachers, teachers of government, legal practitioners and policy makers to discuss developments in international and local laws and policies concerning reconstruction and reconciliation
Cape Town, South Africa
For more information email Professor Penelope Andrews at andrews@mail.law.cuny.edu

Press Release

NEWS RELEASE

FOR IMMEDIATE RELEASE

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MILLENNIUM SUMMIT

SEVERAL COUNTRIES COMMIT TO THE CREATION OF A WORLD COURT

New York, September 8, 2000 – During the historic Millennium Summit at the United Nations Headquarters from 6 to 8 September four countries ratified the Rome Statute to establish a permanent International Criminal Court (ICC) and ten countries signed, according to the NGO Coalition for the International Court (CICC). This brings the number of ratifications to 19 countries and signatures to 109. The court will be the first permanent and independent tribunal able to try individuals for genocide, crimes against humanity and war crimes.

In addition to the 15 countries which had ratified the treaty before the Millennium Summit, Botswana, Lesotho, Luxembourg and New Zealand have now ratified. Barbados, Dominican Republic, Jamaica, Guinea, Kuwait, Marshall Islands, Mexico, Morocco, Republic of Moldova and the Sudan have joined the 98 prior signatories to the Statute.

*Signature indicates intention to ratify the treaty that will establish the Court while **ratification** indicates full acceptance of the treaty, and a commitment to ensure that the necessary domestic laws are in place to allow for full cooperation, as well as to comply with the spirit of the treaty.*

The International Criminal Court will be established when sixty states have both signed and ratified the Rome Statute, which was adopted in July 1998 at the conclusion of five weeks of intense intergovernmental negotiations. The court will be an independent international body to try the likes of Hitler, Pinochet and Pot Pot.

Since Nuremberg, an estimated 14 million civilians have died in war-related situations. The world community has watched the conflicts in Rwanda, the former Yugoslavia, Sierra Leone, Cambodia and in numerous other countries unfold. The lack of an international legal body able to try perpetrators of the most serious international crimes has allowed the most horrific and widespread acts of violence to go unpunished and has hampered the difficult process of national reconciliation and the healing process of the victims.

“The support of so many world leaders for the ICC during the Millennium Summit indicates that constitutional and legislative issues which had the potential to pose barriers to ratification are being overcome around the world”, said William Pace, Convenor of the CICC. “Nevertheless a few countries remain opposed to the court and as a result the call for the support of the ICC in the Millennium Summit declaration was watered down from the original draft. Yet these countries are not affecting the overwhelming worldwide support for this historic institution.”

The CICC was formed in 1995 to advocate for the creation of a fair, effective and independent International Criminal Court. It brings together a broad-based network of over 1000 non-governmental organizations and international law experts to foster awareness of and support for the Court.

For more information on the ICC, please call Virginia de la Guardia in New York at 1 212 687 2176.

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ICC in the News

14 September 2000 HEADLINE: **Human Rights or National Rights: Canada Sets up Guideline Panel, *The Gazette*, by Barbara Crossette**

This article refers to the Canadian-initiated panel, to be called the International Commission on Intervention and State Sovereignty, and chaired by two former foreign ministers, Gareth Evans of Australia and Mohammed A. Sahnoun of Algeria. The Commission, supported by four U.S. foundations, will study the legality of "humanitarian intervention". Foreign Minister Lloyd Axworthy said that from the creation of the UN until the Cold War "the protection of national interests was almost inevitably prominent" and added, "Our take has been that since the end of the Cold War we have to focus on individuals, on the people." Mr. Axworthy also launched a global campaign "to speed up the process of signing and ratifying the Rome Statute to set up a permanent ICC."

14 September 2000 HEADLINE: **Argentine 'Dirty War Torturer' Tries to Escape Genocide Trial in Spain, *The Independent (London)*, by Jan Mcgirk**

The Spanish judge who pursued Pinochet formally requested an extradition order for a suspected Argentine torturer, Mr. Cavallo, currently in Mexico. Cavallo is among 99 Argentine officers "accused of genocide, terrorism and torture committed during their 'Dirty War' against left-wing dissidents". His lawyers maintain "his case is of mistaken identity". According to the author, the extradition request "creates a legal predicament for Mexico", which signed the ICC Statute last week. The Spanish Prime Minister, Jose Maria Aznar, said "such cases eventually should be tried by an international tribunal."

13 September 2000 HEADLINE: **Russia Backs War Crimes Tribunal, Canada Campaigns for Support, *The Associated Press*, by Nicole Winfield**

This article announces Russia's signature of the Rome Statute of the ICC "leaving the U.S. and China as the only permanent Security Council members that haven't endorsed it." "The signing ceremony by Foreign Minister Igor Ivanov at U.N. headquarters came as Canada launched an international campaign to get countries to ratify the statute creating the ICC." William Pace, head of the Coalition for an ICC said, "We cannot accept reopening the treaty or exceptions for any one country".

13 September 2000 HEADLINE: **UK Lawyer Lectures Students - and U.S. - on Human Rights, *Chicago Daily Law Bulletin*, by Daniel C. Vock**

This article presents Robertson's critique of the U.S. opposition to the ICC. Geoffrey Robertson, an internationally renowned human rights advocate, stated, "The government's refusal to participate in international human rights treaties tarnishes America's reputation among nations", in speaking to the Northwestern University law students and faculty. He said, "what America has to lose in sovereignty by joining the court is very minimal..." Robertson goes on to explain, "On the other hand, America could gain greatly by joining in the agreements because it has the power to intellectually dominate the ICC and internationally regulatory system while providing the world with moral leadership".

11 September 2000 HEADLINE: **President Signs UN Statute Creating International Criminal Court, *BBC Summary of World Broadcasts***

This article reports on Mexico's signature of the ICC Statute. President Ernesto Zedillo signed the ICC Statute on 7 September, after abstaining back in July 1998, when the treaty was first adopted. "Just 84 days away from the end of its term, the Zedillo administration is leaving it up to the administration of Vicente Fox, the legislative branch, and the country's state legislatures to pass the necessary constitutional reforms to allow the Senate to ratify this international instrument and thus give it jurisdiction over Mexico". According to Foreign Relations Secretary Rosario Green, the President-elect Fox "welcomed the decision" and "received it enthusiastically".

11 September 2000 HEADLINE: **Women Heads of State, Government Convene at the United Nations on Eve of World Summit, *UN Wire***

On September 5, women leaders gathered on the eve of the Summit to address and make recommendations for a "number of areas that they considered critical to the advancement of women...". Among other recommendations, the United Nations and governments were called upon to "Ensure the prevention and punishment of discrimination and violence against women, including in conflict situations; encourage international cooperation in combating all forms of violence and abuse, including trafficking of women; put into force the Statute of the ICC, which recognizes rape as a war crime; and recognize and take measures to prevent racist acts against women..."

6 September 2000 HEADLINE: **Day in the House, *supplied by New Zealand Press Association***

This article summarizes the issues discussed in the House of Parliament of New Zealand. After the third reading of the "International Crimes and the **ICC**" bill, the Parliament adopted the bill by 106 to 13.

5 September 2000 **HEADLINE: World Leaders to Adopt a Watered-down U.N. Declaration, *United Nations*, by Thalif Deen**

This article contrasts the original draft of the U.N. Millennium declaration to its final, "watered-down" version. In the original draft declaration, which was to be adopted during the historic summit, "heads of state and heads of government were urged to sign and ratify the Rome Statute of the **ICC**". "But due to objections from the United States, which has refused to sign the **ICC** Statute, the final declaration only calls on states to 'consider' signing and ratifying the Statute".

4 September 2000 **HEADLINE: International Laws "a critical necessity", *The Straits Times (Singapore)***

Dr. Tony Tan, Deputy Prime Minister and Defense Minister of Singapore, is reported as stating, "The need for the international laws to govern international relations has become more critical as the forces of globalisation have bonded the world community closer together." While applauding "the world community's decision to adopt the Statute of the **ICC**" in a keynote address at the fourth International Law Seminar, Dr. Tan emphasized that it was "only a first step" and that "the next big challenge is to set up a universal, effective and independent court that is accepted and actively supported by all the members of the global community".

2 September 2000 **HEADLINE: Al-Qadhafi calls on African leaders to withdraw from the World Bank, *BBC Summary of World Broadcasts*, source: *Libyan TV, Aug 30***

This article reports on Libyan leader Mu'ammar al-Qadhafi's address to the African and international leaders at a gathering in Sirte, August 30. Among the topics covered in his speech was "Opposition to a proposed **international criminal court**". He emphasized that "We can only approve this criminal court of Rome if we impose our conditions, because this court will try us only and will not try them. It is not in our interest, my brother leaders, for anything to proceed from the United Nations as long as the domination is by one single state, because everything will be in its interest..." He went on to say, "Never. Because we are convinced that a CIA director would not be brought to be tried before this court, while he perpetrated crimes such as the assassination of Salvador Allende, Cabral, Lumumba or took part in the liquidation of any other person..."

September/October 2000 **HEADLINE: Choosing Engagement: Uniting the U.N. with U.S. Interests, *Foreign Affairs*, by William H. Luers (President and Chairman of the UNA of USA)**

In this paper, the author criticizes both the U.N. and the U.S. for failing to cooperate effectively to meet new challenges. Luers criticizes the U.S. for building a "tradition of American exceptionalism" and failing to make "commitments in the areas of politics, security and law". He claims that the U.S. failed to realize that its interests are "best served by working with other nations and international bodies to reduce the traditional security challenges". Luers suggests that "the next president should reconnect these American instincts with American interests" by "strengthening the U.N. system" and "reviewing major international treaties the U.S. failed to sign and ratify" such as the **ICC** and others.

September/October 2000 **HEADLINE: Plaintiff's Diplomacy, *Foreign Affairs*, by Anna-Maria Slaughter, David Bosco**

This paper discusses the unique evolution of civil lawsuits in American courts that resolve an "ever-expanding list of conflicts" extending to international law. According to the authors, "plaintiff diplomacy" is a "new trend" that dates back to 1980 and includes suits against individuals for "grave violations of international law committed in the name of governments", suits against corporations, and lastly, suits against foreign governments "authorized and encouraged by the Congress and filed in an effort to achieve justice for victims of terrorism and oppression". In their research, the authors reveal the history of this 'new trend' by exploring the origin of these forms of civil litigation. They are concerned that "American courts today are walking a fine line between expanding a transnational legal system capable of enforcing international law and engaging in a unilateral legal expansion that will damage long-term U.S. interests". Moreover, they note "The juxtaposition of this increased involvement of U.S. courts in foreign affairs with the continued refusal to participate in bodies like the **ICC** creates the image of a country happy to haul foreign defendants into its own courts while stubbornly resisting even the remote possibility that its own citizens might be called to account."

31 August 2000 HEADLINE: Worldwide Justice against Dictators, *The Times (London)*

This letter from Mr. Geoffrey Robertson is a response to John Laughland, who argued that the Court would reflect the political priorities of the superpower. Robertson disagrees with Mr. Laughland's argument and states that "there are real problems for the development of international criminal justice..." and suggests that they will be addressed by "establishing [the ICC] as soon as possible" which "can play an important part in shifting the focus of international affairs, from realpolitik to justice, in the course of this century". (See Aug. 29, Headline: Forget the Rhetoric, this Court is just another Excuse for Superpower Bullying)

30 August 2000 HEADLINE: Gore Backs Greater U.N. Role; Bush Wouldn't Let it Lead GI's, *The Washington Times*, by George Archibald

This article explores the differences between the opinions of the two presidential candidates on the role of the U.N. Despite their differences on whether the U.S. should pay its dues to the U.N., both candidates endorsed the "world body's traditional role in weapons inspections, peacekeeping and humanitarian efforts". Unlike Bush, the vice president gave qualified support to U.S. "ratification and financial support of the ICC if we can correct certain significant flaws in the Rome Statute that have been identified by the Clinton-Gore administration".

30 August 2000 HEADLINE: In brief - UK Supports War Crimes Court, *Jane's Defence Weekly*

This article reports that the UK Foreign and Commonwealth Office has drafted legislation that would allow the UK to ratify the ICC Statute.

29 August 2000 HEADLINE: Courting the New World Court, *Knight Ridder/Tribune*, by Susan Riggs

This article justifies the U.S. "exceptionality" in world affairs and stance on the ICC. The author fears that "It would be a different kettle of fish to flip on CNN and see American servicemen being carted off to stand trial before a foreign tribunal" and those who might argue that the "US should receive special treatment (for saving the world from communism for example) will be disappointed". She insists on "forgetting the moral high ground argument" and questions, "How can everyone be equal before the law?" Ms. Riggs calls the principle of complementarity "an idea with its heart in the right place and its head in the wrong one". She further argues that "the proposed legislation is a noble attempt to swim against a tidal wave poised to thunder down on American legal shores".

29 August 2000 HEADLINE: Parliamentary Time and the Stance of the Tories will Decide the Progress of our ICC Bill, *The Guardian (London)*, by Peter Hain

This article stresses the importance of the ICC and the UK's ratification of the Statute. The author concludes, "A commitment by all the parties to the smooth passage of this [ICC] bill would be a clear message to the world's tyrants that the British people are united in wanting international justice."

29 August 2000 HEADLINE: New Networks of Power, *The Guardian*, by Titus Alexander

This letter argues that the "concerted authority of the rest of the world, acting through the UN...can stand up to the overwhelming [sic] might of the US" by working together "as over the statute for the ICC and the landmines ban". The author calls this an "opportunity to strengthen democratic accountability in international decision-making, so that no country, however, powerful, is above the law".

29 August 2000 HEADLINE: Human Rights in Nigeria, by Groups, *Africa News*, by Eze Anaba, *Vanguard Daily*

This article discusses the progress on human rights, as well as civil and political rights issues in Nigeria under the present administration headed by the President Olusegun Obasanjo. "In June 2000, the government affirmed its commitment to the international human rights regime by signing the treaty for the establishment of the ICC", the author states.

29 August 2000 HEADLINE: Real human security; Terrorism, drugs, disease get new attention, *The Washington Times*, by Lloyd Axworthy

This article, written by Mr. Axworthy, Foreign Affairs Minister of Canada, describes the shift in the debate about security from a focus on the state right to a focus on human rights. He criticizes the U.S. opposition to the ratification of the Ottawa Convention and the Rome Statute of the ICC claiming that "these institutions do not threaten American security; rather they enhance it, and exemplify and uphold the fundamental values that underpin American democracy and liberty".

29 August 2000 HEADLINE: Forget the Rhetoric, this Court is just another Excuse for Superpower Bullying, *The Times*

(London), by John Laughland

Comparing the ICC to the Nuremberg trial, the author predicts the ICC will be "another example...of an institution that lends legitimacy to the Great Power bullying of weaker nation states". According to Laughland, an "unconditionally surrendered" German Reich "was brushed aside" when the Germans suggested appointing judges from other countries (other than victorious allies). The author criticizes Article 48 of the Rome statute, which provides for the Privileges and Immunities of the Court, claiming that "General Pinochet could not have put it better". Mr. Laughland argues "Being the creation of states, [ICC] will reflect their political priorities."

28 August 2000 HEADLINE: U.S. Should Withdraw from United Nations, *Press Journal (Vero Beach, FL)*

This letter to the editor, written in response to the editorial "It's time to pay up", Aug.14, criticizes the "ignorance or denial of the constant efforts of the hate-America socialist bureaucrats at the UN to gain total control of the U.S". The letter further states that the General Assembly at its Millennium Summit "will meet alongside most of the world's heads of state...to endorse the UN's tyrannical Charter for Global Democracy". According to the writer, this charter gives the UN a "standing army with blanket authority to intervene in American affairs 'in crisis' ", and the "ICC the authority to prosecute Americans for violations against U.N. dictates without the protections of our Constitution".

28 August 2000 HEADLINE: Stopping the Killers, *The Evening Standard (Palmerson North)*

Noting the significance of New Zealand's ratification of the Rome Statute of the ICC, the British Foreign Secretary Robin Cook said, "The setting up the court will give notice to the dictators of the future that they won't so easily get away with their butchery". The author is surprised about the U.S. opposition and hopes that the U.S. will "in time come around because the new court will strike a powerful blow for global justice".

27 August 2000 HEADLINE: Civilian Conflicts a New Reality for the World to Tackle, *New Straits Times (Malaysia), by P.C. Shivadas*

Noting that "Civilians have become the overwhelming victims of conflicts in recent years" such as in Mozambique, where "they account for a staggering 95 per cent", the author appraises Canada's development of a "new foreign policy with a fresh set of priorities and initiatives", supporting the creation of the ICC, among others.

26 August 2000 HEADLINE: UK Could Jail War Criminals, *Western Morning News, by John Deane*

This article discusses the possibility of the UK offering to imprison "some of the world's most reviled criminals as part of its commitment to the planned ICC". Foreign Secretary Robin Cook stated, "As a leading advocate of the ICC, we also want to show that we are willing to accept our part of that obligation, and I have no qualms about it".

26 August 2000 HEADLINE: Cook Rallies to Genocide Court, *The Guardian, by Ewen MacAskill*

According to this article, Robin Cook, Foreign Secretary of the UK, urged the US to join "moves to set up an ICC". Describing the US concern as a "mistake", he added that "there's a strong judicial system in the US, it can take action itself if there are to be breaches of international humanitarian law by US servicemen in those circumstances the ICC does not apply...We in Britain would not be exposing our servicemen to vexatious prosecution." He said, "we are confident there is no risk of that". Mr. Cook declared that the ICC will send a "very clear signal to dictators around the world that they cannot get away with mass murder, genocide, or crimes against humanity, such as employing child soldiers."

25 August 2000 HEADLINE: HOME NEWS, *Press Association Newslife*

According to this brief, 'Shadow foreign secretary' Francis Maude warned, "We welcome any measures that will bring to book those who have committed crimes against humanity, but the British Government must proceed with proposals for an ICC with great care...[because] firstly, the court's effectiveness is questionable, as USA and China have so far declined to sign up to it. Second, there is concern surrounding the court's costs and who exactly will meet them. And third, questions of legal jurisdiction need to be answered."

24 August 2000 HEADLINE: Dying for Oil: Ten Years of War and Sanctions have left Iraqis..., *The Vancouver Sun, by Jillian Skeet*

The author of this article attacks the U.N. sanctions on Iraq for leading the nation to the decade of "devastation, death, and despair". The author claims that before the Gulf War began "Iraq was a sophisticated and wealthy nation". In criticizing the U.S. and British policy toward Iraq, the author states their "military action against Iraq cannot be justified under the principles of military self-defence contained in the UN Charter". Furthermore, "The U.S. maintains the world's largest stockpile of nuclear weapons, and the U.S. and Britain both refuse to uphold the pledge they made 30 years ago under the Non-Proliferation Treaty to disarm their nuclear weapons." Also, "[the U.S.] was out of step when the rest of the world agreed ... and joined the ranks of its demonized foes—Iraq and Libya—in refusing to endorse the establishment of the ICC".

23 August 2000 HEADLINE: Sanctions Against Iraq, *The Irish Times*

This letter to the editor was written in response to an editorial of August 4th. The writer calls for the "removal of the economic sanctions from the people of Iraq" as well as for the "maintenance of military and diplomatic sanctions against Saddam and his Ba'ath regime". Attacking the lack of appropriate distribution from the medicine and oil for food programme, the author also calls for bringing Saddam's regime "to task for its war crimes and crimes against humanity". In conclusion the author states, "This can only happen if he [Saddam] and his regime are indicted by the ICC...Only when Iraq is free of Saddam, with the beginnings of a democracy, can it be at peace".

22 August 2000 HEADLINE: In Chile, the Balance Tips Toward the Victims, *New York Times*, by Tina Rosenberg

This article describes a new trend toward the victim's right in Chile as well as Germany and South Africa. The author notes that "the world community could help achieve similar accountings in other countries if the ICC were up and running...[the ICC] offers the hope of international justice for those too powerful to be tried at home. The ICC could help solve a central problem of dealing with the past..."

20 August 2000 HEADLINE: In Change of Heart, Israel Considers Signing War Crimes Treaty, *Agence France Presse*, by Nomi Bar-Yaacov

According to this article, Foreign Minister Alan Baker has stated that Israel is considering signing the Rome Statute of ICC before the end of the year. The author reports that Justice Minister Yossi Beilin urged acting Foreign Minister Shlomo Ben Ami to consider signing as part of a review of all international pacts which Israel has refrained from signing or ratifying. Mr. Baker added that "the real significance of signing is to show support for the principles of the statute as well as an intention to become a party to the treaty".

17 August 2000 HEADLINE: They can run, but can't hide, *Asia Intelligence Wire*

"The Security Council voted to establish a special war crimes court to deal with the accusations of atrocities in Sierra Leone. Whatever reservations the USA, China and Russia may have about an international court, they agree to deal with the worst cases on ad hoc basis...." This article discusses the potential of the future ICC to restore justice of war criminals. The author concludes, "Being big and bad is no longer enough to strutt your stuff. The net is finally starting to close on those who do such evil. 'They can run but they can't hide'. This is momentous progress. It may not totally change the world, but it is not leaving it as we found it either. One day, it is possible to believe, we might have a world of laws not of men."

14 August 2000 HEADLINE: War crime suspects is bound to unpopular. But without due process, International Trbunals won't serve justice. *The American Prospect* by Henry Astier

This article criticizes the lack of due process and the failure of protecting defendants' rights in the war crime trials, in reference to the International Criminal Tribunals for the former Yugoslavia and Rwanda. "Those accused of war crimes are denied some of the basic protections defendants enjoy in the common-law tradition of Anglo-Saxon countries." The author expresses concern for the future ICC, for which "useful precedents" are being set when the ICC "takes over ad hoc tribunals and assumes jurisdiction over all cases of war crimes, genocide, and crimes against humanity".

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