

FIRST VICTIMS RECOGNIZED AT THE INTERNATIONAL CRIMINAL COURT

BY KATHERINE SCOVNER

The International Criminal Court (ICC) in the Hague was established in 2002 as the first permanent international criminal court tasked to ensure that the gravest international crimes, including genocide, crimes against humanity, and war crimes, do not go unpunished. Currently, the Prosecutor of the Court, Luis Moreno-Ocampo from Argentina, is investigating cases in the Democratic Republic of Congo, Uganda, and Darfur, Sudan, where conflicts have hampered the ability to prosecute some of the world's most horrific crimes.

The United States strongly opposes the ICC and has acted to undermine its authority in the international community. The government fears that the Court could provide a forum for politically motivated prosecutions of US officials and servicemembers. In reaction to its concerns, the US government has signed bilateral immunity agreements (BIAs) to ensure US citizens are immune to the ICC's jurisdiction in these countries. The US has also cut off at least \$30 million in assistance to nations that have refused to sign such agreements and has implemented legislation which limits US cooperation with the ICC.

Despite US opposition to the ICC, the Court has advanced its current cases. The ICC recently recognized the right of six victims to participate in the Court's proceedings for its case in the Democratic Republic of Congo (DRC). The victims survived grave atrocities and witnessed brutality against their families during the violence in the DRC. This is the first time that such a right has been given to victims before a court of this nature. They will be able to express their interests to the Court and also file for compensation for crimes inflicted against them.

The current conflict in the DRC began when Laurent-Desire Kabila overthrew the corrupt government of Mobutu Sese Seko in 1997. Since then, rebel groups and government forces have been backed by neighboring countries, including Rwanda, Uganda, Angola, Namibia and Zimbabwe. The war has claimed millions of lives, either as a direct result of fighting or due to disease and malnutrition. Joseph Kabila, who took over the presidency after his father was assassinated, currently leads a transitional government. Elections are scheduled to take place this June.

The Prosecutor has asked for a review of the decision to recognize victims during the investigations. Ocampo argues that no accused person has been given equal procedural rights and this could lead to a biased trial. Also, there are thousands of potential victims and granting them all the opportunity to be heard during an investigation would be inefficient. The Prosecutor feels that the Appeals Chamber should intervene early to ensure that later decisions are not nullified.

Based on these arguments, the Office of the Prosecutor has asked the judges of the Pre-Trial Chamber to grant the leave to appeal to allow the Appeals Chamber to review the decision. If the PTC grants this, the Appeals Chamber's decision would provide a fundamental precedent for the Court, as it would begin to determine the procedures for implementing the new rights of participation for victims at the Court.

To become involved in promoting the ICC, students should contact amicc@amicc.org. AMICC alliances inform and arouse public opinion to drive political action for close cooperation between the US and the ICC, and encourage support by the United States for the ICC and the earliest possible ratification of its Rome Statute. Students can also incorporate ICC events and programs into their Student Alliance activities on campus.

Ms. Scovner is interning in UNA-USA's International Criminal Court Programs department.