



## **THE INDEPENDENT STUDENT COALITION FOR THE INTERNATIONAL CRIMINAL COURT**

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### **ABOUT THE COALITION**

The Independent Student Coalition for the International Criminal Court (ISC-ICC) is the only nationwide non-profit, non-governmental student organization in the United States working solely to educate the American public about the International Criminal Court (ICC). While we are members of the Washington Working Group for the ICC (WICC), the American NGO Coalition for the ICC (AMICC), and the International NGO Coalition for the ICC (CICC), we remain an independent organization pursuing our own activities. The membership of the ISC-ICC is open to undergraduate, graduate, post-graduate and law school students at colleges and universities across the United States, as well as young professionals. The primary functions of the ISC-ICC are to raise American public awareness of the ICC through academia and scholarship, to dispel myths about the Court circulated by its critics, and to ensure eventual US cooperation with and participation in the workings of the Court.

The ISC-ICC, as an institution, takes no position on issues aside from the International Criminal Court. We believe that American foreign policy is best served by active American participation in the International Criminal Court. The ISC-ICC firmly maintains that US sovereignty will not be compromised by American ratification of the Rome Statute. On the contrary, the United States, in playing an active role in the establishment of the International Criminal Court, will be able to shape the Court to meet its policy goals without sacrificing American commitments to international security. By engaging in these negotiations, the US has a unique opportunity to serve as a model for justice worldwide.

The ISC-ICC was founded by President Christina Hartman in Washington, DC in November 2000 as part of a successful effort to secure then-President Clinton's signature to the Rome Statute. Irina Kebreau, Mohammed Rahman, William Lim, Elizabeth Trottier, Anna N. Astvatsaturova, Esti Tambay and Linda Rampertab were recruited soon afterward to serve on the Coalition's Executive Board. After 31 December 2000, when Ambassador David Scheffer signed the Rome Statute for the US, the ISC-ICC refocused its mission toward grassroots efforts and public education. The growing coalition is focusing itself on establishing liaisons at college and university campuses across the United States. Ambassador Scheffer, no longer in government service, recently joined the ISC-ICC as a charter member of the organization's Advisory Board.

### **PARTICIPATION IN NEGOTIATIONS**

The ISC-ICC currently maintains a consistent presence at the Assembly of States Parties (ASP) meetings. The ASP is the governing body for the Court, and negotiations for the ASP have been held at the United Nations since the Rome Statute establishing the International Criminal Court was entered into force on 1 July 2002. In the past, the ISC-ICC participated in the meetings of the Preparatory Commissions for the ICC, which were held at the United Nations following the Rome Conference.

Meetings of the Preparatory Commission were held to prepare for the Court's successful establishment and future operations. American students from across the country have participated in negotiations for the Court at the United Nations through the auspices of the ISC-ICC. Representing the next generation of American leaders, the ISC-ICC expects to continue to participate in negotiations when the Assembly of States Parties meetings move to The Hague in 2004.

### **BACKGROUND ON THE COURT**

The International Criminal Court (ICC) was established on 11 April 2002, and the Rome Statute establishing the Court was entered into force on 1 July 2002. The ICC is a permanent court that will investigate and bring to justice individuals who commit the most serious violations of international humanitarian law: the crime of genocide, crimes against humanity, war crimes, and once defined, the crime of aggression.

The ICC is a global institution with an international jurisdiction that extends only to those countries that are parties to the Rome Statute establishing the Court. The jurisdiction of the ICC complements national legal systems, and the Court can only step in when countries are unable or unwilling to try criminals in their own national legal systems, for crimes under the jurisdiction of the Court.

The ICC is headquartered at in the Netherlands at The Hague, with 18 judges that have been elected by the Assembly of States Parties, the governing body of the Court. The chief and deputy prosecutors will be elected at the United Nations this April by a majority of nations that have ratified the Rome Statute. Only nations that have ratified the Rome Statute may contribute judges and prosecutors. Unlike the International

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Court of Justice, which only allows states to bring suits against other states, the ICC will have the ability to try individuals. Unlike the Rwandan and Yugoslavian War Crimes Tribunals, the jurisdiction of the ICC will not be limited chronologically or geographically; however, the Court will not be retroactive and may only try crimes taking place after 1 July 2002.

### THE ROME CONFERENCE

On 15 June 1998, delegates from 160 countries assembled in Rome, Italy for the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court. On 17 July 1998, after five weeks of intense negotiations, 120 nations overwhelmingly voted in favor of the Statute to establish a permanent International Criminal Court to try individuals for war crimes, genocide, crimes against humanity, and aggression. Only seven nations opposed the measure, including Iraq, China, Israel and the United States. The Court was established after the 60<sup>th</sup> ratification of the Rome Statute. There are 139 signatories to the Rome Statute; however, both the United States and Israel have effectively nullified their signatures. The signatories include all of the United States NATO allies and numerous other nations. As of 22 March 2003, eighty-nine countries have ratified or acceded to the Rome Statute.

### AN UNPRECEDENTED MANEUVER

On 31 December 2000, less than 12 hours before the deadline, President Clinton authorized Ambassador David Scheffer to sign the Rome Statute establishing the International Criminal Court on behalf of the United States.

On 6 May 2002, the United States, under the direction of the Bush Administration, took the unprecedented step in international law of nullifying their signature to the Rome Statute. The US effectively walked away from future negotiations, abdicating its role as a world leader in promoting human rights and the rule of law. The US Congress has even passed legislation, popularly criticized as the Hague Invasion Act, prohibiting official cooperation with the Court and authorizing the invasion of The Hague to prevent the Court from exercising its right to investigate and prosecute crimes that involve American officials or key American allies.

The United States has engaged in a campaign to undermine the effectiveness of the Court by pursuing so-called Article 98 Agreements that would exclude not only the American soldiers but also politicians and other appurtenant American personnel from prosecution by the Court. By taking such a hostile position towards the Court, the Bush Administration accomplishes nothing while weakening the norms of international law.

Finally, the Bush administration chose not to participate in meetings of the Assembly of States Parties, thus effectively negating any potential influence that the United States may have had over the course of the Court's negotiations and operations. Since the US is not a State Party to the ICC, the real loss is to American jurists, who are ineligible from lending their legal expertise to the Court as judges and prosecutors.

### THE NEED FOR THE ICC

Never again was the communal vow after World War II; the world must never see another Holocaust. Yet 50 years later, war in Bosnia, genocide in Rwanda, and the death of Pol Pot before he was tried for his crimes, all demonstrate that the global community has failed to uphold its promise. Warlords and dictators plan and commit mass rapes, extrajudicial executions, and other gross violations of international human rights and with almost total impunity. An estimated 14 million civilians have died in war-related deaths since Nuremberg.

Until the International Criminal Court was established this past year, the world's main recourse to the most serious atrocities committed against humanity was to impose sanctions, embargoes, or very rarely, use collective military force. These blunt instruments often hurt innocent civilians more than the offending individuals. Only by holding individuals accountable for violations of international law will the global community be able to deal effectively with the perpetrators of the most serious crimes of concern to the international community. This is crucial both to aid present victims and to deter future criminals.

In countries where no courts exist that are capable of dealing with individuals violating international humanitarian law, the International Criminal Court could step in, if jurisdiction was determined. The ICC will deter future dictators from killing their own citizens. The existence of the ICC will greatly benefit the maintenance of international peace. United Nations peacekeepers can sometimes stop wholesale slaughter by placing themselves between the warring sides. However, as we have seen in Somalia, Bosnia, Rwanda, Haiti, and elsewhere, the hatred that fuels fighting does not go away once the shooting stops. The cycles of violence continue so long as the people involved feel that justice has not been served.

For more information on the Independent Student Coalition for the International Criminal Court, please contact Christina Hartman at [Christina@isc-icc.org](mailto:Christina@isc-icc.org) or visit our website at [www.isc-icc.org](http://www.isc-icc.org). (Last updated 22 March 2003).