



International Criminal Court: At a Glance

Rome Statute

- The International Criminal Court (ICC) was created by a treaty called the Rome Statute, which entered into force on July 1, 2002.
- By June 2005, **99 countries** had ratified the Rome Statute and joined the ICC. Most of the democracies of the world are members of the ICC, including Britain, Canada, Australia, Germany, France, and many others.
- The ICC only prosecutes the worst of the worst crimes:
 - **Genocide**,
 - **War Crimes**, and
 - **Crimes Against Humanity**.

Governance

- The ICC is an autonomous institution located in the Netherlands. It is not part of the United Nations.
- The ICC is overseen by the Assembly of States Parties, made up of representatives of every country that has ratified the Rome Statute.
- The Assembly of States Parties, among other duties,
 - Elects the judges and the prosecutor (and can remove them if they fail to uphold their duties), and
 - Debates and votes on any amendments to the Rome Statute.
 - Oversees the budget of the ICC.

People

- The ICC has 18 judges who serve nine-year, non-renewable terms.
- The first 18 judges were elected in February 2003. Canadian **Phillippe Kirsch** was selected as the first President or chief judge.
- The first Prosecutor, Argentine **Luis Moreno Ocampo**, was elected in April 2003.
- The Registrar, **Bruno Cathala** of France, who will oversee the administration of the Court, was elected June 24, 2003, for a term of five years.

Jurisdiction

- The ICC only has jurisdiction over crimes committed since **July 1, 2002**.
- The ICC **complements** domestic courts: it will always defer to national courts. **The ICC will only act when national court systems are unwilling or unable to do so.**
- If all the other requirements are met, the ICC may investigate and prosecute an individual if
 - The accused is a citizen of an ICC member state,
 - The alleged crime took place on the territory of an ICC member state,
 - The UN Security Council asks the ICC to open an investigation, or
 - A country voluntarily accepts ICC jurisdiction.
- **The Security Council can vote to block any investigation or prosecution.**

Crimes

Genocide:

The Rome Statute defines genocide as any of the following acts **committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group**:

- Killing members of the group;
- Inflicting serious harm on members of the group (including torture and rape);
- Deliberately inflicting conditions calculated to bring about the group's destruction (such as withholding food or medicine); or
- Preventing births within the group or forcibly transferring children of the group to another group.

Crimes Against Humanity:

Drawing on existing agreements, like the Convention against Torture, the Rome Statute defines crimes against humanity as any of the following acts when **committed as part of a widespread or systematic attack directed against any civilian population**

- Murder, Torture, or Enslavement (including trafficking of women and children);
- Extermination (including withholding food and medicine);
- Deportation or forcible transfer of population (ethnic cleansing);
- Imprisonment or confinement in violation of fundamental rules of international law;
- Rape, sexual slavery, enforced prostitution, forced pregnancy, or enforced sterilization;
- Persecution against any identifiable group based on gender, political affiliation, race, nationality, ethnicity, culture, or religion; or
- Enforced disappearance of persons.

War Crimes:

The Court has jurisdiction over war crimes that are **committed as part of a plan or policy or as part of a large-scale commission of such crimes**. Based on the Geneva Conventions, the Rome Statute includes the following war crimes (not a complete list):

- Conscripting or enlisting children under age 15 into armed forces;
- Taking hostages;
- Intentionally directing attacks against civilians not participating in hostilities;
- Intentionally directing attacks against peacekeepers and humanitarian aid workers;
- Deliberately impeding relief supplies;
- Use of poison gas; or
- Rape, sexual slavery, enforced prostitution, forced pregnancy, or enforced sterilization.

Cases Currently Before the Court

- So far, three countries, **Uganda, the Democratic Republic of Congo** and the **Central African Republic** have requested that the ICC investigate crimes committed on their territory.
- On March 31, 2005, the UN Security Council referred the situation in **Darfur, Sudan** to the ICC.
- The Prosecutor has opened formal investigations into war crimes, crimes against humanity and genocide committed in Sudan, Uganda and the Democratic Republic of Congo.
- The Prosecutor is performing a preliminary analysis of the situation in the Central African Republic and the situation in Colombia to decide whether either warrants a formal investigation. He is analyzing the gravity of the crimes, the jurisdiction of the court, and whether any national processes should take precedence over the ICC's jurisdiction under the principle of complementarity.
- An ICC investigative team has also been sent to the **Ivory Coast** to perform a preliminary analysis, and the Prosecutor recently announced that the Ivory Coast has voluntarily accepted ICC jurisdiction.