

[genocide] (noun): The systematic and planned extermination of a national, racial, religious or ethnic group.

The term 'genocide' was coined in 1944 by the international lawyer and Polish Jew, Raphael Lemkin, who fused the Greek word "genos," meaning race, nation or tribe, with the Latin suffix "cide," meaning killing. The concept of genocide was cited in the indictment and opening speeches in the trial of senior Nazis before the International Military Tribunal at Nuremberg, and led to the first-ever United Nations treaty banning this crime: the Convention on the Prevention and Punishment of Genocide (1948).

I knew Rafael Lemkin at Nuremberg. He was a determined and impoverished lawyer from Poland whose whole family had been killed solely because of their race or religion. He coined the word "genocide" because no other term could adequately describe such crimes against humanity. The word has become part of our language. Yet such crimes continue – to the everlasting disgrace of the world community. Rafael demonstrated that one individual could inspire the world to outlaw this crime; now all of us must join in supporting the ICC to stop the future architects of genocide and other large-scale atrocities. The struggle for a more humane world goes on, but only by persistent determination and hope can we move closer to that goal.

– Prof. Benjamin Ferencz, Nuremberg Prosecutor



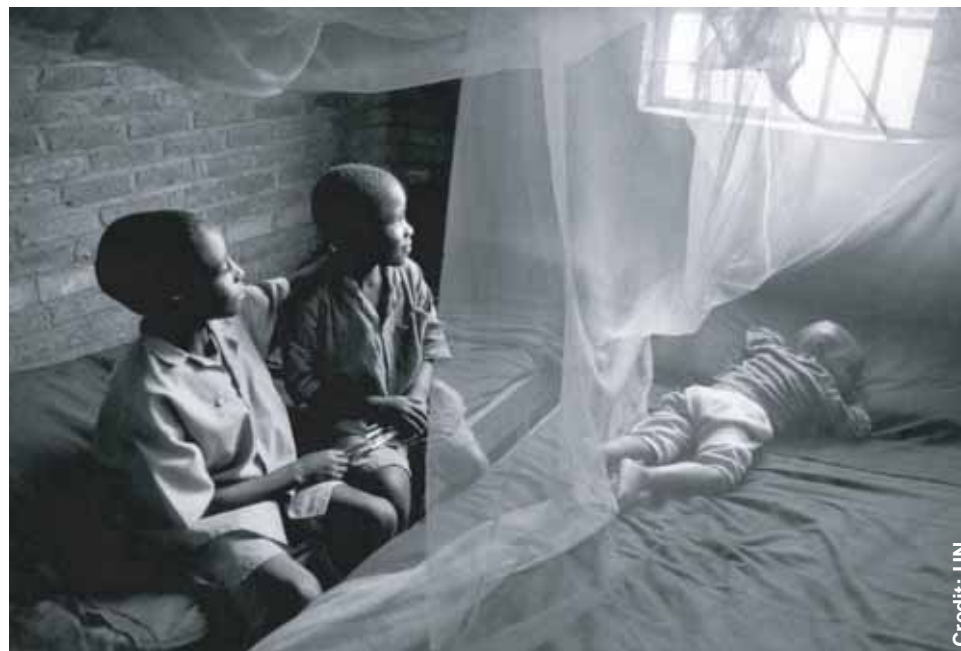
**Join the NGO Coalition for the International Criminal Court
in the effort to end impunity.
www.iccnw.org**

“It used to be that murderers would be brought to justice, while genocidaires would retire in luxury. The ICC will end this reign of impunity forever.”

– *William Pace*
Convenor, NGO Coalition for the International Criminal Court

DETECTING FUTURE GENOCIDES: The International Criminal Court

Justice for victims of genocide, crimes against humanity and war crimes



The genocide in Rwanda, which claimed nearly one million lives, left behind a generation of orphans.

Credit: UN

What is the International Criminal Court (ICC)?



Credit: ICC-CPI / Wim Van Capellen

After over a century of thought about how to end impunity for the worst crimes known to humankind, the creation of the **International Criminal Court (ICC)** in July 2002 marked one of the most important success stories in the protection of human rights. The **ICC** is an independent treaty-based organization: the only permanent global court capable of trying individuals accused of genocide, war crimes and crimes against humanity. Known as the “court of last resort,” the **ICC** is designed to act when national courts are unwilling or unable to do so. Seated in The Hague, the Netherlands, it has the support of the overwhelming majority of the world’s democracies in its nearly 100-member Assembly of States Parties.

How was the ICC created?

Following years of discussion at the United Nations, and five weeks of intense negotiations during the 1998 Rome Diplomatic Conference, 120 nations voted in favor of the adoption of the Rome Statute of the **ICC** on July 17, 1998. 139 countries have signed the Rome Statute, indicating their support for the letter and spirit of the treaty. Nearly 100 countries – representing all regions of the world – have ratified or acceded to the ICC Statute, thereby becoming members of the Court’s Assembly of States Parties.

How does the ICC work?

The **ICC** is composed of four “organs”: the Office of the Prosecutor (a chief Prosecutor and two Deputy Prosecutors); the Registry (responsible for the non-judicial administration of the Court); the Judiciary (18 judges, seven of whom are women); and the Presidency (a President and two Vice-Presidents elected from among the Court’s 18 judges).

The **ICC** has jurisdiction over crimes committed in the territories and by nationals of countries that have ratified or acceded to the Rome Statute of the **ICC**. The Court’s jurisdiction began July 1, 2002, when the Rome Statute entered into force. In accordance with the “complementarity” principle of the Statute, the Court will act only when national courts are unable or unwilling to do so.

A case may be brought to the Court by a referral from an **ICC** State Party, the UN Security Council, or through the initiation of the Prosecutor based on credible reports from individuals, civil society groups or the media.



The ICC’s pre-trial chamber

How will the ICC deter future architects of genocide?

The Rome Statute of the **ICC** defines genocide as it is set out in the 1948 Genocide Convention, which is considered part of international customary law, and therefore binding on all states - regardless of whether or not they have ratified the Genocide Convention. According to the Rome Statute, the following acts may constitute genocide when committed with the intent to destroy all or part of a national, ethnic, racial or religious group:

- killing;
- causing serious bodily or mental harm;
- deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- imposing measures intended to prevent births;
- forcibly transferring children or other members of the group.

Why support the ICC?

- The 20th century was the bloodiest in human history. Too often, the perpetrators escaped justice. The establishment of the **ICC** – the only court with jurisdiction over individuals responsible for the most serious crimes of international concern – represents a major step forward in the fight against impunity.

- Unlike the two ad hoc tribunals created to address massive human rights abuses in Rwanda and the former Yugoslavia, the **ICC** is permanent. The **ICC** therefore stands as a deterrent against future atrocities, and empowers the international community to react more rapidly through an impartial, international judicial mechanism.

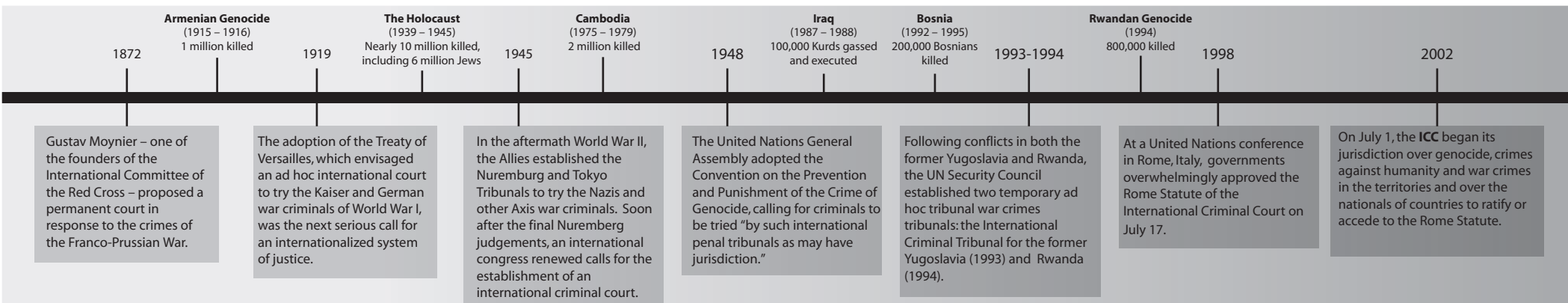
- By requiring that all States Parties implement the Rome Statute into national law, the ICC strengthens the ability of national judicial systems to address the crimes of genocide, crimes against humanity and war crimes. Since the **ICC** will act only if national courts are unable or unwilling to do so, the **ICC** further supports the duty of States to uphold the rule of law.

- As an international body, the **ICC** is able to operate with impartiality, and can avoid claims of “victor’s justice.” By achieving justice for victims and the affected community at large, the **ICC** will also help to establish a neutral historical record.

- The **ICC** is groundbreaking in its active involvement of victims. Not only can victims and witnesses communicate information regarding potential situations to the Court, their needs and contributions are central components of the judicial process. Moreover, through the establishment of the Victims Trust Fund, the **ICC** provides for the possibility for victims to receive financial reparations.



Credit: Human Rights Watch 1999



* The genocides listed in the above timeline are not all-inclusive and are estimated numbers of those killed. Source: Samantha Power, *A Problem from Hell*