



Fédération Internationale des Ligues des Droits de l'Homme

ORGANISATION INTERNATIONALE NON GOUVERNEMENTALE AYANT STATUT CONSULTATIF AUPRES DES NATIONS UNIES, DE L'UNESCO,
ET DU CONSEIL DE L'EUROPE ET D'OBSERVATEUR AUPRES DE LA COMMISSION AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

INTERNATIONAL FEDERATION
OF HUMAN RIGHTS

FEDERACION INTERNACIONAL
DE LOS DERECHOS HUMANOS

الفدرالية الدولية لحقوق الانسان

Press Release

First Assembly of States Parties to the International Criminal Court High risk for the ICC

Paris, 30th August 2002 - The First Assembly of States Parties (ASP) of the International Criminal Court (ICC) will convene at the United Nations Headquarter in New York from September 3 to 10, 2002.

The FIDH, which has actively participated in the negotiations of the Statute and its additional instruments¹, considers this first meeting of States that have ratified the Rome Statute as historic. It constitutes an essential step in the establishment of an independent international criminal justice which finally allows victims of the most heinous crimes - genocide, war crimes and crimes against humanity - to be heard. Intervening in the context of the all-out American offensive against the ICC, this session is not without risk for the effectiveness and independence of the Court.

Since the adoption in Rome in July 1998 of the Statute of the first permanent International Criminal Court, 139 States have signed the Treaty and 78 States have ratified it, allowing the entry into force of the Court on July 1, 2002. Although the 15 Member States of the European Union and numerous Eastern European, African and Latin American countries are parties to the Statute of the Court, the same cannot be said of Asian countries and countries located in the South and East of the Mediterranean. The FIDH continues to rally in favor of the universality of the ICC and maintains more than ever its campaign of ratification of the Statute of the Court.

¹ See on the FIDH website www.fidh.org amongst many documents on the ICC:

- Rapport de Position n° 1, Justice pour l'Humanité, novembre 1995
- Rapport de Position n° 2, Pour la Paix, Par la justice, juin 1998
- Rapport de Position n° 3, La route ne s'arrête pas à Rome, novembre 1998
- Rapport de Position n° 4, CPI : les nouveaux défis, juillet 1999
- Rapport de Position n° 5, La Commission préparatoire à mi-chemin, novembre 1999
- Rapport de Position n° 6, La loi française d'adaptation – enjeux et tabous -, septembre 2001
- Rapport de Position n° 7, : Fin des travaux de la Commission préparatoire pour la CPI, juillet 2002

Moreover, the FIDH is a member of the Executive Committee of the International Coalition for an International Criminal Court. Numerous documents on the Court are available on the website www.iccnw.org

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The first ASP will have a tremendous role : it will be responsible for adopting the complementary texts of the Rome Statute which have been negotiated since 1998 during the 10 sessions of the Preparatory Commission for the ICC including the Rules of Procedure and Evidence, the Elements of crimes, the budget for the first financial year etc. The ASP will also decide on the final procedure of nomination and election of the judges, whose quality and independence are essential for the good functioning of the Court.

The first ASP will be held in the context of strong US hostility to the Court. While the US obtained a Security Council resolution that grant – for one year renewable – a systematic immunity to nationals of non States Parties involved in UN Peace keeping operations, they are currently trying to rule out all surrender of American citizens to the Court. Having strongly expressed their opposition to the ICC, notably in the *American Service Members' Protection Act (ASPA)*, the United States are trying, through bilateral agreements, to prohibit all transfers of their citizens to the Court, and to ensure that American courts have a priority of jurisdiction for the crimes under the jurisdiction of the ICC.

The FIDH published an analysis on the American demarches “*No to the American exceptionalism – The United States under cover of the war against terrorism continue their destruction of the ICC*” available on the website www.fidh.org.

The US attitude is unacceptable as it, on the one hand, contrevenes with States Parties obligations to cooperate with the Court and on the other hand is shown as part of the anti terrorism global US strategy.

The FIDH strongly denounces the attitude of the United States vis-à-vis the International Criminal Court, for it sacrifices the founding of a better world for opportunistic and short- sighted interests. The FIDH calls on all States to oppose such proposals by the United States and to reaffirm their commitment to an independent, effective international criminal justice system.

The FIDH wishes to congratulate the 78 States Parties to the Court which, despite the current anti-ICC offensives, maintained their commitment to the emergence of an independent international criminal justice system.

The FIDH urges those States to confirm their commitment by refusing to reopen the additional texts of the Rome Statute. Such a possibility would erode the jurisdiction of the Court and its credibility.

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