

Statement

THE INTERNATIONAL CRIMINAL COURT

by the Inter-Agency Standing Committee Working Group

22-23 April 1999

Endorsed by: IASC Working Group
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IASC WORKING GROUP

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International Criminal Court – IASC Statement

1. In July 1998, the Diplomatic Conference in Rome adopted the Statute for an International Criminal Court (ICC). However, the efforts to establish the Court are not yet completed.
2. In February 1999, the first of three sessions of the ICC Preparatory Commission took place in New York, negotiating several issues of concern to the humanitarian community, including definitions for elements of crime for the three core crimes of genocide, crimes against humanity and war crimes. In the meantime, discussions with legal experts and diplomatic missions give rise to fears that efforts are being undertaken to weaken the jurisdictional regime of the ICC.
3. It is therefore important that IASC members continue to express their support for the establishment of an effective and independent ICC. In discussions with colleagues it has been suggested that the IASC follow up on the positive results achieved by the first statement issued in 1998 and help to safeguard the integrity of the Rome Statute by another statement at the present phase of the process. It is thus recommended that IASC members endorse the attached draft public statement.
4. In addition, to ensure regular follow up on this crucial issue for the protection of civilians, the IASC WG may wish to designate a focal point responsible for keeping the WG regularly informed on the progress made during the forthcoming sessions of the Preparatory Committee and the problems revolving around the establishment of the ICC.

INTER-AGENCY STANDING COMMITTEE

Statement on the International Criminal Court (Draft)

1. The IASC welcomes the signing of the Rome Statute for an International Criminal Court (ICC) by a total of 80 countries and particularly commends Senegal and Trinidad and Tobago for being the first countries to ratify the Statute. It notes, however, that the ICC will only become operational upon entry into force of the Rome Statute, which requires ratification by 60 States.
2. The IASC encourages countries to sign and ratify the Statute as soon as possible. The most recent events in Kosovo have again illustrated the urgent need for an effective and independent international court, in order to bring to justice and hold accountable those responsible for serious violations of international humanitarian and human rights law.
3. The IASC recalls that the ICC will in effect only be authorized to deal with situations of internal armed conflict, which is the prevailing nature of conflicts today, when the country at issue is a party to the Statute. The IASC therefore urges all States to ratify the ICC Statute, in order to ensure the future effectiveness and authority of the Court.
4. The IASC calls on all States taking part in the ICC Preparatory Commission process, to safeguard the integrity of the Statute in its present form and to withstand all efforts to weaken the results achieved in Rome. In particular, any attempt to change the requirements for triggering the Court's jurisdiction could upset the fine balance of legal and political considerations reflected in the ICC Statute. Such amendment would irreparably damage the ICC's goal of establishing an equal regime of jurisdiction throughout the world.
5. The IASC is following closely the negotiations on the ICC's Rules of Procedure and Evidence and on the definition of *elements of crime* for the three core crimes of genocide, crimes against humanity and war crimes. States are urged to ensure the conformity of these elements with established international humanitarian and human rights law. In addition, States should ensure that the provisions resulting from these negotiations do not unduly limit the Court's discretion in interpreting the provisions of the Rome Statute.
6. The IASC recalls that the effectiveness and independence of the Court will be conditioned by its financial stability and logistical support. States are thus urged to ensure that the ICC is provided with sufficient personnel and financial and material resources to make it effective from the outset.
7. The IASC calls on all States to live up to their responsibility to protect civilian populations, which have increasingly become targets in present day conflicts, and to ensure the full implementation of the Rome Statute for an ICC.