

OMNI Newsletter #2 on World Day for International Justice

Compiled by Bill Millager, July 1, 2011 for a culture of peace

Note: although the International Criminal Court (ICC) is less than ten years old, its philosophical antecedents go back even to the League of Nations. So there are lots of interlocking web references. Those listed below, with extracted clips, may let you judge the significance and potential of the ICC for international criminal justice.

Contents of Newsletter #2

- Celebration of the World Day for International Justice
- Creation of the International Criminal Court (ICC)
- Status of Ratification of the ICC
- Relations of the Obama Administration With the ICC
- Cases Under Way at the ICC
- Latest Developments vis a vis Prosecutions
- Expectations for the Future?
- Comparison with the International Court of Justice
- Precursor(s) of the ICC

- Celebration of the World Day for International Justice

World Day for International Justice

From Wikipedia, the free encyclopedia

World Day for International Justice, also referred to as **International Justice Day**, *is celebrated throughout the world on July 17* as part of an effort to recognize the emerging system of international criminal justice. July 17 was chosen because it is the anniversary of the adoption of the [Rome Statute](#), the treaty that created the [International Criminal Court](#) [located in The Hague]. Each year, people around the world use this day to host events to promote international criminal justice, especially support for the International Criminal Court. The day has been successful enough to attract international news attention, and for groups to use the day to focus attention on particular issues such as genocide in [Darfur](#), [Falun Dafa](#), and serious crimes of violence against women.

- Creation of the International Criminal Court (ICC)

<http://www.icc-cpi.int/Menus/ICC/About+the+Court/>

About the Court

The International Criminal Court (ICC), governed by the Rome Statute, is the first permanent, treaty based, international criminal

court established to help end impunity for the perpetrators of the most serious crimes of concern to the international community.

The ICC is an independent international organisation, and is not part of the United Nations system. Its seat is at The Hague in the Netherlands. Although the Court's expenses are funded primarily by States Parties, it also receives voluntary contributions from governments, international organisations, individuals, corporations and other entities.

The international community has long aspired to the creation of a permanent international court, and, in the 20th century, it reached consensus on definitions of genocide, crimes against humanity and war crimes. The Nuremberg and Tokyo trials addressed war crimes, crimes against peace, and crimes against humanity committed during the Second World War.

In the 1990s after the end of the Cold War, tribunals like the International Criminal Tribunal for the former Yugoslavia and for Rwanda were the result of consensus that impunity is unacceptable. However, because they were established to try crimes committed only within a specific time-frame and during a specific conflict, there was general agreement that an independent, permanent criminal court was needed.

On 17 July 1998, the international community reached an historic milestone when 120 States adopted the Rome Statute, the legal basis for establishing the permanent International Criminal Court.

The Rome Statute entered into force on 1 July 2002 after ratification by 60 countries.



Headquarters of the International Criminal Court in The Hague

[Click here for a detailed overview of the ICC.](#)

- Status of Ratification of the ICC

An extract from:

<http://www.icc-cpi.int/Menus/Go?id=924ac2bc-cc2e-4dcf-8e07-30f8ef58f533&lan=en-GB>

The International Criminal Court was established by the Rome Statute of the

International Criminal Court, so called because it was adopted in Rome, Italy on 17 July 1998 by the [United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court](#).

The Rome Statute is an international treaty, binding only on those States which formally express their consent to be bound by its provisions. These States then become "Parties" to the Statute. [The United States is *not* a party to the statute.]

In accordance with its terms, the Statute entered into force on **1 July 2002**, once 60 States had become Parties. As of 21st July 2009, 110 States are Parties to the Rome Statute. The States Parties meet in the Assembly of States Parties which is the management oversight and legislative body of the Court.

Following the adoption of the Rome Statute, the United Nations convened the Preparatory Commission for the International Criminal Court. As with the Rome Conference, all States were invited to participate in the Preparatory Commission.

Among its achievements, the Preparatory Commission reached consensus on the Rules of Procedure and Evidence and the Elements of Crimes. These two texts were subsequently adopted by the Assembly of States Parties. Together with the Rome Statute and the Regulations of the Court adopted by the judges, they comprise the Court's basic legal texts, setting out its structure, jurisdiction and functions.

- Relations of the Obama Administration With the ICC

[From Anxiety to Complacency: Prospects for the US-ICC relationship ...](#) Extract from : www.haguejusticeportal.net/eCache/DEF/12/071.html

US behavior towards the International Criminal Court (ICC) has changed. Once counted as a fierce opponent of the Court, the US is now committed to the success of the ICC – both in its current work and as an institution. In light of its good experience at the ICC Review Conference in Kampala [31 May to 11 June 2010], the US is set to continue to be an active observer in the work of the Assembly of States Parties and also to deepen and intensify its relations with the Court. However, the US currently has no formal and detailed policy about the ICC to guide its movement toward the Court.

Since coming into office in January 2009, the Obama administration has sought to distinguish its approach to the ICC from that of the Bush administration and to include the Court in its extensive new engagement in multilateral diplomacy. Under the Obama Administration, an inter-agency review team began formulating a US-ICC policy that would be broad enough to guide the US in its future interactions with the Court and to enable the US to respond to unexpected contingencies. The result was supposed to appear in a detailed policy paper. Following the Kampala conference, however, the US appears to have abandoned the goal of a formal policy toward the ICC.

- Cases Under Way at the ICC

<http://icc-cpi.int/Menus/ICC?lan=en-GB>

This page shows current ICC cases, with country maps and links arrayed left to right. Libya appears at the far right, being the most recent case:

<http://www.icc-cpi.int/Menus/ICC/Situations+and+Cases/Situations/ICC0111/>

The Libya page displays a country map and photos of each of the three accused, plus a description of the charges.

- Latest Developments vis a vis Prosecutions

<http://icc-cpi.int/Menus/ICC?lan=en-GB> also lists "News and Highlights."

Note that these feature arrest warrants issued this week for Muammar Ghaddafi and two of his countrymen.

Our local newspaper, the Arkansas Democrat Gazette has featured Libya news items on the front page, too. Here's an example:

Hague court seeks to arrest Gadhafi, his son, enforcer

COMPILED BY DEMOCRAT-GAZETTE STAFF FROM WIRE REPORTS

From Arkansas DemGaz, NW edition, June 28, page 1.

PARIS — The International Criminal Court in The Hague issued arrest warrants Monday for Moammar Gadhafi, his son Seif al-Islam Gadhafi and his chief of intelligence, Abdullah Senussi, on charges of crimes against humanity, including murder and persecution, stemming from the first two weeks of the uprising in Libya that led to a NATO bombing campaign.

At a 30-minute hearing, the presiding judge said that there were "reasonable grounds" to hold the three men criminally responsible for killing, injuring and imprisoning hundreds of civilians after demonstrations against the regime broke out in February. The judge, Sanji Monageng of Botswana, said it was impossible to know the number of victims because the crimes were covered up.

The court said Gadhafi and his son, whom it described as the "de facto prime minister," intended to suppress all dissent and that this policy was implemented by Senussi, Gadhafi's brother-in-law, who is the head of military intelligence, which the court described as "one of the most powerful and efficient instruments of repression of the Gadhafi regime."

The warrants were limited to events between Feb. 18 and Feb. 28, before a full-scale conflict erupted between the Gadhafi regime and rebel forces.

Libya is not among the 115 countries that recognize the court, and Libyan officials have said they would disregard any court action. But the

charges against Libyan leaders also carry the weight of the U.N. Security Council, which voted unanimously to instruct the court to investigate the crackdown against civilians.

The issuing of the arrest warrants immediately raised questions of how — and if — the court could gain custody of the men without having police powers of its own.

Lawyers following the court argue that the shortest route would be for Libyan rebels to capture the suspects. But even as rebel fighters have loosened Gadhafi's grip on the mountain towns southwest of Tripoli in recent weeks, they have thus far been unable to reach the heavily defended capital.

On Monday, rebels based in the mountains pushed north and east to the town of Bir al Ghanam, roughly 100 miles from Tripoli, in heavy fighting with Gadhafi forces, news agencies reported.

Failing a rebel capture of Gadhafi, NATO, now in the 100th day of its air campaign against Gadhafi's forces, could expand its mandate to include the arrest of the three Libyans. But any overt or covert operations to track down the suspects would require that NATO leaders revise their current policy of limiting alliance action to aerial attacks.

Hours after the arrest warrants were announced, dozens of pro-government supporters stormed the grounds of a Tripoli hotel where foreign journalists are required to stay, chanting slogans in support of the leader, who has held power since 1969. Defiant bursts of gunfire rang out across the capital into the evening.

By contrast, thousands of Libyans poured into Liberty Square in the eastern rebel stronghold of Benghazi, with women ululating and dancing and several men shooting celebratory gunfire in the air. The square echoed with chants of "The blood of the martyrs will not be wasted" and "Freedom is here. Today we win."

Benghazi resident Mohammed al-Nazeif, 35, said the warrants made for the happiest day in his life.

"We want Gadhafi to be tried in Libya in front of everyone. Even if we die, our children will do the job," he said. "We never felt like we are human beings until today."

On Monday morning, loud explosions shook Tripoli. Libyan officials said two NATO missiles targeted Gadhafi's personal bus near his Bab al-Aziziya compound.

Journalists were taken to see a heavily damaged, burned out bus inside the compound two hours after the strike. It didn't appear to have been struck recently, however, since it was cool to the touch. No one was reported killed.

In the prosecutor's office, there was a sense that the U.N. Security Council should find ways to help the court go beyond statements and mere threats of action.

But diplomats may oppose such a move on the grounds that they want to keep open the road to a political solution, as they did after the prosecution's first request for the arrest warrants in May. Even so, Gadhafi and his inner circle have consistently resisted suggestions that they be given safe passage into exile abroad.

After 40 years in power, "Gadhafi has made clear his determination to hang on; it defies belief that his arrest warrant is an obstacle to a negotiated settlement of the Libya crisis," said Richard Dicker, a director of Human Rights Watch.

But diplomats have also made it clear they see arrest warrants as useful tools against politicians identified as potential war criminals.

Omar al-Bashir, the Sudanese president, who is wanted by the court on genocide charges, remains strong at home, but he has skipped a number of international meetings to avoid the possibility of arrest. Even leaders from countries friendly to Bashir have kept him away by saying envoys from other countries would stay away from gatherings if he were present.

For the court, which opened in The Hague in 2002, Gadhafi's is the second arrest warrant of a sitting president, after that of Sudan's president.

Other international courts in recent years have indicted former presidents Charles Taylor of Liberia and Slobodan Milosevic of Yugoslavia for war crimes while sitting as heads of states. Both were eventually arrested and brought to trial.

Military action alone won't resolve the Libyan crisis, Chinese Premier Wen Jiabao said Monday in a warning to nations conducting the NATO-led air campaign in Libya.

After talks in London with British Prime Minister David Cameron, the Chinese leader said his nation backed attempts to reach a political solution over calls for Libyan leader Moammar Gadhafi to step down after 42 years in power.

"Foreign troops may be able to win war in a place, but they can hardly win peace. Hard lessons have been learned from what has happened in the Middle East and Afghanistan," Wen told reporters at a press conference with Cameron.

He said China still supported the U.N. Security Council resolution that authorized air strikes against Libya to protect civilians, but insisted the nations involved must comply with the strict terms.

Information for this article was contributed from Paris by Marlise Simons of The New York Times; from Tripoli, Libya, by Adam Schreck, from The Hague by Mike Corder, from the United Nations by Anita Snow, from Benghazi by Rami al-Shaheibi, from London by David Stringer and from Berlin by Geir Moulson of The Associated Press.

- Expectations for the Future?

Future actions in pursuit of international criminal justice will depend to some degree on whether and to what extent the US tightens its relations with the ICC. And in any case, it's hard to see the US becoming a party to the statute anytime soon. Some will recall that there were media speculations at one time that George Bush and Dick Cheney might deserve to be declared war criminals.

- Comparison with the International Court of Justice

From Wikipedia, the free encyclopedia

http://en.wikipedia.org/wiki/International_Court_of_Justice

The **International Court of Justice** (French: *Cour internationale de justice*; commonly referred to as the **World Court** or **ICJ**) is the primary judicial organ of the United Nations. It is based in the Peace Palace in The Hague, Netherlands. Its main functions are to settle legal disputes submitted to it by states and to provide advisory opinions on legal questions submitted to it by duly authorized international organs, agencies, and the UN General Assembly.

The ICJ should not be confused with the International Criminal Court, or ICC, also based at The Hague, which potentially also has global jurisdiction.

- Precursor(s) of the ICC

Extract from <http://www.un.org/Depts/dhl/resguide/specil.htm#icj>

<http://www.icj-cij.org/pcij/index.php?p1=9>

International Court of Justice

The [International Court of Justice](http://www.icj-cij.org/) (<http://www.icj-cij.org/>), located in The Hague (Netherlands), is one of the six major organs of the United Nations. The Court, in existence since 1946, serves as the successor to the [Permanent Court of International Justice](#) established by the League of Nations and derives its mandate from a [Statute](#) which forms an integral part of the [Charter of the United Nations](#). The Court has two functions: to render judgments on disputes submitted to it by States and to furnish advisory opinions on questions referred to it by authorized bodies.

ICJ decisions first appear as separate documents and are later republished in annual compilations in the series **Reports of Judgments, Advisory Opinions and Orders**, to which ICJ sales numbers are assigned. The Court's website has extensive information

about [ICJ cases](#) from 1946 onwards, often including an overview or summary of judgments and orders. The documentation for each case includes the document instituting proceedings, written pleadings, oral arguments, correspondence and other relevant documents. These materials are made public, after the Court has given its final decision, in the series **Pleadings, Oral Arguments, Documents** in the language of submission (English or French) only.

Publications of the Permanent Court of International Justice (1922-1946)

The establishment of the Permanent Court of International Justice (PCIJ), the predecessor of the International Court of Justice, was provided for in the Covenant of the League of Nations. It held its inaugural sitting in 1922 and was dissolved in 1946. The work of the PCIJ, the first permanent international tribunal with general jurisdiction, made possible the clarification of a number of aspects of international law, and contributed to its development.

Between 1922 and 1940 the PCIJ dealt with 29 contentious cases between States, and delivered 27 advisory opinions.

The Reports of Series A, B and A/B (from 1931) contain the decisions (Judgments, Advisory Opinions and Orders) delivered by the Permanent Court of International Justice from 1922 to 1940.

The written pleadings, records of the public hearings and correspondence for each case are available in the Series C Reports: "Acts and Documents Relating to the Judgments and Advisory Opinions given by the Court" (until 1930) and "Pleadings, Oral Arguments, Documents" (from 1931).

Series D contains acts and documents concerning the organization of the Court, as well as the preparation of its Rules of Court and the modifications to those Rules. The Court's Yearbooks (entitled Annual Reports) can be found in Series E. Series F contains the catalogues of the Court's publications.

END OF OMNI Newsletter #1 on World Day for International Justice
