




# The International Criminal Court MONITOR

The Newspaper of the NGO Coalition for the International Criminal Court

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139 Signatures  
47 Ratifications



UN Secretary-General Kofi Annan, who with the United Nations was awarded this year's Nobel Peace Prize, attended a recent CICC reception and expressed his view that "we will have the Court." Page 3



To raise awareness of the importance of the ICC for the Arab region and enhance understanding of how the Court will function, members of the Arab NGO Coalition for the ICC have organized several important conferences in the region, in addition to disseminating information and undertaking direct outreach to governments. Pictured here are participants in a conference held in Amman, Jordan in December 2000, organized by MIZAN - Law Group for Human Rights and the Sisterhood Is Global Institute, which had more than 300 government and NGO participants. Another important regional training session for lawyers was held in Cairo, Egypt, in May 2001, organized by ACILP, whose work to coordinate the Arab Coalition for the ICC is highlighted in this issue.

## AS 60 APPROACHES, DECISIONS IN REMAINING REGIONS WILL AFFECT INFLUENCE

By Nasser Amin



The need for countries to focus on the enactment of strong domestic implementation legislation is becoming more urgent by the day. Hugo Relva, an Argentinian lawyer and expert on the ICC, provides an overview of what's required and why it's important, as well as reviewing progress made to date in Latin America. Page 5

A fundamental shift is taking place across the world, involving an acceptance that international standards of justice must not only be in place, but must be enforceable, and enforced. Sovereignty arguments are no longer acceptable as justification for failing to prohibit by law the commission of crimes as serious as genocide, crimes against humanity, war crimes and others, and to enforce these laws. The rapid results of the effort to establish the International Criminal Court is evidence of this shift.

the region has ratified, a total of thirteen states signed the treaty before the deadline. Sources indicate that several Arab countries are now establishing high-ranking committees to examine the ICC Statute. In addition, Arab countries have been very active at the UN Preparatory Commission on the ICC, and representatives of the Arab League and individual Arab countries have met with NGOs during these sessions to exchange information and views.

Only a short time ago, it was thought that it would take many years for a treaty establishing such a Court to be finalized, and perhaps many generations before countries would accept its jurisdiction over their nationals. Yet the world was more ready than anticipated. The treaty was negotiated and accepted by an overwhelming majority at one five-week conference, and it is expected that the necessary sixty countries will have ratified before the fourth anniversary of its adoption.

At the Rome conference and since, Middle Eastern countries have focused on several specific issues. These have included finding an acceptable definition of the crime of aggression, and limiting the authority of the Security Council in activating the role of the Court with regard to this crime. This interest is one of the principal reasons that Arab states should ratify the treaty: the Preparatory Commission will not finish the work on the crime of aggression, and it will be taken up by the ASP.



With 60 ratifications approaching and support from Asia lagging behind, Dr. Ahmed Ziauddin, an expert on the ICC from Bangladesh, highlights the importance of the Court to the region and the work being done by Asian NGOs. Page 6

While it was originally anticipated that countries of the South would remain wary that the ICC will be controlled by the most powerful countries, Latin America, Africa, the Caribbean and the Pacific are among the regions with strong support for the Court. Nevertheless, not all regions have responded as quickly: in Asia, only one country, Tajikistan, has ratified, while there are no ratifications from the Arab region.

Arab countries have also focused on the definition and elements of the war crime of the transfer by the Occupying Power of parts of its population into the territory it occupies, or the deportation or transfer of the population of the occupied territories. Again, this is an important reason to ratify the treaty: the definitions and elements of war crimes have been drafted and the most important thing now is to affect how they will be interpreted by the Court's judges. Presumably, Arab countries would prefer to have their own judges examining these cases.

The ICC will be independent, fair and effective only if all regions are involved in cooperating with the Court and are equally represented in the body that will oversee the work of the Court, namely the Assembly of States Parties (ASP). The ASP will have the power to consider and adopt all documents drafted by the Preparatory Commission, elect judges, provide management oversight to the Court, and many other important tasks. All States Parties will be equally represented at the ASP, having one representative (and alternates and advisers) with one vote. Only countries that ratify the treaty can nominate judges.

Regions of the world which have been most affected by conflict and war are the ones that should be leading the charge to establish an international institution that can help to address conflict and to prevent further violence. As this issue of the Monitor demonstrates, the momentum to obtain 60 ratifications (and many more) remains strong. Now is the time for those regions that are lagging behind to recognize the potential of this institution and the influence they can continue to have if they are among its initial supporters.

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NGO Coalition for the ICC

The situation in Asia is considered in an article in this issue by Dr. Ahmed Ziauddin, an expert on the ICC in the region. Let us briefly consider the situation in the Arab region. While no country from

Nasser Amin is the Director of the Arab Center for the Independence of the Judiciary and the Legal Profession, and head of the Arab Coalition for the ICC.

"The advent of the International Criminal Court is one of the most important developments of our time. It will be particularly important in tackling the scourge of impunity."

Martin O'Brien, the Executive Director of the Committee on the Administration of Justice, an association of lawyers, academics and community activists working to improve the legal system in Northern Ireland.

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## About the ICC Monitor

The *ICC Monitor* is the quarterly newspaper of the NGO Coalition for the International Criminal Court produced in English, Spanish and French. Focusing on the International Criminal Court (ICC), it contains reports on worldwide events; updates on progress made at the UN Preparatory Commission; information about new resources and upcoming events; and articles about topics related to the prompt establishment of a fair, effective and independent International Criminal Court. Tens of thousands of copies are distributed worldwide to governments, international organizations, academics, civil society groups and individuals.

In addition to the *ICC Monitor*, the CICC

has other tools and resources for the dissemination of information to these audiences: the monthly *ICC Update*, with special versions for Europe and Ibero-America; listservs in English, French and Spanish; the CICC website in English and Spanish (a French site is being developed); comprehensive information kits (currently being translated into 12 languages); press releases; press kits; and ratification/implementation status reports.

These resources are produced for the benefit of all those involved in this process and we need your help to ensure they are widely distributed. Please contact the Coalition for more information.

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## Kofi Annan Addresses the CICC Reception During the 8th PrepCom - September 27, 2001

Thank you very, very much. I am extremely happy to be able to join you tonight and when I look at the room, and feel the energy that I do, then I know we're going to succeed.

I've had a very interesting experience with the ICC - our efforts to establish the ICC. Perhaps, I know Mr. Kirsch knows this, but not many of you will know, when the Statutes were adopted in Rome, I was on the other side of the world. I was in Argentina. But, I was on the phone with Hans Corell, the Legal Counsel. I was on an official visit and I had warned the Argentinean government that I may have to leave and break the visit and go to Rome.

Corell and I were on the phone and I had other appointments in Buenos Aires and I said, "Hans, where are we?" and he said, "Well, I think we may get it, but I'm not sure." And I said, "I'm about to leave for the airport to join you." He said, "Give me 20 minutes, I'll come back." I said, "I don't have 20 minutes." He said, "Well we have an important vote that is going to be taken and the results of the vote would indicate the possibility and the direction we are going to go." So I said, "I will tell you what I will do, I will head for the airport and when I get to the airport I will call you. If it's a go I will board the plane. If it is not, I will return to the city and continue my visit." It was that close.

When I got to the airport I called Hans and he kept saying, "Can you hear me? Can you hear me?"

I said, "Yes, I can hear you."

He said, "Can you hear the noise?"

I said, "Yes."

The vote had just taken place and the applause came from the Coalition. And here you are continuing the struggle and the fight. And I agree with you we will have the Court. I'm determined to work with the governments and with you to ensure that the Court is established in the next year. The Court will function and those who have been hesitant will in time, come on board. I don't think we should be deterred. We have hurdles ahead. We have lots of work to do. I was just talking to Mr. Kirsch about this, but we both agree that we will overcome these hurdles.

And I think the climate has changed somewhat since the 11th of September and I think we are going to get much more support that we had not counted on.



UN Secretary General Kofi Annan (right) addresses NGO and government representatives at a CICC reception during the Prepcom on 27 September 2001. Mr. William R. Pace (left), CICC Convenor, looks on.

But I am also particularly pleased to see so many young people here in this room rooting for the ICC. You are the future. And to be so determined to ensure that we have a world based on the rule of law both at the national and international level is very encouraging so I wish you - I wish us! - great success.

And I hope when the time comes that we have taken concrete and effective measure to establish the Court. I will not be that far away. But even if I am, I will come.

## Important Steps Taken in Preparation for ICC to Begin Functioning

By William R. Pace

The eighth session of the Preparatory Commission saw additional progress towards the creation of mechanisms and processes to facilitate the actual establishment of the Court. This progress is encouraging, although it is only the first of many concrete steps that must be taken to ensure the successful beginning of this first major international institution of the twenty-first century.

At the end of the seventh session of the Preparatory Commission, Ambassador Kirsch, the chair of the bureau, indicated the bureau's intention to develop more detailed plans, in order to better inform delegates and others about steps remaining to be taken by the Preparatory Commission. Ambassador Kirsch also identified Zsolt Hetesy (Hungary) as the contact point for the receipt of comments and suggestions relating to the development of these plans. At the eighth session, Mr. Hetesy introduced a road map, intended to outline documents and activities necessary to ensure the smooth operation of the Assembly of States Parties and for the most efficient establishment of the Court. The road map was adopted at the final plenary of the session.

The road map identifies the need for the Preparatory Commission to provide further guidance to the future Registrar of the International Criminal Court, specifically in relation to provisional internal rules relating to staffing and administration, budgetary and finance matters, and operational matters. The road map sets before the three new focal points the daunting tasks of developing

provisional rules in many critical areas of work of the Court. The focal points will require sustained and substantial support from States, from the ad hoc tribunals and from the Coalition, if they are to succeed. The Coalition looks forward to continued interaction with the bureau and with the ad hoc tribunals in identifying key issues in these areas and in ensuring that strong rules are developed that will prove an asset to the Court in its formative first years.

The road map also creates a sub-committee of the bureau, to serve as an interlocutor mechanism between the Preparatory Commission and the host country. This is a welcome development. Jozias van Aartsen, the Foreign Minister of the Netherlands, reiterated in his statement to the Preparatory Commission that "the Netherlands Government feels a special - but by no means exclusive - responsibility for the effective functioning of the Court." Minister Van Aartsen specifically called upon Ambassador Kirsch, as well as the other members of the bureau, ratifying States, experts and NGOs, to provide assistance to the host State in preparing for entry into force, and the roadmap and announcement of the interlocutor mechanism are responses to this call.

The Netherlands itself has taken several encouraging steps. First, it has expanded the size of its ICC taskforce to include ten people, from various national ministries. In his statement, Minister Van Aartsen noted that the host State has taken a decision on the site

for the permanent premises, and is preparing for an international architectural competition for the design of the ICC's buildings. The permanent site will comprise approximately 30,000 square meters and should be finished by 2007. Given this time frame, the Netherlands has also located a building for use as the Court's temporary premises. The Netherlands plans to spend more than 33 million Euro to refit the 12,000 square meter building for use by the Court. The Netherlands has also offered to provide office furniture and equipment for up to one hundred officials and staff members. Finally, the host State has agreed to contribute financially to the initial meetings of the Assembly of States Parties and its Bureau, and to fully finance the inaugural session of the Court, in The Hague.

However, as Minister van Aartsen noted, these preparations will only serve as a starting point. It is critical to ensure that the Court can begin to work from the very start, as soon as possible after the 60th ratification. It is important to keep in mind that unlike the ICTY, which is a UN organization, the ICC will start its operations from scratch, and the creation of mechanisms to address some of the preliminary matters does not mean that the difficult work is over. The roadmap sets out a substantial amount of complex work that now needs to begin. Much detail needs to be filled in and in addition, as it would be

*Steps Taken in Preparation for ICC, continued on page 13*

## Meetings Worldwide Remove Barriers to Ratification & Implementation

The number of meetings and conferences that continue to be held all over the world to discuss the importance of the International Criminal Court (ICC) and review the main provisions of the Rome Statute is a further indication that the momentum towards the prompt establishment of the Court remains strong. Over the past three months alone, meetings involving government representatives, the media and civil society groups were held in Asia and the Pacific, Africa, Latin America and Europe. Important commitments were made at each of these meetings, both by governments and NGOs, to ensure that every region is represented at the first meeting of the Assembly of States Parties.



### Latin America: Andean Countries Support Ratification and Full Implementation

Under the auspices of the Foreign Affairs Committee of the Peruvian Congress, the National Ombudsman of Peru and the ICRC, the Andean Commission of Jurists and the CICC held, from 22-24 October, the international seminar, "The ICC and the Andean Region".

Participating government and civil society experts from Bolivia, Chile, Colombia, Ecuador, Peru and Venezuela updated each other on the ratification process in their countries and expressed their strong support for its successful completion in each Andean state (all have signed the Statute and two, Venezuela and Peru, have ratified). Experts also spent time analyzing in detail approaches to possible constitutional obstacles to ratification, and the basic requirements to implement the treaty's obligations into national law.

Peruvian Congress President, Mr. Carlos Ferrero, closed the seminar with a passionate call to "globalize justice", asking aloud why it is that globalization is described as an economic process before which national sovereignty has to be compromised, while compromise is not called for to ensure the universal protection of human rights. He also called on the United States to review its position on the ICC in order to strengthen, not weaken, this "future and indispensable instrument of justice."



Participants in the International Seminar "Andean Countries and the ICC" in Lima, Peru. Peru ratified the Rome Statute shortly after this seminar, on November 10, 2001. Venezuela, Argentina, and Paraguay are the other countries from the region that have ratified, while the process is well-advanced in Ecuador (near completion), Brazil, Colombia, Panama, and Chile. All Latin American countries except Nicaragua, El Salvador and Guatemala signed the Rome Statute.



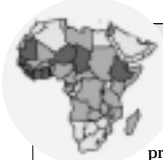
Participants at a recent meeting in Zagreb, Croatia, organized by the Croatian Law Centre. Hungary ratified in November and both Slovenia and Estonia have completed the process at the national level.



### Eastern Europe: Governments and Civil Society Make Stronger Commitments

The Constitutional and Legal Policy Institute (COLPI) held a meeting on ratification of the Rome Statute from 15-16 October 2001, in Budapest, Hungary. Participants included experts from most of the accession states to the EU (Latvia, Estonia, Czech Republic, Hungary, Poland, Romania, Bulgaria, Slovenia and Slovakia), as well as Croatia and Germany. The meeting was also attended by the Council of Europe, the ICRC and international NGO representatives.

The discussions centered around preparations for ratification and accession, including some of the key constitutional issues which many countries are addressing (immunities and non-extradition of nationals), and the basic elements of implementation. Some states learned for the first time about interpretive approaches to these issues to avoid the need for a constitutional amendment. The commitment of the participating governments to ratify promptly and their desire to be at the first meeting of the Assembly of State Parties were reaffirmed.



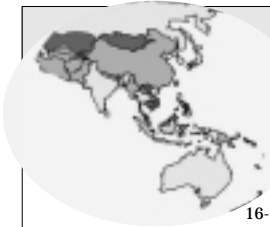
### Africa: Dakar Meeting Highlights Need for Prompt Implementation

As the first country to ratify the Rome Statute, Senegal also recognizes the need to implement the Rome Statute promptly, to ensure that it can try its own nationals if they were accused of a crime under the treaty and to be able to cooperate effectively with the ICC. During a conference on implementation of the Rome Statute, which took place in Dakar, Senegal from 22-25 October 2001, international experts, government and civil society representatives adopted a series of recommendations aimed at facilitating the efforts to harmonize the Rome Statute with Senegalese national law.

The conference was jointly organized by Organisation Nationale des Droits de l'Homme, Lawyers Committee for Human Rights, Fédération International des Ligues de Droits de l'Homme, and other members of the Coalition for the ICC. The opening ceremony was presided over by the Minister of Justice of Senegal. The Ambassadors of Switzerland, the Netherlands, Canada and France, members of Parliament and representatives of the Ministries of Justice, Foreign Affairs and Defense were present, as were international law experts from Senegal, Mali and Ivory Coast, and representatives of Senegalese and international human rights organizations.



(Left to right) Mouhamed Kébé, Director, International Justice Program at ONDH; Habibatou Touré, lawyer; Mike Perry, Canadian Ministry of Foreign Affairs; Amsatou Sow Sidibé, Law Professor at Cheikh Anta Diop University; Alphonse Déo Nkuzimana, Outreach Liaison, CICC, at the meeting in Senegal.



## Asia & the Pacific: Need to Work Harder on Ratification Highlighted at Three Meetings

Several important regional meetings were held recently in Asia and the Pacific, and will provide important impetus to the ratification campaign in the regions. The first, organized by Forum Asia and the Law Society of Thailand in cooperation with Asian NGOs, was a regional seminar in Bangkok, Thailand. Held from 11-12 September 2001, it brought together international experts, Asian governments and civil society representatives.

Next, senior government officials from Southeast Asia and Pacific states gathered in Manila, Philippines from 16-18 October. In attendance were representatives of Brunei, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, Vietnam, Fiji Islands, Palau, Marshall Islands, Samoa, Tonga, and Tuvalu. The three-day meeting was organized by the Centre for Restorative Justice in Asia (CRJA) and hosted by the Philippine government with the support of several governments, the ICRC and No Peace Without Justice.

Finally, from 3-4 November, ninety-two participants, including Nepalese political party representatives, legal professionals, journalists, human rights defenders and NGOs took part in a consultation on the establishment of the ICC in Kathmandu, Nepal. The consultation was aimed at promoting public awareness of the ICC with the ultimate goal of encouraging the government to support ratification of the Rome Statute. It was jointly organized by the Asian Network for the ICC (ANICC) and the Informal Sector Service Centre (INSEC).

At each meeting, speakers underscored the relevance of the ICC to the regions, and the urgency of ensuring the participation of countries from Asia and the Pacific in the Court's Assembly of States Parties. It was observed that such support must not be contingent on the support of the USA, Japan or any other powerful state. Commitments were made from many governments to work harder to promote the ratification process in their countries.



Cambodia's Vice-Chair of the Senate speaks on the relevance of the ICC to Asia during the national seminar held in Phnom Penh on May 30-31, 2001. At this meeting, Prime Minister Hun Sen pledged that Cambodia would be the first ASEAN nation to join the Court. This promise is now close to being fulfilled, as the the National Assembly unanimously endorsed Cambodia's ratification of the Rome Statute on 26 November 2001. All that is now required is the signature of the King and the deposit of the ratification instrument at the United Nations. Tajikistan is the only Asian country to have completed the ratification process to date, yet important progress has been made in other countries, and those most likely to ratify promptly are Mongolia, Thailand, Philippines, the Republic of Korea, and Bangladesh.

## The Need for Implementation: The Latin American Case

By Hugo Adrián Relva

When a state ratifies a treaty, it accepts the duty to enact implementing legislation in order to fulfill its obligations under the convention or pact. This is a principle of customary international law. The complementarity regime in the Rome Statute provides that the International Criminal Court (ICC) will step in only when a State with jurisdiction over the case is unwilling or unable to take on the case. This presents states with a unique opportunity to take responsibility for ensuring accountability when genocide, crimes against humanity and war crimes are committed. Effective implementing legislation will allow governments to exercise this option, while supporting their efforts to promote the rule of law and contributing to stability and public order. It will also allow them to fulfil their obligation to assist with cases that are before the Court.

In the case of Latin America, Argentina, Costa Rica, Paraguay, Peru and Venezuela are, to date, the only states that have ratified the Rome Statute. While we applaud these ratifications, it must also be recognized that ratification is not an indication that the state is able to cooperate adequately with the ICC or is capable of bringing those responsible for the worst crimes in the world to justice in their own countries. It is presumed that all States Parties will need to modify their national laws in some way to meet these obligations.

Most Latin American countries, whether

they are States Parties to the Rome Statute or not, have ratified the Genocide Convention, the Torture Convention, the four Geneva Conventions and the two Additional Protocols, and other international covenants on human rights and humanitarian law. However, the majority of the acts prohibited by those treaties are not yet crimes under national law in the countries that are parties to the treaties.

For example, in Argentina, even though the Genocide Convention and the Inter American Convention on Enforced Disappearances are considered part of the text of the national Constitution, because the Penal Code has not yet defined those crimes (which is a pre-condition to a tribunal's exercising jurisdiction), no one can be accused of committing such crimes. In other words, the crimes must be defined in national law in order for a national court to bring the accused to justice.

In Paraguay, although it is a State Party to the Geneva Conventions, only a handful of war crimes are included in the Penal Code and the Military Code of Justice, and only these crimes are punishable. In this case, national law is not consistent with international law, including the Rome Statute, and should be amended.

In Peru, while the Penal Code includes genocide, enforced disappearances and torture as offenses, most sexual crimes under the Rome Statute, except rape, are not punishable. Paradoxically, since the crimes

which are included are not an autonomous category of crimes within the Code (under special rules), they are subject to the same statutes of limitations and rules on superior orders as ordinary crimes, and this is contrary to international conventional and customary law. The new authorities in Peru should pay special attention to the need for full implementation of the Rome Statute and a committee to draft legislation, (a possibility that the Minister of Justice mentioned a month ago), should address these discrepancies.

On the cooperation issue, in 1997 Argentina passed a law on international criminal cooperation and mutual assistance in criminal matters, that replaced the old extradition law (1885). Curiously, this new law does not mention the international ad hoc tribunals nor, of course, the ICC. According to experts, surrender of persons to those tribunals is not possible because international tribunals are not "states", and extradition to states is the only possibility permitted in the new law. The new law does not allow any foreign tribunal or any international one (ad hoc or permanent) to sit in Argentina; surrender to international tribunals is not permitted and requests for cooperation or assistance from non-states entities are simply ignored. The rules of international criminal cooperation and

*The Need for Implementation continued on page 12*



Don Kraus, Director of Campaign for UN Reform addressing NGOs in Washington.

## Waging Law: Building Support for a Global Law-Based Approach to Combating Terrorism

By Don Kraus

"Attempting to prevent future terrorism by military action alone is like deciding to rid your lawn of dandelions by kicking their white, fluffy heads. Not only do you not get to the roots, but you spread the seeds for future growth. ... Killing the roots of terrorism will require the nurturing of justice." *Heather Hamilton, Co-Convenor, Washington Working Group on the ICC*

On September 11, 2001 the world shifted, and will never be the same again. Although it is most likely a coincidence that these attacks occurred on the scheduled opening day of the 56th Session of the United Nations General Assembly, it is not a coincidence that the U.N. system is too weak to prevent war, protect human rights, and provide for justice.

From stockbroker to janitor, and senator to mail clerk, everyone has been affected by September 11th. I never thought of lobbying as hazardous, until I had the misfortune of being near U.S. Senator Tom Daschle's office when an anthrax-laced letter was opened. As I stood in line for hours with thousands of Senate staffers to get tested, the message heard by those in line and around the world was that "there is no safe place to stand, unless we stand together." The Bush Administration heard this message on September 11th and detoured off its unilateral course - paying U.N. arrears and forming an anti-terrorism coalition. But this change in attitude is only a temporary crisis-born reaction and not the beginning of permanent and effective structural changes in the world order. The U.S. still opposes the International Criminal Court and the Biological Weapons Convention's verification protocols, was a no-show at the Global Warming and Test Ban conferences, and continues to push for a missile defense shield.

President Bush has proposed a doctrine that will "bring to justice individual terrorists who cause harm to people [and] the host governments that sponsor them." He envisions the United Nations taking "over the nation-building ... after our military mission is complete."

Asked if the United Nations could play a nation-building role in Afghanistan, U.N. Secretary General Kofi Annan wisely said it depended on the kind of mandate, resources and support given by member states.

The United Nations should be reluctant to blindly accept a role in Afghanistan scripted in Washington. Secretary Annan should play hard-to-get until the U.S. and its coalition partners guarantee the funds, personnel, intelligence, security, and political support it will take to bring Afghanistan back into the community of nations. But will sufficient resources be made available to transform a global coalition born out of terror into a force for justice and peace?

General George C. Marshall once said that U.S. policy must be "directed not against any country or doctrine but against hunger, poverty, desperation, and chaos." This is just as true post Sept. 11th as it was post-WWII. However, a 21st Century Marshall plan must be global in nature and more than just an economic package to succeed. Economies do not thrive if the political climate is unstable, oppressive, or corrupt. This means that a successful plan must include the notion that governments that do not allow for non-violent means of political change, and thereby breed terrorists, are just as dangerous as governments that harbor terrorists. This is perhaps more important than the Bush doctrine of holding nations that support terrorism accountable for their actions. Good governance is a more potent weapon than military force.

The United States and the coalition to fight terrorism should tie substantial assistance packages, technology transfers, military support, and membership in multilateral organizations to institutional reforms that create accountable, transparent, and responsible governments. International institutions, including the United Nations, must measure up to the same standards. Fanaticism and terrorism cannot thrive under sound legal regimes. Dollar for dollar, this will do more to defeat terrorism than cruise missiles and smart bombs. The U.N. and its agencies should administer many of these programs and facilitate the national dialogues that will be required in Afghanistan and

elsewhere to reach consensus on better and more responsive forms of governance.

The Security Council has called on Member States to offer assistance to rebuilding Afghanistan and encouraged them to "ensure the safety and security" in areas no longer under Taliban control. However, the United Nations must have the tools to accomplish meaningful change and address terrorism in a systematic way. The ad-hoc reaction to the events of September 11th highlights the U.N.'s need for built-in capacities to fulfill its core functions.

The roles of existing U.N. organs, such as the World Court and the Trusteeship Council, should be reexamined in this context. The International Criminal Court must be available to try captured terrorists when nations cannot or will not do so. The establishment of the court will both act as a deterrent to gross crimes against humanity and send a clear signal to terrorist leaders that they will have no place to hide.

The United Nations should have a police and security force to reestablish the rule of law and promote good governance in broken or transitional states, and at the very least, protect humanitarian workers and U.N. employees. The peacekeeping reform recommended in the Brahimi report must be implemented.

These and other reforms will not be achieved without the support of the United States and other Member States. But waging law and implementing a global law-based approach to combating terrorism is the only way the battle will be won.

*Don Kraus is Executive Director of the Campaign for UN Reform. CUNR Research Associate Leland Cogliani contributed to this article.*



Experts tackle the issues related to the Court from the Indonesian perspective during the National Workshop on the ICC held at Jakarta on June 22, 2001.

## A Continent in Need of the ICC: International Criminal Court Campaigns in Asia

By Dr. Ahmed Ziauddin

The Statute establishing the world's first permanent criminal court to try the most serious international crimes will come into force following its 60th ratification, perhaps even before the fourth anniversary of its adoption, on 17 July 2002. Ratifications are now proceeding at such a rate that while this article is being written 43 countries have ratified, yet when it is published the number could very well be closer to 50.

Advocates of international justice, and those engaged in the ICC campaign, have reason to be satisfied as a court comes into existence that only a few years ago was primarily of academic interest. States were not even contemplating the possibility of a common position on the international criminal court, let

alone working to establish such an institution.

Yet the encouraging trend of rapid ratifications is by no means universal. Some regions and continents have proceeded much faster than others. Europe, Africa, Latin America and the Caribbean have been at the forefront in producing ratifications. Yet only one country in Asia has ratified the ICC Statute, namely Tajikistan, on 5 May 2000, and it has not yet drafted the necessary implementing legislation.

### The Need to Climb This Everest

A brief glance at Asia reveals how important a permanent international criminal judicial

*Campaigns in Asia continued on page 15*

## Region-by-Region Overview of Progress Towards Entry Into Force

The momentum towards the establishment of the International Criminal Court has been steadily increasing each year since the adoption of the treaty at the Rome conference in 1998. Countries have found ways to overcome potential constitutional and other legal barriers to ratification, and have been making ratification a higher priority as it has been more and more clear how quickly the process is moving worldwide. When work began on this issue of the Monitor in November, there were 43 ratifications. At the time it went to press, 47 ratifications had been obtained. Only 13 more ratifications are now needed for entry into force. Nevertheless, the Coalition and its members understand the critical need to continue to obtain ratifications after this benchmark has been reached, as it will only be through worldwide support that the Court can function efficiently and as fairly as possible.



Liechtenstein ratified on October 2, 2001



Central African Republic ratified on October 3, 2001



United Kingdom ratified on October 4, 2001



Switzerland ratified on October 12, 2001

The following table provides an overview of the ever increasing support for the Court. Thanks go to Louis-Marie Nindorera, Director of Ligue Iteka in Burundi, for providing this chart. For more information please refer to the country-by-country report on the CICC website ([www.iccnw.org](http://www.iccnw.org)) and previous editions of the *ICC Monitor* and the *ICC Update*.

### RATIFICATION PROCESS AT A GLANCE PROGRESS ( in chronological order ), as of 26 December 2001

Year	Ratifications	CONTINENT				
		Africa	America	Asia	Europe	Oceania
1999	6	2 Senegal (1) Ghana (6)	1 Trinidad & Tobago (2)	0 -	2 San Marino (3) Italy (4)	1 Fiji (5)
2000	21	6 Mali (15) Lesotho (16) Botswana (18) Sierra Leone (20) Gabon (21) South Africa (23)	3 Belize (8) Venezuela (11) Canada (14)	1 Tajikistan (9)	9 Norway (7) Iceland (10) France (12) Belgium (13) Luxembourg (19) Spain (22) Germany (25) Austria (26) Finland (27)	2 New Zealand (17) Marshall Islands (24)
2001	20	2 Nigeria (39) Central African Republic (41)	6 Argentina (28) Dominica (29) Paraguay (31) Costa Rica (33) Antigua & Barbuda (34) Peru (44)	0 -	11 Andorra (30) Croatia (32) Denmark (35) Sweden (36) Netherlands (37) Yugoslavia (38) Liechtenstein (40) U.K. (42) Switzerland (43) Poland (46) Hungary (47)	1 Nauru (45)
<b>TOTAL</b>	<b>47</b>	<b>10</b>	<b>10</b>	<b>1</b>	<b>22</b>	<b>4</b>



Peru ratified on November 10, 2001



Nauru ratified on November 12, 2001



Poland ratified on November 12, 2001



Hungary ratified on November 30, 2001



# International Mechanisms Called For

The NGO Coalition for the ICC wishes to express again our deepest regret for the loss of so many lives in the terrorist attacks on the United States on September 11th. We also wish to extend our sincere condolences to the families and friends of the victims. Those victims were from countries from all over the globe, and Coalition members and staff were among those personally affected by the events.

While many are still dealing with the impact of this enormous tragedy, organizations, governments and individuals have been working to contribute to the debate on the appropriate response, and discussing issues of peace building, international security and international law more generally. The recent general debate at the United Nations 56th General Assembly meetings, as well as the terrorism debate and the debate on the ICC in the Sixth Committee, provided important opportunities to discuss these issues, and many governments took the opportunity to emphasize the need for global responses, stronger mechanisms of international justice and the prompt establishment of the ICC in particular.

Below are a few excerpts from statements issued by CICC members after September 11th and from government statements made recently at the United Nations. Please note that the CICC member statements do not necessarily reflect the views of all Coalition members, nor of the Coalition Secretariat.

For the full transcripts of these and other statements, please visit our website at [www.iccnw.org](http://www.iccnw.org), or email [cicc6@iccnw.org](mailto:cicc6@iccnw.org).



Credit: UN/DPI Photo by Milton Grant

## Mary Robinson, United Nations High Commissioner for Human Rights

"[Based on existing jurisprudence, this] deliberately planned assault on a large number of civilians, in my view undoubtedly constitutes a crime against humanity. We have had the jurisprudence of the two tribunals – the international tribunal for the former Yugoslavia, the international tribunal for Rwanda, but we also have the statute of the International Criminal Court and the work in progress of the International Law Commission."



## Seyed Mohammad Khatami, President of the Islamic Republic of Iran

"In addition to a comprehensive approach and a strong political will, a genuine strategy to fight terrorism requires political consensus so as to disallow any type of justification or application of double standard in this process. This requires international mechanisms as well as fair and legally binding instruments."



## Louis Micheal of Belgium on behalf of the EU and associated European Countries

"Recent events have once more demonstrated the urgency of effectively establishing the International Criminal Court."



## Juan Valdés of Chile on behalf of the Rio Group

"It is our belief that the Court's establishment will also be a powerful deterrent against future authors of such atrocities. It is therefore a critical instrument for strengthening the rule of law and creating a stable peace."



## George W. Bush, President of the United States of America

"In a second world war, we learned there is no isolation from evil. We affirmed that some crimes are so terrible they offend humanity, itself. And we resolved that the aggressions and ambitions of the wicked must be opposed early, decisively, and collectively, before they threaten us all."



## Martin Belinga Eboutou, Permanent Representative of Cameroon to the United Nations

"After this tragedy, no State, no authority can continue to deny that terrorism is one of the threats to security and peace in the world...Recent events should encourage States to sign and ratify [the various conventions on terrorism], as well as the Rome Statute on the International Criminal Court." (Note: unofficial English translation)





# To Combat Global Problem of Terrorism

## Benjamin Ferencz, Prosecutor, Nuremberg Trials

"Hijacking planes and deliberately and intentionally smashing them into large buildings, thereby causing the death of thousands of innocent civilians, is clearly a crime against humanity."



## Fellowship of Reconciliation

"We believe that the international criminal court and the rule of international law must be upheld over the use of military power as the proper means for seeking justice and redress for the people of the United States, and for all other people who have been victimized by armed violence."



## Lawyers' Committee on Nuclear Policy

"To attract support and cooperation of countries in the Middle East, and to advance an international regime on suppression of terrorism, the best approach to trying suspects would be the establishment of an ad hoc tribunal, by the Security Council or interested states, and prosecution under a statute including crimes against humanity as defined in the Rome Statute, the treaty establishing the International Criminal Court."



## Women's Caucus For Gender Justice

"The International Criminal Court could be an avenue for justice for countless women victims of the crimes within the Court's ambit who otherwise would have no other recourse when their national legal systems fail or are unable to afford them redress."



## Forum Asia

"National and international laws and criminal justice systems should be utilized to bring the perpetrators of these heinous crimes to justice. The ratification by the Philippine Senate of the Rome Statute for the ICC would be a contribution to the immediate establishment of the ICC."



## Parliamentarians for Global Action

"We call on all governments to: ...join the US in identifying and bringing to justice the perpetrators of this crime against humanity; support the rebuilding and restoration of New York's Financial District; develop a coordinated strategy to halt international terrorism, including the resolution of conflicts and injustices that provide breeding grounds for terrorists, as well as targeted sanctions, the freezing of financial and other assets, and the selective and legal use of force."



## No Peace Without Justice

"No Peace Without Justice would like to suggest that adhering to the Statute of the International Criminal Court, giving it impetus, contributing to its early entry into force, and designating as crimes against humanity acts like those committed on 11 September, would be one of the most courageous, noble and far sighted responses that George W. Bush and the American Congress could make at this moment."



## Human Rights Watch

"Under the most recent definition of crimes against humanity as set forth in the statute of the International Criminal Court, acts such as murder and 'other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health' qualify as crimes against humanity 'when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.' Human Rights Watch believes that the deliberate hijacking of passenger planes and their use as explosives against office buildings causing some five thousand deaths would constitute a 'widespread' attack."



(Left to Right) U.N. Secretary-General Kofi Annan, U.S. President George W. Bush at "ground zero" site of the World Trade Center in New York. Credit: UN/DPI Photo by Eskinder Debebe

## UPCOMING EVENTS RELATED TO THE ICC TENTATIVE

### January 2001

<b>4 January</b>	A public lecture on the ICC and launch of Student Coalition on the ICC to be held at Makerere University, <i>Kampala, Uganda</i> For more information, e-mail Mary Kaboggoza at: <a href="mailto:ciceafrica@iccnw.org">ciceafrica@iccnw.org</a>
<b>7-8 January</b>	National ICC Consultation to launch South Africa's implementing legislation for the ICC Statute, <i>Pretoria, South Africa</i> For more information, e-mail David Donat-Cattin at: <a href="mailto:donat@mail.pgaction.org">donat@mail.pgaction.org</a>
<b>7-8 January</b>	"Terrorism and International Justice in the XXI century," a seminar jointly organized by National Human Rights Commission and Rights and Justice, with the collaboration of the Portuguese Women Advocates' Association, Amnesty International Portugal, the European Law Students Association, and the International Law Association, to include discussion of the ICC, <i>Lisbon, Portugal</i> For more information, contact Ms. Alice Albuquerque, Tel: (351)21 319 73 11
<b>25-26 January</b>	"Internationalized Criminal Courts and Tribunals: Practice and Prospects," organized by The Amsterdam Center for International Law (ACIL), the Project on International Courts and Tribunals (PICT) and No Peace Without Justice (NPWJ), <i>Amsterdam, the Netherlands</i> For more information, visit the website <a href="http://www.jur.uva.nl/acil/events.htm">http://www.jur.uva.nl/acil/events.htm</a> or e-mail NPWJ.net@agora.stm.it
<b>29-31 January</b>	"ICRC-ECOWAS Regional Seminar on Ratification and Implementation of the Statute of the International Criminal Court," a seminar organized by the ICRC, the Economic Community of West African States (ECOWAS), and the ICC Technical Assistance Program of Canada, <i>Abidjan, Côte d'Ivoire</i> For more information, contact Joanne Lee at: <a href="mailto:jlee@law.ubc.ca">jlee@law.ubc.ca</a> or email Barbara Bedont at: <a href="mailto:barbarabedont@yahoo.com">barbarabedont@yahoo.com</a>
<b>January/February</b>	"ISHR Workshop" on the ICC, organized by The International Society for Human Rights (ISHR), with a focus on human rights NGO leaders in Russia, <i>Moscow, Russian Federation</i> For further information, contact: <a href="mailto:intern-society@mtu-net.ru">intern-society@mtu-net.ru</a>



### February 2001

<b>February</b>	Regional NGO meeting on campaigning for ratification of the Rome Statute in Guatemala, El Salvador, Nicaragua and Honduras, organized by Human Rights Watch and Coalicion Guatemalteca por la Corte Penal Internacional, <i>Guatemala City, Guatemala</i> For more information, e-mail Brigitte Suhr at: <a href="mailto:suhrb@hrw.org">suhrb@hrw.org</a>
<b>12-16 February</b>	Regional Training Workshop on International Justice for NGOs from Eastern Europe and the Balkans, organized by Fédération Internationale des Ligues des Droits de l'Homme (FIDH), to include discussions on the ICC, <i>Moscow, Russian Federation</i> For more information, e-mail Jeanne Sulzer at: <a href="mailto:jsulzer@fidh.org">jsulzer@fidh.org</a>



### March 2001

<b>5-6 March</b>	"Conference on ICC Ratification in South Asian States," for parliamentarians, government representatives, and NGOs from Bangladesh, India, Maldives, Nepal, Pakistan and Sri Lanka, <i>New Delhi, India</i> For more information, e-mail David Donat-Cattin at: <a href="mailto:donat@mail.pgaction.org">donat@mail.pgaction.org</a>
<b>7 or 8 March</b>	Conference on the ICC organized by the Law University of Lithuania, <i>Vilnius, Lithuania</i> For more information, e-mail Justina Zilinskas at: <a href="mailto:justisz@lta.lt">justisz@lta.lt</a>
<b>11-13 March</b>	"Fighting Impunity: Stake and Perspectives," a conference jointly organized by Amnesty International-Belgium and the CICC, with the support of the Belgium Ministry of Foreign Affairs, <i>Brussels, Belgium</i> For more information, e-mail <a href="mailto:ciceurope@iccnw.org">ciceurope@iccnw.org</a>



### April 2001

<b>8-19 April</b>	Ninth Preparatory Commission on the ICC, <i>United Nations, New York, USA</i> For more information, e-mail <a href="mailto:cicc@iccnw.org">cicc@iccnw.org</a>
<b>29 April - 3 May</b>	"Victor Carlos Garcia Moreno," international mock trial of the ICC, organized by the Mexican Association of the International and Comparative Human Rights Studies and COLADIC-Mexico, <i>Mexico City, Mexico</i> For more information, visit the COLADIC website at: <a href="http://www.coladimx.org">http://www.coladimx.org</a> or e-mail Paulina Vega at: <a href="mailto:paulina@coladimx.org">paulina@coladimx.org</a>

## Key Agreements Finalized and New Roadmap Introduced at PrepCom

By Jennifer Schense

The eighth session of the Preparatory Commission for the International Criminal Court (PrepCom) was held at UN Headquarters in New York from 24 September-5 October 2001. It completed several critical documents and was the stage for important announcements by the host state of the future Court, and for the provision of advice by the Registrars of the two current ad hoc tribunals.

The eighth session comprised seven working groups, four of which completed their draft agreements and adopted them for inclusion into the final report of the Preparatory Commission. These four were the Working Groups on the Relationship Agreement, the Financial Regulations and Rules, the Agreement on the Privileges and Immunities of the Court, and the Rules of Procedure of the Assembly of States Parties.

These four agreements constitute a significant new contribution to the working parameters of the Court. The relationship agreement sets forth the parameters for cooperation between the ICC and the UN, including the mechanisms for cooperation between the Prosecutor and the UN and between the Security Council and the Court. The financial regulations delineate the ICC's budget and audit processes, as well as how funds may be raised, appropriated, invested and otherwise managed. The agreement on privileges and immunities describes the status of the ICC as an institution, as well as work-related protections for its representatives at the seat of the Court and in the field. The rules of procedure of the Assembly set out the rules by which the Assembly will hold discussions and take decisions and generally further enunciate the powers the Assembly is granted in the Rome Statute. The rules also describe the process for accreditation of representatives, the role of observers and the shape of subsidiary bodies of the Assembly.

In addition, two new issues began to be addressed at this session of the Preparatory Commission: the basic principles governing the headquarters agreement, and the first year budget. The chair of the Preparatory Commission appointed Zsolt Hetesy (Hungary), the contact point for the headquarters principles, to coordinate the working group on basic principles. The chair appointed Rolf Fife (Norway) to coordinate the working group on the first year budget. Mr. Fife previously served as a coordinator for a working group on the Rules of Procedures and Evidence, focusing on penalties.

Finally, the crime of aggression continued to be discussed, with proposals for the first time presenting separately the ideas on the



The provisional site for the ICC in the Hague. This building will house the Court until the permanent premises are ready in 2007.

definition of the crime of aggression and on the conditions governing exercise of the ICC's jurisdiction over the crime. This was significant as it helped to facilitate separate discussions of these two elements of the negotiations, although some delegations continued to argue that the two elements must be examined together. In general, it appeared that important progress was made, and countries that had been tying their potential support for the Court to the outcome of the negotiations on the crime of aggression seem more willing to discuss ratification.

In previous issues of the *Monitor*, the Coalition has emphasized the urgent need to begin preparations for the actual establishment of the Court, as it became clear more than a year ago that an enormous amount of work would need to be completed prior to entry into force to ensure that the Court would not fail in its first months. Governments, NGOs and experts from the two ad hoc tribunals have been meeting for many months now, in an attempt to define more clearly what needs to be done. An indication was given at the seventh session of the PrepCom that the bureau would develop a more detailed plan to address these issues, and this promise was fulfilled at the eighth session, with the introduction of a 'road map'. Support for this document was widespread, and it was adopted at the final plenary of the session.

In order to fulfill the requirements of the road map, the chair created two new working groups of the Preparatory Commission. The first will deal with documents that have to be prepared for the Assembly of States Parties, including matters such as the bureau of the Assembly, the Secretariat of the Assembly, nomination and election procedures for judges and the prosecutor, and a flow chart with a detailed timetable and agenda for initial meetings of the Assembly of States Parties. This working group is identified on the work plan for the next session (available at [www.iccnw.org](http://www.iccnw.org)) as ASP-PD, for Assembly of States Parties-Preparatory Documents. The chair appointed Saied Mirzaee-Yengejeh (Islamic Republic of Iran) to coordinate this working group. The second will deal with remaining financial issues, such as remuneration of judges, the Prosecutor, and the Registrar, and the victims trust fund. This working group is identified as the working group for financial issues and will be coordinated by Rolf Fife (Norway).

In addition, three focal points were appointed to coordinate the preparation of initial draft texts of essential provisional internal rules. Phakiso Mochochoko (Lesotho) was appointed to oversee development of draft rules in the human resources and administration area, Christian Much (Germany) to coordinate development of draft rules in the area of budgetary and finance issues, and Sivu Maqungo (South Africa) to oversee development of draft rules on operational issues. The road map indicates that it would be useful to follow the past practice of inter-sessional open-ended meetings of experts as the time allotted through the PrepCom itself may not be sufficient.

Finally, the chair appointed a four member sub-committee, to serve as an interlocutor mechanism between the Preparatory



NGOs convene for a CICC strategy session before the 8th Preparatory Commission.

Commission and the host country. This sub-committee will be chaired by Silvia Fernandez de Gurmendi (Argentina), and also includes Andras Vámos-Goldman (Canada), Zsolt Hetesy (Hungary), and Patricio Ruedas (Spain).

In relation to actual establishment of the Court, the foreign minister of the Netherlands, Jozias van Aartsen, addressed the Preparatory Commission in a special plenary held on September 25, setting forth some additional details about the temporary premises of the Court, and about the future site of the permanent facilities of the Court. He also emphasized the need for close cooperation among the bureau of the Preparatory Commission, the host State, other ratifying States, experts and NGOs, to ensure that the Court is successfully established. The Preparatory Commission was also addressed by Adama Dieng, the Registrar of the International Criminal Tribunal for Rwanda, and Hans Holthuis, the Registrar of the International Criminal Tribunal for the former Yugoslavia. The announcements made by Minister van Aartsen and the advice of the ad hoc tribunal Registrars is discussed in the article by William Pace in this issue.

The chair expressed the view of the bureau that the Preparatory Commission would likely need to hold two sessions, each of two weeks duration, in the year 2002. The UN Sixth Committee included dates in its draft resolution on the ICC, which has now been adopted by the UN General Assembly. These dates are April 8-19, and July 1-12. The resolution also includes a request that the first meeting of the Assembly of States Parties be convened by the UN Secretary-General following the sixtieth ratification of the Rome Statute.

The PrepCom will continue to meet until the ICC Statute comes into force, with the sixtieth ratification. At that point, the Assembly of States Parties, a body of states that have ratified or acceded to the treaty, will be established to oversee the work of the Court. The PrepCom will remain in existence until the conclusion of the first meeting of the Assembly of States Parties, during which it is expected that the PrepCom will forward its work to the Assembly for final approval.

A full report of the eighth session of the PrepCom is available at [www.iccnw.org](http://www.iccnw.org) and a copy of the roadmap can be obtained by contacting the Coalition.

*Jennifer Schense is Legal Adviser, Coalition for the International Criminal Court.*

## Coalition Building: A Focus on the Arab NGO Coalition for the ICC

By the Arab Center for the Independence of the Judiciary and the Legal Profession



The Arab NGO Coalition for the establishment of the International Criminal Court (ACICC) was created by twenty-four Arab NGOs during a regional conference about the judiciary in the Arab region that was held in Beirut, Lebanon in June 1999. At this meeting, the founding organizations suggested that the Arab Center for the Independence of the Judiciary and the Legal Profession (ACIILP), the organizer of the conference and the initiator of the Arab Coalition, be the general coordinator of the ACICC.

At this meeting, it was also determined that the main activities of the ACICC should be: calling on Arab governments to ratify the ICC Statute; building collective and coordinated strategies in the Arab region for increasing public awareness of the ICC; publishing materials about the ICC; supporting all efforts of civil society, political parties and media corporations to promote the ICC; and holding a regional conference, within two or three years, to discuss supporting the establishment of an integral, permanent, and independent ICC.

By the end of October 2001, the number of ACICC member organizations has risen to 47, and the ACICC has undertaken many activities. The following are some of the highlights:

- Publishing an information booklet about the ICC and distributing approximately 7,000 copies throughout the entire Arab region in 2000.
- Making an Arab edition of a video about the ICC produced by the CICC. More than 4,000 copies were distributed in the Arab region.
- Coordinating several appeals to Arab diplomats and policy makers to encourage them to sign and ratify the ICC treaty. Important results were achieved, such as the agreement of the foreign ministry of Yemen to discuss the ICC with the Forum of Civil Society, a member of the ACICC.
- Participating actively in the UN Preparatory Commission on the ICC, with the support of CICC, including organizing meetings between the Arab Diplomat Group in the UN, representatives of the Arab countries in the ICC meetings, and CICC members. More recently, meetings have also been held with those responsible for the ICC in the Arab League, to discuss ratification.
- Organizing a regional seminar for 50 lawyers and human rights activists from the Arab region on the ICC in Cairo from 24 to 27 May 2001, with some technical support from the CICC. During this meeting, at which several international experts and diplomats lectured, participants suggested the establishment of a permanent secretary for the ACICC, and called for 17 July to be a day for international justice.
- Sending out more than 40 press releases on issues related

to the ICC.

In spite of these accomplishments, and taking into consideration the difficulties of obtaining support in the region, there are some challenges confronting the ACICC. First, given that the ACICC is not a formal organization consisting of active members, it is not always easy to carry out highly coordinated activities involving all members. This is in spite of the fact that the ACICC includes the five or six most prominent human rights organizations in the Arab region; it results from the atmosphere in which human rights activities take place in the region and from the workload of these organizations.

Second, only about half of the Arab League countries signed the ICC Statute before the deadline. As a result of some serious circumstances in the implementation of international justice standards, several countries fear the ICC will be used as a tool in the hands of superpower countries. The deliberately careful approach of the Arab League countries to the ICC creates some difficulties for the ACICC in carrying out its activities.

Finally, there has been no permanent secretariat to coordinate the ACICC, but rather an informal role played by the Arab Center for the Independence of the Judiciary and the Legal Profession (ACIILP).

Plans are now being made for the next phases of work. The priorities include creating the permanent secretariat of the Arab Coalition at the ACIILP; holding a regional conference on the ICC by mid-2002; and creating a center for information on international criminal justice, to be ready by August 2002, at the ACIILP offices.



Approximately 35 lawyers from Arab countries attended a training session in Cairo, organized by ACIILP, which took place from 24 - 27 May 2001.

*The Need for Implementation continued from page 5*

extradition in Bolivia and Uruguay look remarkably similar, since they contain grounds for refusal of requests for assistance by non-states entities.

These are only few examples of how the lack of legislation implementing the Rome Statute in domestic law may make the ratification process incomplete or partial and may prohibit the ICC from functioning effectively.

In general terms the main problems in Latin America seem to be: the lack of domestic criminalization of conduct prohibited in the Rome Statute and other international covenants; and the inadequacy of the current legislation on international criminal cooperation and mutual assistance.

There are several ways to address these problems. First, governments (or parliaments where this body is able) should be encouraged to set up committees to draft legislation implementing the Rome Statute. Second, the current committees should be monitored in their efforts to adapt national legislation to international law. Finally, legal assistance should be provided. This may include making concrete and specific suggestions to governments, so as to ensure that domestic legislation makes each of

the crimes under the Rome Statute also a crime under national law and that full cooperation with the Court is possible in the investigation and prosecution of crimes within the jurisdiction of the Court.

*Hugo Relva is a lawyer, a representative of Amnesty International-Argentina and a consultant for the Coalition for the International Criminal Court.*



Amb. Juan Antonio Yañez-Barnuevo, Head of the Spanish Delegation to ICC PrepCom and Brigitte Suhr, Counsel for HRW, at the Regional Seminar on Ratification and Implementation of the Rome Statute of the ICC, held in Buenos Aires, Argentina, from 20-22 June 2001. More than seventy Latin American and European government and NGO experts from 23 countries attended the conference.

## GET INVOLVED

Much is being said about the tremendous pace of efforts to ensure prompt entry into force of a fair, effective and independent ICC, yet there is a lot of work ahead. The efforts of CICC members at the national, regional and international level are having an enormous impact and we need your continued involvement and support. Below are a few ideas about what you can do....

If you are...

### **an NGO**

- \* join the Coalition and contact other NGOs and ICC networks in your region (visit the Coalition's website or ask us for more information)
- \* encourage other civil society organizations in your area to join the local network
- \* request information from your political representative about your country's ratification and implementation plans and share it with the Coalition
- \* urge your national and regional governments to ratify and implement the ICC Statute
- \* hold briefings for other civil society organizations and for the press to inform them about the ICC
- \* inform your membership about the ICC and encourage them to take action
- \* subscribe to the Coalition's listserv by sending a blank email to [icc-info-subscribe@yahoogroups.com](mailto:icc-info-subscribe@yahoogroups.com)
- \* link your website to the Coalition's website
- \* follow developments at the meetings of the UN Preparatory Commission

you can

### **an Individual**

- \* visit the websites of the Coalition and its members to learn more about the ICC
- \* sign up for the Coalition's listserv by sending a blank e-mail to [icc-info-subscribe@yahoogroups.com](mailto:icc-info-subscribe@yahoogroups.com)
- \* write a letter to the editor of your local newspaper in support of the ICC
- \* write a letter to your political representative, calling for his or her active and public support of the ICC
- \* conduct a petition drive to gather signatures in support of the establishment of the ICC and send the petition to your political representative
- \* encourage local groups with which you are involved (faith-based, community action, peace and other groups) to join the Coalition and become active on the ICC
- \* contact the Coalition to do translations of key information materials to the languages in your region
- \* monitor ICC media coverage in your region and send copies to the Coalition for distribution



#### *Steps Taken in Preparation for ICC, continued from page 3*

impossible to foresee all potential challenges, mechanisms must also be in place to ensure that difficulties that arise after the Court begins its operations can be addressed in a timely manner.

These points were emphasized by the Registrars of the ICTY and the ICTR, Hans Holthuis and Adama Dieng, respectively, in their addresses to the Preparatory Commission. Mr. Holthuis raised specific suggestions, speaking from the perspective of an organization faced with many of the same start up questions, and as an individual dealing with omissions made when the organization was originally established. He highlighted the need to ensure flexibility and "scalability" in the Court's systems, to allow it to adapt quickly to higher demands for its services. He also emphasized the need to bring in as early as possible qualified senior staff, who could fill out the ranks with experts capable of fulfilling the Court's mandate. In order to achieve these goals, he emphasized the need for a common services infrastructure to be put into place as soon as possible after entry into force with a start-up budget and someone to head the unit. This would allow for the creation of basic systems that would support the ability of the Presidency and the Prosecutor to begin work immediately following their elections. He offered the ICTY's expertise regarding the nature of these general services and how they could be most efficiently established for the ICC.

Mr. Dieng also emphasized the need for the Court to benefit from as much early planning as possible, so that when it does begin to

function, solid foundations are in place. "The international community," he argued, "will be expecting the ICC to perform and deliver from day one. It might not be expected to perform as smoothly as a world class Theatre Company to begin with, but it will need to perform nonetheless. If the foundations, administrative as well as judicial, are not in place, the result will be that the ICC will have to install everything from cables and lighting, to hiring a cast, to rehearsing the script, all while the audience is already seated, and the play has already begun. As the experience of the Tribunals has taught us, it is extremely difficult to put in foundations when the house is up and running."

The Coalition strongly commends to the sub-committee of the bureau and to the bureau itself the advice offered by the experts from the ad hoc tribunals and from the host State. Now, with the rapid approach of entry into force of the Rome Statute, there is no time to be lost in preparing for the actual establishment of the Court. The Preparatory Commission's leadership, as well as other interested States and experts, must be bold and imaginative in seeking practical solutions that will allow the Court to begin its operations on a solid footing and as soon as possible after entry into force. The Coalition remains committed to assisting the Preparatory Commission in this effort, leading into the final sessions of the Commission and through to the first meetings of the Assembly of States Parties.

*William R. Pace is Convenor, Coalition for the International Criminal Court and Executive Director, World Federalist Movement.*

## GET INFORMED

The following are some of the most recent resources on the ICC. If you have any additional information, please contact the Coalition.

### **Publications and materials produced by CICC members**

#### **Fédération International des ligues des Droits de L'Homme**

Website: <http://www.fidh.org>  
• La Loi Française d'Adaptation: Enjeux et Tabous, Report #6

#### **Parliamentarians for Global Action**

Website: <http://www.pgaction.org>  
• Parliamentarians for Global Action, Issue #12, a regular newsletter

#### **No Peace Without Justice**

Website: <http://www.npwj.org>  
• No Peace Without Justice, Issue #2/3, a regular newsletter

#### **Amnesty International**

Website: <http://www.amnesty.org>  
• International Criminal Court:  
Concerns at the eighth session of the Preparatory Commission, a discussion paper



#### **CICC Secretariat**

Website: <http://www.iccnw.org>  
• ICC Monitor, Issue #18, quarterly newspaper  
• ICC Update, Edition # 23, regular publication  
• European Newsletter, Issue # 19, a monthly newsletter focusing on European countries  
• Agenda CPL, Issue #6, a monthly newsletter in Spanish focusing on Iberoamerican countries

#### **Human Rights Watch**

Website: <http://www.hrw.org>  
• Making the International Criminal Court, a hand book for implementing the Rome Statute



#### **The International Human Rights Law Institute, DePaul University College of Law**

Website: <http://www.law.depaul.edu/~ihrl>  
• Progress Report on the Ratification and National Implementing Legislation of the Statute for an International Criminal Court, Edition #8, a regular newsletter

#### **The European Law Students' Association**

Website: <http://www.elsa.org/>  
• Selection of Judges: Procedures, Criteria and Political Influence on National Selection of Judges for the Highest Judicial Offices, a research paper  
• "International Law as we Enter the 21st Century" an edited volume of papers on the enforcement of international law

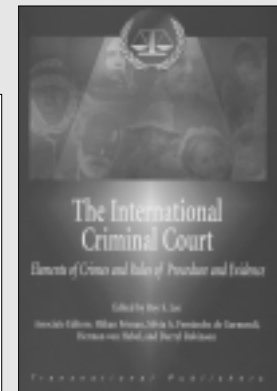
#### **Project on International Courts and Tribunals**

Website: <http://www.pict-pcti.org/home.html>  
• The Trust Fund for Victims (Article 79 of the Rome Statute), a discussion paper  
• The Financing of the International Criminal Court, a discussion paper

#### **Books on the Rome Conference and Preparatory Commission:**

Most negotiations on the Rome Statute and its companion instruments, including the Elements of Crimes and the Rules of Procedure and Evidence, were conducted informally without written records. A serious problem has therefore been the absence of pertinent travaux préparatoires for the interpretation and application of these important legal documents. A group of distinguished diplomats and jurists closely associated with the negotiations, many of whom chaired or coordinated negotiations on a particular subject or subjects, have collaborated in publishing their joint recollection of the legislative history of these instruments. These books were edited by Roy S. Lee, who was Executive Secretary of the Rome Conference, held several high level positions with the United Nations beginning in 1967, and is a Professor of Law at Columbia University, among other distinctions.

These resources are entitled "The International Criminal Court, The Making of the Rome Statute: Issues, Negotiations, Results" and "The International Criminal Court: Elements of Crimes and Rules of Procedure and Evidence." Both are available by contacting the Coalition office, or on-line at <http://www.iccnw.org>.





## NOBEL PEACE LAUREATES' CENTENNIAL APPEAL



We, the undersigned Nobel Peace Laureates gathered for the centennial of the Nobel Prizes, express our joy at this year's award to the United Nations and its Secretary General, Kofi Annan.

We hope that our message of peace and justice will reach the hearts and minds of those in and out of government who have the power to make a better world.

We look forward to a world in which we the peoples, working in cooperation with governments, with full respect for international law, will enable the UN to fulfil its mission to save this and succeeding generations from the scourge of war.

We call for the prompt establishment of the International Criminal Court and full implementation of the Universal Declaration of Human Rights, including economic, social, and cultural as well as civil and political rights.

We offer our support for the unrelenting, patient, and non-violent pursuit of peace wherever conflicts may rage today or tomorrow, such as the Middle East, Colombia, or the Great Lakes of Africa.

We commit ourselves to work for the elimination of all weapons of mass destruction and the reduction and control of small arms and other conventional weapons.

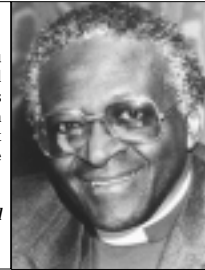
We call on the human family to address the root causes of violence and build a culture of peace and hope. We know that another world is possible, a world of justice and peace. Together we can make it a reality.

Oslo, December 10, 2001

Institute of International Law	1904
International Peace Bureau - Cora Weiss	1910
American Friends Service Committee - Mary Ellen McNish	1947
Norman E. Borlaug	1970
Máried Corrigan Maguire	1976
Amnesty International - Colm Ó Cuanacháin	1977
Adolfo Pérez Esquivel	1980
Lech Walesa	1983
Desmond Tutu	1984
International Physicians for the Prevention of Nuclear War - Bernard Lown	1985
Elie Wiesel	1986
Oscar Arias	1987
Rigoberta Menchú Tum	1992
Joseph Rotblat	1995
José Ramos-Horta	1996
Jody Williams	1997
International Campaign to Ban Landmines - Jerry White	1997
John Hume	1998

South African  
Nobel Laureate  
Desmond Mpilo Tutu  
(Peace, 1984) joined  
other Nobel laureates  
and peace advocates in  
calling for "the prompt  
establishment of the  
ICC."

*Credit: The Nobel  
Foundation*



### *Campaigns in Asia continued from page 6*

body is for the region. The twin tower crimes that epitomized crimes against humanity had their roots in Asia, and so Asia is also at the receiving end of US military actions in the name of self-defense. Afghanistan, a country already devastated by twenty years of conflict now heads towards total destruction. Afghanistan's immediate neighbors, nuclear armed Pakistan and India, are trading bullets every day, internal conflicts are rife in each sub-region of Asia, and specifically in India, Pakistan, Sri Lanka, Nepal, Myanmar, Indonesia, Philippines, Azerbaijan, and the two Koreas. As divergent a continent as it is, it has no region-wide organization, human rights norms, court or platform to resolve disputes.

In addition to armed conflicts between states, many millions have perished since World War II in Asia as victims of genocide of ethnic, religious, national and political groups, and politicides, in which victims are targeted primarily because of their political orientation. All of the core crimes embodied in the Rome Statute have been committed in Asia with impunity.

Asia needs the ICC to end this culture of impunity. International law and more importantly, the Rome Statute, could be an exceptionally useful tool to ensure that the future of Asian peoples is protected from abuses by criminal regimes or occupying armies. The ICC is an essential component of peace and justice in the region.

### **The Prospects for More Support in Asia**

In Asia, the absence or lack of the necessary political will has been the major obstacle to ratification of the Rome Statute. Most Asian countries were present at the Rome

conference, and a number of them have regularly attended the Preparatory Commission, yet only a handful have so far seriously taken to examining the Statute. The few that have mustered enough political will have made major inroads and are expected to ratify soon. Cambodia, Thailand, Philippines, Republic of Korea, and Bangladesh have already made considerable progress. The ratification bill is currently being considered by Cambodian legislators, while such a proposal has been pending in the Philippines Senate for some time. Basic work on ratification has also been completed in Bangladesh.

One difference between Asia and the regions where there have been more ratifications is that there have been no common positions on the ICC in Asia, while the European Union, Economic Community of West African States, Francophonie, South African Development Community, Caribbean Community, South Pacific Forum, Organisation of American States and others have either developed a common position or had an integrated policy on the ICC. In Asia, more efforts can be made to have the Association of South East Asian Nations (ASEAN) or the South Asian Association of Regional Cooperation (SAARC) address the issue of the ICC. While SAARC became virtually immobilized by hostile political dynamics in the region, in January 2002 it will hold a summit in Nepal for the first time since 1998; this will be an important opportunity for ICC advocates.

The Statute has not produced any particular problems in Asia that others have not confronted. Questions of immunity, extradition, national sovereignty in juridical matters, over-burdened legislative schedules, questions of accountability and past violations have all been raised to different

degrees in other regions. What is important is the political will; where it exists, these barriers are not insurmountable.

### **The Asian Campaign**

The campaign for the ICC in Asia has gained considerable momentum with the formation of a number of national coalitions of NGOs and other members of civil society, and the organization of national conferences and workshops. The most recent workshop was held in Nepal in October; one more major conference will take place before this issue is printed, in Laos. A national conference or workshop generates momentum in civil society, which often results in movement on the ICC in the government. To date, eleven such events have taken place in Asia, and many more must be organized. A pool of Asian experts on the ICC is developing to augment the campaign and region-specific materials have been developed and distributed.

The Asian campaign has recently been boosted with the appointment of a full-time Asia Coordinator of the Coalition for the ICC (CICC). With three focal points, the Asian Network for the ICC (ANICC), Forum Asia and Asian Human Rights Commission (AHRC), the international justice and ICC activists in Asia are determined to work for the establishment of an ICC that will have the participation of Asian countries. However difficult and long the process may be, impunity for the commission of serious crimes in Asia will eventually end.

*Dr. Ahmed Ziauddin is a professor at Brussels University, and a special adviser to the Asian Network for the ICC.*



## NGO Coalition for the International Criminal Court

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Email: [cicc@iccnw.org](mailto:cicc@iccnw.org)  
Web Address: <http://www.iccnw.org>



### About the NGO Coalition for the ICC

The main purpose of the NGO Coalition for the International Criminal Court is to advocate for the creation of an effective, just and independent International Criminal Court. The Coalition brings together a broad-based network of over 1,000 NGOs, international law experts and other civil society groups. The multi-track approach of the Coalition involves: promoting education and awareness of the ICC and the Rome Statute at the national, regional and global level; supporting the successful completion of the mandate of the Preparatory Commission and facilitating NGO involvement in the process; promoting the universal acceptance and ratification of the Rome Statute, including the adoption of comprehensive national implementing legislation following ratification; and expanding and strengthening the Coalition's global network. To achieve these goals, some of our activities include:

- Convening sectoral caucuses (Women's, Children's, Faith, Peace, and Victims'), national and regional networks, and issue working groups.
- Maintaining a World Wide Web site and email lists to facilitate the exchange of NGO and expert documentation and information concerning the ICC negotiations and the ad hoc Tribunals and to foster discussion and debate about substantive issues.
- Facilitating meetings between the Coalition and representatives of governments, UN officials and others involved in the ICC negotiations.
- Promoting education and awareness of the ICC negotiations at relevant public and professional conferences - including UN conferences, committees, commissions and preparatory meetings.
- Producing newsletters, bulletins, media advisories, reviews and papers on all aspects of efforts to establish the ICC.

### To Join the Coalition

The NGO Coalition for the International Criminal Court (CICC) welcomes the participation of non-governmental organizations from all sectors of civil society.

To be a participating organization of the Coalition, a non-governmental organization must (1) endorse in principle the creation of a permanent, just and effective International Criminal Court, (2) wish to be involved at some level in supporting the establishment of the ICC, (3) make an active commitment to the earliest possible world-wide ratification and entry into force of the Rome Statute for the ICC adopted on July 17, 1998, and (4)

make an active commitment to the adoption of comprehensive national implementing legislation following ratification.

We encourage both organizations and individuals to support the Coalition as they are able. There is no membership fee to join the Coalition. The Coalition does not have individual members. In general the Coalition does not take positions, but serves to raise awareness of the positions of its members. To join the Coalition, or to receive more information in the future, please fill out the form below and return it to the CICC Secretariat.

### To Subscribe to the Email List

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

[cicc-info-subscribe@yahoo.com](mailto:cicc-info-subscribe@yahoo.com)

### To Contribute to the Coalition

If you are interested in making a tax-deductible contribution to the Coalition, please make the check payable to the CICC and send it to:

NGO Coalition for the ICC, c/o WFM, 777 UN Plaza, 12th Floor, New York, NY 10017, USA

### States Parties and Signatories to the Rome Treaty Alphabetical as of 26 December 2001

States Parties	Ratification Date	Signatures	Signature Date
Venezuela	7 June 2000		
Yugoslavia	6 September 2001		
Jamaica	8 September 2000		
Jordan	7 October 1998		
Kenya	11 August 1999		
Kuwait	8 September 2000		
Kyrgyzstan	8 December 1998		
Latvia	22 April 1999		
Liberia	17 July 1998		
Lithuania	10 December 1998		
Macedonia,			
FYR	7 October 1998		
Madagascar	18 July 1998		
Malawi	3 March 1999		
Malta	17 July 1998		
Mauritius	11 November 1998		
Mexico	7 September 2000		
Monaco	18 July 1998		
Mongolia	29 December 2000		
Morocco	8 September 2000		
Mozambique	28 December 2000		
Namibia	27 October 1998		
Niger	17 July 1998		
Oman	20 December 2000		
Panama	18 July 1998		
Philippines	28 December 2000		
Portugal	7 October 1998		
R.of Korea	8 March 2000		
R.of Moldova	8 September 2000		
Romania	7 July 1999		
Russian Fed.	13 September 2000		
Samoa	17 July 1998		
Sao Tome et			
Principe	28 December 2000		
Seychelles	28 December 2000		
Slovakia	23 December 1998		
Slovenia	7 October 1998		
Solomon Is.	3 December 1998		
St. Lucia	27 August 1999		
Sudan	8 September 2000		
Syria	29 November 2000		
Tanzania	29 December 2000		
Thailand	2 October 2000		
Uganda	17 March 1999		
Ukraine	20 January 2000		
U.Arab E.	27 November 2000		
Uruguay	19 December 2000		
USA	31 December 2000		
Uzbekistan	29 December 2000		
Yemen	28 December 2000		
Zambia	17 July 1998		
Zimbabwe	17 July 1998		
Argentina	18 June 2001		
Austria	28 December 2000		
Belgium	28 June 2000		
Belize	5 April 2000		
Botswana	8 September 2000		
Central Af. R.	3 October 2001		
Canada	7 July 2000		
Costa Rica	7 June 2001		
Croatia	21 May 2001		
Denmark	21 June 2001		
Dominica	12 February 2001		
Fiji	29 November 1999		
Finland	29 December 2000		
France	9 June 2000		
Gabon	21 September 2000		
Germany	11 December 2000		
Ghana	20 December 1999		
Hungary	30 November 2001		
Iceland	25 May 2000		
Italy	26 July 1999		
Lesotho	6 September 2000		
Luxembourg	8 September 2000		
Liechtenstein	2 October 2001		
Mali	16 August 2000		
Marshall			
Islands	7 December 2000		
Nauru	12 November 2001		
Netherlands	17 July 2001		
New Zealand	7 September 2000		
Nigeria	27 September 2001		
Norway	16 February 2000		
Paraguay	14 May 2001		
Peru	10 November 2001		
Poland	12 November 2001		
San Marino	13 May 1999		
Senegal	2 February 1999		
Sierra Leone	15 September 2000		
South Africa	27 November 2000		
Spain	25 October 2000		
Sweden	28 June 2001		
Switzerland	12 October 2001		
Tajikistan	5 May 2000		
Trinidad &			
Tobago	6 April 1999		
U. Kingdom	4 October 2001		

**For More Information** Please return this form to: CICC c/o WFM, 777 UN Plaza, 12th Floor New York, NY 10017, USA fax: +1 212 599 1332

Name & Title	Organization			
Address	City	State	Postal Code	Country
Phone / Fax	e-mail			

My organization would like to be a participating organization of the NGO Coalition for an ICC as described in "To Join the Coalition".