

**Volume 1  
Number 1  
Spring 2003**

# ISC-ICC QUARTERLY

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The Independent Student Coalition for  
the International Criminal Court



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ISC-ICC QUARTERLY is a nonpartisan journal devoted to the study and analysis of issues related to the International Criminal Court

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## Criminal Prosecution

### Argentine Lawyer is Expected to Become First ICC Prosecutor



Luis Moreno Ocampo

On March 25, the President of the Assembly of State Parties (ASP), Prince Zeid Read Al Hussein formally announced that “the States parties to the Rome Statute of the International Criminal Court agreed informally, and on the basis of consensus, to elect at the forthcoming resumed session of the Assembly of States Parties, Mr. Luis Moreno Ocampo, of Argentina, as prosecutor of the International Criminal Court.”<sup>1</sup>

The New York Times reports that Luis Moreno Ocampo, who is currently teaching at Harvard University Law School is known as a prosecutor in Argentina and a prominent campaigner in Latin America. He played a key role in Argentina's march to democracy. In 1985 he was assistant prosecutor in the trials against the former military junta led by General Galtieri who launched the unsuccessful invasion of the Falkland Islands - known as the Malvinas in Argentina in 1983.<sup>2</sup>

He later has led a drive to end corruption in business in Latin America. Before joining the Harvard faculty, he taught at Stanford University and is a regular speaker on justice and

human rights. Ocampo has also worked with the United Nations and the Inter-American Development Bank.<sup>3</sup>

The current nomination is the result of six months of intense informal negotiations by members of the ASP. The initial nomination period for the Criminal Prosecutor opened September 9, 2002 and closed November 2002. The period ended with no nominees and was re-opened until the end of December 8, 2002. At the close of the second nomination period, nominations had not been posted.

At the 1<sup>st</sup> resumed session of the ASP on February 3-7, 2003, at the request of the Assembly, the nomination process was once again reopened pursuant to Res.ISC-ASP/1/Res.2 on March 24, 2003 and will close on April 4, 2003.

Although several days remain before the closure of the nomination process, it has been made clear by members of the ASP that no nomination will be announced until at least the majority of the members of the Assembly can agree on the candidacy of the potential nominee. Due to this decision, which was reached during the first meeting of the ASP in September 2002, the election process was adjourned twice. It is not expected that Mr. Moreno Ocampo's candidacy will be challenged by another nomination. All 89 members of the Assembly must agree on this nomination.

According to Article 42, paragraph 3 of the Rome Statute of the ICC, the Criminal Prosecutor shall be a person of high moral character, be highly competent and have extensive practical experience in the prosecution or trial of criminal cases, and have an excellent knowledge of and be fluent in at least one of the major UN languages. The difficulty in finding such a qualified applicant has expounded the nomination process.

If a Prosecutor is not elected, either through consensus vote or secret ballot, the Court's progress could be considerably delayed. The Judges have been inaugurated, and it is essential for the ASP to elect a Prosecutor in order for the Court to function properly.

<sup>1</sup> Statement for the Press by the President of the Assembly of States Parties to the Rome Statute of the International Criminal Court, HRH Prince Zeid Raad Al Hussein, New York 25 March 2003

<sup>2</sup> See *New York Times*, March 24, 2003.

<sup>3</sup>See, [http://www.un.org/law/icc/elections/prosecutor/moreno\\_ocampo/moreno\\_ocampo.htm](http://www.un.org/law/icc/elections/prosecutor/moreno_ocampo/moreno_ocampo.htm) for the official instrument of nomination (the Note Verbale) in Spanish and Curriculum Vitae in English. Both documents will be translated into 6 working languages of the Court shortly.

# Criminal Defense

## International Criminal Bar adopts Constitution

The International Criminal Bar (Barreau Penal International) held its first General Assembly in Berlin, March 21-22, 2003. Participants of the General Assembly were members from over 50 countries and over 400 individuals and organizations, such as Bars and Law Societies, Independent Associations of Counsel, and non-governmental organizations. The Assembly adopted the ICB-BPI's Constitution, elected its first Council, and approved a Code of Conduct for Counsel for submission to the Registrar of the Court.

For additional information about the meeting of the International Criminal Bar, please visit [www.isc-icc.org](http://www.isc-icc.org) for the ISC-ICC Final Report, 1<sup>st</sup> Resumed Session of the ASP, February 3-7, 2003.

|  |                   |   |
|--|-------------------|---|
| KAUL, Hans-Peter   | Germany           | 3 |
| KIRSCH, Philippe   | Canada            | 6 |
| KOURULA, Erkki   | Finland           | 3 |
| KUENYEHIA, Akua  | Ghana             | 3 |
| ODIO BENITO, Elizabeth   | Costa Rica        | 9 |
| PIKIS, Gheorghios M.   | Cyprus            | 6 |
| PILLAY, Navanethem   | South Africa      | 6 |
| POLITI, Mauro  | Italy             | 6 |
| SLADE, Tuiloma Neroni  | Samoa             | 3 |
| SONG, Sang-hyun  | Republic of Korea | 3 |
| STEINER, Sylvia H. de Figueiredo   | Brazil            | 9 |
| USACKA, Anita  | Latvia            | 3 |
| Elected Candidates by UN Regional Group: 3 from African States, 3 from Asian States, 1 from Eastern European States, 4 from Latin America and Caribbean States, 7 from Western Europe and Other States. Elected Candidates by Legal Expertise: 10 List A (competence in criminal law), 8 List B (competence in international law). Elected Candidates by Gender: 7 women, 11 men |                   |   |

For more information regarding the election process and outcome, visit [www.isc-icc.org](http://www.isc-icc.org) for the Final Report of the 1<sup>st</sup> Resumed Session of the ASP, February 3-7, 2003.

# Judicial Oversight

The election of the first ICC judges took place during the resumed session of the Assembly of States Parties of the International Criminal Court, at the United Nations in New York, February 3-7, 2003. After 33 ballots, 18 judges were elected. The first bench includes seven women and other candidates elected by region from civil and common law systems. Minimum voting requirements were set in place during the September 2002 session of the ASP meeting to facilitate the diversity of gender, geographic distribution and legal expertise amongst elected candidates. After the conclusion of the elections, the President of the ASP drew lots to determine which judges would serve three, six and nine-year terms. The elected judges were sworn in during an inaugural ceremony on March 11, 2003 at The Hague, Netherlands.

### Final Election Results for ICC Judges:

| Candidate                 | Country             | Term (Years) |
|---------------------------|---------------------|--------------|
| BLATTMANN, René           | Bolivia             | 6            |
| CLARK, Maureen Harding    | Ireland             | 9            |
| DIARRA, Fatoumata Dembele | Mali                | 9            |
| FULFORD, Adrian           | United Kingdom      | 9            |
| HUDSON-PHILLIPS, Karl T.  | Trinidad and Tobago | 9            |
| JORDA, Claude             | France              | 6            |

# Victim's Rights

The International Criminal Court will examine the most serious crimes and its trials will involve victims who have often been severely traumatized.

Providing justice, along with compensation is important to enable the victims to rebuild lives often shattered by war. The Victims Trust Fund aims to help meet these needs. For the first time in the history of international criminal justice, victims can participate in a procedure, through an intermediary of counsels, to claim compensation.

A Trust Fund for the benefit of victims had been created by the Rome Statute. It may collect funds from fines and orders for compensation issued against condemned persons as well as voluntary contributions from Governments, international organizations, corporations or individuals. The functions of the International Criminal Court relating to the participation of victims and the procedure and compensation in favor of victims have been entrusted to a specialized unit, the Victims Participation and Compensation Unit.

## **Victim Trust Fund Campaign Website Launched!**

The Washington Working Group on the ICC has launched its global campaign for Victims Trust Fund of the International Criminal Court on April 1, 2003. The campaign encourages Americans to send donations to the Victims Trust Fund through their Senators. The purpose of the campaign is two-fold: first, it means to raise funds for the Fund, and second, it means to raise awareness about the Court and the Fund among the American public and members of the U.S. Senate.

The ISC-ICC is participating in the Campaign as a part of its Remembrance Month to commemorate victims of the most heinous genocides in the history of humanity.

To get more information about the ISC-ICC's participation in the campaign, please visit [www.isc-icc.org](http://www.isc-icc.org) or contact Marie Weydemuller at [maria@isc-icc.org](mailto:maria@isc-icc.org). To get additional information about the campaign, visit <http://www.victimstrustfund.org>.

## **NGO Victims' Trust Fund Working Group Meets at 1<sup>st</sup> Resumed Meeting of the Assembly of State Parties**

The Victims Trust Fund Working Group last met at the 1<sup>st</sup> resumed Session of the Assembly of State Parties in February 3-7, 2003. The Working Group discussed plans for the upcoming campaign launch and the nomination period for the Victims Trust Fund Board of Directors. The Working Group hoped that the nomination period could be added to the February agenda but it was already listed on the April agenda. The nomination period will therefore be on the agenda of the 2<sup>nd</sup> resumed meeting of the ASP in April 2003.

Finally the Working Group also discussed the Code of Conduct stating that the Staff of the Court, Prosecutor and Judges needed to take into account the special needs of the victims and develop procedures dealing with victim reparations. An emergency fund for victims was suggested.

For more in depth information about the Meeting of the Working Group, visit [www.isc-icc.org](http://www.isc-icc.org) for the Final Reports of the 1<sup>st</sup> Resumed Sessions of the ASP, February 3-7, 2003.

## **Inauguration of Judges gives hope to Victims**

The European Commission welcomed the inauguration of judges to the International Criminal Court. The EC Commissioner for External Relations stated that the ICC "brings hope for the thousands of victims who have

suffered in the past from atrocities over which the Court will have jurisdiction: crimes against humanity, genocide and war crimes. The Court sends a serious message to any potential perpetrator of such crimes: impunity has ended." International justice and the ICC is one of the four main priorities for the European Initiative for Democracy and Human Rights. See [www.europaworld.org](http://www.europaworld.org)

## **Participation of Victims in Proceedings and Compensation**

For the first time in the history of international criminal justice, victims have won the right through the Rome Statute of the ICC to make submissions directly, as well as through counsel, and to make applications for compensation. This was the case because the victims before the two ad hoc tribunals for the former Yugoslavia and Rwanda are in fact witnesses. Hence, they have no independent participation in the proceedings, and are only called upon to give evidence by the parties to the proceedings.

In addition, for the first time in history, an international court has the power to order an individual to pay compensation to another individual. See [www.icc.int](http://www.icc.int).

## **Victims and witnesses protection**

Equally important at the International Criminal Court will be the function related to the protection of victims and witnesses appearing before the Court.

Experience from the two ad hoc institutions such as International Tribunals for former Yugoslavia and Rwanda has shown how important it is for any international criminal tribunal to arrange for the protection and assistance of victims and witnesses that appear before the Court so as to contribute to the establishment of truth about the most serious crimes in existence today.

To this end, and learning from the experience of the two ad hoc International Penal Tribunals, article 43 paragraph 6 of the Rome Statute has foreseen that the Registrar shall set up a Victims and Witnesses Unit within the Registry. This Unit shall provide, in consultation with the Office of the Prosecutor, counseling and other appropriate assistance for witnesses, victims who appear before the Court and others who are at risk on account of testimony given by such witnesses, as well as plan protective measures and security arrangements for them. The Unit shall include staff with expertise in trauma, including trauma related to crimes of sexual violence.

Article 68(4) of the Statute specifies that this Unit may advise the Prosecutor and the Court on appropriate protective measures, security arrangements, counseling and assistance as referred to in article 43, paragraph 6. The

Rules of Procedure and Evidence detail the functions of the Victims and Witnesses Unit. The Unit shall in particular ensure the protection and security of all witnesses and victims that appear before the Court through appropriate measures and establish short and long-term plans for their protection.

Moreover, the Unit shall help victims who appear before the Court, as well as witnesses, to receive medical and psychological care. It shall also, in consultation with the Office of the Prosecutor, draw up a code of conduct emphasizing the vital importance of security and professional secrecy for investigators of the Court, the defense and for all inter-governmental and non governmental organizations acting on behalf of the Court.

The Victims and Witnesses Unit shall also be in charge of the negotiation of agreements with States concerning the resettlement on State territory of witnesses or victims that are traumatized or threatened.

## Children & Women's Issues

### UN SPECIAL REPRESENTATIVE CALLS FOR PROTECTION OF IRAQI CHILDREN DURING CONFLICT

On March 21, 2003 Special Representative of the Secretary-General for Children and Armed Conflict, Olara A. Otunnu called upon all parties involved in the conflict in Iraq to ensure the rights, protection and well-being of children at all times during the current conflict.

"The children of Iraq, who make up half the population, are at risk of physical injury, psychosocial trauma, displacement, family separation, and loss of social services, such as schooling and medical care, during the conflict." Secretary-General Kofi Annan has emphasized, Iraq's population is vulnerable because it has already suffered from the impact of "two major wars, internal uprisings and more than a decade of debilitating sanctions." See <http://www.un.org/special-rep/children-armed-conflict/index.html>.

### United Nations Literacy Decade

On 13 February 2003, Nema Elsayed attended the Literacy Decade exhibit, which was launched at the United Nations.

The Literacy Decade is an initiative agreed upon by countries to work towards increasing literacy levels by 50 percent by the year 2015. The exhibit made it clear that literacy goes well beyond the traditional 3 R's (reading, writing, and arithmetic). It embraces all types of learning necessary to enable people to function with confidence in their own environment.

Without access to literacy skills millions often live a life of misery, pain, exploitation and abuse. However, with appropriate literacy programs in and out of school, many can rise above poverty to become productive and participatory citizens, empowered with the skills and attitudes to learn, and through learning improve their quality of living. Today over 862 million adults are illiterate. Approximately 113 million school-aged children are not in school. Most of these are girls and women. It is important to recognize the need to ensure that not only all children, but also adults receive their fair share of education to live productive and independent lives.

The task of making sure that all children and adults have access to learning is enormous. Literacy is part of the efforts of numerous United Nations agencies in their drive to reach these goals. The exhibit showed literacy as a "common thread knitting" of all the United Nations agencies together in their common goal to use education to create a world where sustainability, development and peace become a reality.

As a United Nations Inter-Agency Exhibition, the event was organized by a number of United Nations participating agencies: United Nations Education, Scientific and Cultural Organization (UNESCO), United Nations Population Fund (UNPF), United Nations Children's Fund (UNCF), United Nations High Commissioner for Refugees (UNHCR), United Nations Development Programme (UNDP), World Food Programme (WFP) and the World Bank (WB).

One of the highlights of the exhibition included a presentation of the Festival of Asian Children's Art, which was presented in honor of the International Literacy Year. The Festival was first held in 1990 and was organized by the Festival of Asia in Children's Art Executive Committee with the support of UNESCO.

Since that event, the Festival has been advancing the cause of mutual understanding among the Asian nations by collecting and showing illustrated diaries, originating from a children's art competition, which depict children's daily lives in the Asian region. The Festival has provided children with the opportunity to meet others from different cultures by inviting the winners of the art competition to Japan and setting up exchange programs. The total number of entries for the previous five contests has added up to 229,485.

As the Festival's first year was the International Literacy year declared by the UN, the Executive Committee of the

Festival has continued to support literacy education campaigns. Literacy teaching materials selected from the children's illustrated diaries are sent out to the participating countries after each contest. Inspired by the work of other children, many children around the world have begun writing diaries with illustration themselves. This proves to be an effective way for children to start learning how to write.

Some of works at the exhibit portrayed happy memories of birthday celebrations, plays, trips or local festivals, while some works demonstrate serious social problems in their respective regions. A Cambodian child, for example, prepared a piece on the danger of landmines and unexploded bombs and a Bhutanese boy fills the pages with various kinds of heavy work he has to do for his family. The diaries present ethnic customs, national characteristics, histories, both natural and social environments, events and many other topics witnessed, heard, or experienced through the eyes of a child.

The Literary Decade will work to promote literacy across the full range of contexts, languages, and forms of acquisition, which communities of learners can identify for themselves. It will become an important milestone in the efforts of all countries to eradicate illiteracy and, through education, to empower people so they can effectively overcome underdevelopment, poverty and unemployment and contribute to the cause of sustainable development and democracy. Indeed, literacy would promote mutual understanding and trust through the exchange of achievements in literature, culture and intellectual development. It would also make an immense contribution to building a better and safer life for all.

### **Seven Women Elected to the International Criminal Court**

The Assembly of States Parties to the Rome Statute of the International Criminal Court began the process of electing judges on 4 February 2003.

The Rome Statute provides for the election of 18 judges with a minimum voting requirement for six women and six men. The candidates that obtain the highest number of votes and a two-third majority of the States Parties present and voting are elected.

The final result satisfied both the minimum voting requirements of the election procedure and the civil societies who were striving to ensure gender and geographic distribution along with legal expertise from both civil and common law systems

The following seven women were elected as judges:

|                                 |              |
|---------------------------------|--------------|
| Maureen Harding Clark           | Ireland      |
| Fatoumata Dembele Diarra        | Mali         |
| Sylvia H. De Figueiredo Steiner | Brazil       |
| Akua Kuenyehia                  | Ghana        |
| Elizabeth Odio Benito           | Costa Rica   |
| Navanethem Pillay               | South Africa |
| Anita Usacka                    | Latvia       |

## **Implementation**

### **Upcoming Implementation Meetings/ Conferences**



[www.iccnw.org](http://www.iccnw.org)

March 26-28 a meeting held in Bishkek, Kyrgyzstan entitled, "Towards Ratification and Implementation of the Rome Statute of the International Criminal Court in the Republics of Central Asia: A regional workshop"

A meeting of the CIS countries on ratification and implementation will be held in the Spring of 2003.

In April 2003, there will be a workshop at the Asia ICC Mission to Pakistan.

May 7-8, 2003 a Second Meeting on the progress of the ICC will be held in San Salvador, El Salvador, entitled "Segundu Taller Centroamericano Sobela CPI".

For up to date information on upcoming meetings and conferences please see <http://www.iccnw.org>.

*For more detailed information about the US/ICC relations, please see page 8 or visit our website at [www.isc-icc.org](http://www.isc-icc.org).*

## Regional News

### Africa

#### ➤ **Gambia:**

[Courtesy of The Daily Observer (Gambia) March 21, 2003] Members of the International Coalition for the ICC (CICC) paid a courtesy call to the Vice President, Isatou Nije Saidy to talk about how the Coalition and Gambia can work together to implement legislation which would enable the ICC to operate fully in The Gambia.

The Vice President expressed strong support for implementation legislation for the ICC and stressed the importance of sensitizing civil society to the ICC.

Coalition officials also met with Officers of the Gambia Armed Forces and the Police Force in hopes of creating greater cooperation towards implementation legislation.

#### ➤ **Gabon:**

A Seminar on ICC implementation was sponsored by the International Centre for Criminal Law Reform and Criminal Justice Policy, 10-13 March 2003.

#### ➤ **Senegal:**

Senegal has completed draft implementation legislation. The Senegal Ministry of Justice held a Seminar on the draft legislation 19-21 March, 2003.

### Implementation News:

The CICC has been trying to get involved throughout Africa to aid in the implementation progress.

National Coalitions have been or are being created in Benin, Tanzania and Uganda. Regional Meetings are being held in South and East Africa.

### North America:

#### ➤ **United States:**

[Courtesy of The Independent (The Gambia) March 21, 2003.] Issac Flattau, the visiting Implementation Advisor of the CICC stated that the United States, while powerful, would not be able to undermine the progress of the ICC.

Flattau stated that the US treatment of Article 98 is wrong and will “not diminish the power of the ICC” Flattau also noted that while the Bush Administration withdrew support for the ICC, the U.S. might re-join the ICC with a different administration.

### Europe/CIS:

#### ➤ **Russia:**

The Commonwealth of the Independent States (CIS) met in Moscow 11-12 February 2003. The Meeting resulted in the “Declaration on Ratification and Implementation of the Rome Statute of the ICC in the CIS.” The Declaration urges all Member States of the CIS that have not yet done so, to accede to the Rome Statute. The Declaration recommends that CIS Members give high priority to drafting implementation legislation in order to “effectively cooperate with the ICC as well as to give effect to the principle of complementarity...” Finally the Signatories agreed to create appropriate follow up action to assist the legislatures of Member States in the process of ratification or accession and implementation of the Rome Statute.

### Implementation News

Thirty-six of the European states have ratified the Rome Statute although few have finalized legislation. The Council of Europe has so far held two meetings to discuss implementation of Rome Statute in the region. Information sharing with the Coalition, however, has been sparse.

Belgium has completed its draft legislation for implementation. Serbia, Montenegro, Italy, and Croatia are working on implementation legislation.

### Middle East/Asia:

#### ➤ **Afghanistan:**

Afghanistan became the 89<sup>th</sup> Party to the Rome Statute of the International Criminal Court by ratifying and acceding to the Statute, February 10, 2003. Afghanistan will hold its first National Conference on the Rome Statute in April 2003.

#### ➤ **Israel:**

A conference was held entitled “Israel and the International Criminal Court 13, March 2003 AND????”

### Implementation news

Asia continues to be the slowest regions to ratify the ICC in addition to being the slowest region to create implementation legislation.

Japan is working on implementation legislation, however due to constitutional requirements for enacting legislation the process could be lengthy. If Japan implements legislation, the other Asian States will be encouraged to follow suit.

Thailand has begun working on Implementation legislation. The Philippines have implementation legislation drafted and in the last phase for approval. Indonesia, Mongolia, Cambodia and South Korea have been working on implementation measures.

The first workshop for China accession was held 10-13 February 2003. There are also upcoming workshops in Malaysia, Singapore and Pakistan.

### Latin America:

Of the 19 countries in Latin America, 12 have ratified the Rome Statute, and 3 have presented, within the past four months, drafts of implementation legislation to their Congress. Additionally, another 3 drafts are expected to be submitted soon, and implementing committees are being set up throughout the region. The three current working drafts for implementation used as examples are those prepared by Argentina, Ecuador and Uruguay.

### Implementation News

#### ➤ Dominican Republic:

A training course took place on implementation of the ICC into Dominican legislation at the beginning of March 2003.

## International Justice

### A New Foundation for International Justice



<http://www.dwworld.de/english>

The atrocities of World War II set the stage for an increasingly global approach to rights, instigating a new focus on international justice and the use of independent criminal tribunals, such as those of Nuremberg and Tokyo, to promote accountability and reconciliation.

Following these cases, the ad hoc tribunals for the Former Yugoslavia and Rwanda served as a reminder that human rights violations, in the form of genocide, war crimes, and other crimes against humanity, retained a prominent and lasting presence within the international sphere.

While these tribunals set the groundwork in international justice, complimenting the jurisdiction of national courts, it became evident that the problem persisted past the temporal and geographic boundaries of these tribunals. A solution came in the form of a permanent court.

On March 11, 2003 after years of effort, the first judges to the newly established International Criminal Court were inaugurated marking an important step forward in the field of international justice. The eighteen judges were elected by the State Parties, of which there are now 89 members.

## US/ICC Relations

### New Bill Introduced

On March 6, 2003, Representatives Ron Paul (R, Texas), Charlie Norwood (R, GA), John Duncan, Jr. (R, TN), Virgil Goode, Jr. (R, VA), Pete Sessions (R, TX), Marilyn Musgrave (R, FL), Jeff Flake (R, AZ) and Todd Akin (R, MI) introduced a bill H.R. 1154, which was referred to the Committee on International Relations of the House of Representatives of the U.S. Congress. The purpose of the bill is to provide “that the International Criminal Court is not valid with respect to the United States, and for other purposes.”<sup>4</sup> The bill aims to prohibit the appropriation of funds by the U.S. Government to be used in any manner for the establishment or operation of the ICC.

The bill further declares any action taken by or on behalf of the ICC against any member of the U.S. Armed Forces or any individual who is a citizen or national of the U.S. an act of aggression against the U.S. and an offense against the law of nations.

The bill was strongly endorsed by the Liberty Committee of the Liberty Caucus group of the House of Representatives, a group of likeminded representatives who strongly oppose the Rome Statute and the ICC. As of April 1, 2003, the bill has not been placed on the Committee’s calendar for consideration.

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<sup>4</sup> H.R. 1154

## Article 98 Agreements

After the United States decided not to ratify the Rome Statute of the ICC, it has since pursued agreements with member states and non-member states outlining how the new Court would interact with current US military operations.

This has taken place in the form of "Article 98" Agreements, referred to as such because the US claims Article 98 of the Rome Statute allows them to establish these agreements in protection of US service members and personnel from ICC prosecution. The following are the Article 98 Agreements<sup>5</sup> as of March 9, 2003:

### 1. Romania (SP)

Romania was the first country to agree to a bilateral impunity agreement with the US. The agreement was signed on August 1, 2002. It is not reciprocal and ratification is still necessary. According to President Ion Iliescu, Romania "will wait for a joint position of the European institutions before ratifying it in parliament." (Source: Financial Times, 9/27/2002)

### 2. Israel (S)

A reciprocal bilateral agreement was signed between Israel and the United States on August 4, 2003. Foreign Minister Shimon Peres and US Undersecretary of State John Bolton signed the agreement. Ratification is still necessary. (Source: Agence France Presse, 8/4/2002)

### 3. East Timor (SP)

The East Timorese Foreign Minister Jose Ramos-Horta signed an accord in Washington DC with US Secretary of State Colin Powell on August 23, 2002. In a press release issued during the September 2002 Assembly of State Parties, East Timorese officials reported that the desirability of enacting the bilateral agreement into domestic law was still under consideration. Approval by the Parliament and President is necessary for ratification. (Source: AFP, 8/27/2003)

### 4. Tajikistan (SP)

Agreement signed on August 27, 2002. This reciprocal agreement provides immunity from prosecution by the ICC for 1 year. (Source: Russian Vlast Journal, 7/16/2002)

### 5. Marshall Islands (SP)

An agreement was signed on September 10, 2002. No further information is available.

### 6. Dominican Republic (S)

Agreement signed on September 13, 2002. No further information is available.

### 7. Palau (N)

Agreement signed on September 13, 2002. No further information is available.

### 8. Mauritania (N)

Agreement signed on September 17, 2002 between US Under Secretary of State for Political Affairs Marc Grossman and Mauritanian Minister of Foreign Affairs Dah Ould Abdi. No further information is available. (Source: Mauritanian news agency AMI, 9/19/2002)

### 9. Uzbekistan (S)

Agreement signed on September 18, 2002. Ratification remains necessary. No further information is available.

### 10. Honduras (SP)

Agreement signed on September 19, 2002. Ratification remains necessary.

### 11. Afghanistan (SP)

Agreement signed on September 20, 2002. No further information is available.

### 12. Micronesia (N)

Agreement signed on September 24, 2002. No further information is available.

### 13. Gambia (SP)

Agreement signed October 5, 2002. No further information is available.

### 14. El Salvador (N)

El Salvador signed a bilateral agreement on October 25, 2002. (Source: Associated Press)

### 15. Sri Lanka (N)

Reciprocal agreement signed on November 22, 2002 between U.S. Ambassador Ashley Wills and Sri Lankan Foreign Minister Tyronne Fernando. (Source: AP Worldstream: 11/22/2003)

### 16. India (N)

<sup>5</sup> S = Signatory; SP = State Party; N = Neither Signatory nor State Party

Agreement signed on December 26, 2002 by Indian Foreign Secretary Kanwal Sibal and US Ambassador Robert Blackwill. According to the agreement, neither country will surrender persons of the other country to any international tribunal without the other country's express consent. The agreement defines "persons" as current or former Government employees, military personnel or nationals of either country. (Source: Hindu Times of India, 12/27/2002)

**17. Nepal (N)**

Agreement signed on December 31, 2002 between US Ambassador to Nepal Michael E. Malinowski and Nepal's Foreign Secretary Madhu Raman Acharya. The agreement is reciprocal. (Source: AFP, 12/31/2003)

**18. Djibouti (SP)**

Agreement signed on January 24, 2003, between US Secretary of State Colin Powell and Djibouti's Foreign Minister Ali Abdi Farah at a State Department ceremony (Source: AFP, 1/24/2003).

**19. Tuvalu (N)**

An agreement with Tuvalu was signed on January 30, 2003. No confirmed information is available. (Source: New York Times, 2/6/2003)

**20. Bahrain (S)**

Agreement was signed on February 6, 2003. No other confirmed information is available. (Source: State Department briefing with Richard Boucher, 2/3/2003)

**21. Georgia (S)**

Agreement between Georgia and the United States was signed on February 10, 2003 in Tbilisi. The agreement is reciprocal. (Source: Reuters, 2/13/2003)

**22. Azerbaijan (N)**

The US and Azerbaijan have signed a bilateral agreement on February 26, 2003, granting immunity for both countries' citizens from possible prosecution by the ICC. Azerbaijani envoy to the USA, Hafiz Pasayev, and the US assistant secretary of state for European and Eurasian Affairs, Elizabeth Jones, signed the document, in the presence of Azerbaijani President Heydar Aliyev. (Source: ANS TV, Baku, 2/27/03)

**23. Nauru (SP)**

Nauru has signed a bilateral agreement with the United States. No further information is available, (Source: New Zealand Herald, 3/4/03)

**24. Rwanda (N)**

Agreement between US and Rwanda was signed on March 4, 2003 by US Secretary of State Colin Powell and Rwandan Foreign Minister Charles Murigande. (Source: AFP, 3/3/03)

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