



Information Packet for Faith-Based Organizations

~The International Criminal Court~

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QUESTIONS & ANSWERS

ABOUT THE ICC

Q. What is the International Criminal Court (ICC)?

The ICC will be a permanent court that will investigate and bring to justice individuals who commit the most serious violations of international humanitarian law, namely war crimes, crimes against humanity, and genocide. Unlike the International Court of Justice in The Hague (a.k.a., the World Court), in which only states can bring suits against one another, the ICC will have the capacity to try individuals. The ICC will be created on the basis of the Rome Statute, a treaty adopted in Rome on July 17, 1998 at the United Nations diplomatic conference.

Q. When will the ICC be created?

The ICC will enter into force once sixty states have ratified the Rome Statute. As of June 22, 35 states had ratified and 139 had signed the Treaty. The United States added its signature on December 31, 2000. Signatories include 18 of 19 NATO members, and Russia. The ICC is strongly supported by the closest friends and allies of the United States. Most observers expect the court to come into existence within the next two or three years.

Q. How will the ICC function?

The Court will be composed of 18 judges, an independent Office of the Prosecutor, and the Office of the Registrar. Judges and the prosecutors will be elected by the representatives of the member-states to the ICC in the Assembly of State Parties. These representatives will be able to remove officials who do not meet the high standards of performance demanded by the Statute. The ICC's jurisdiction can be triggered by member States, the United Nations Security Council or by the Prosecutor on his/her own initiative. *The ICC, however, will not supplant national jurisdiction. It will only be able to take action in situations where national courts are either unwilling or unable to investigate or prosecute alleged war criminals effectively.*

Q: Why do we need an ICC for such criminals? Why can't domestic courts do it?

Unfortunately in some countries, as a result of conflict and social and political collapse, courts are not capable of dealing with these types of crimes or of providing a fair trial. Moreover, the ease of international movement means states need to cooperate to capture and punish criminals. Finally, some countries capable of trying war criminals and perpetrators of mass crimes have political problems in doing so or in handing them over to another nation. The ICC would give these nations another option.

Q: *Why can't we just have more ad-hoc tribunals, as in Yugoslavia and Rwanda?*

The ICC is being created in part because the ad-hoc tribunals demonstrated the need for a permanent court of this kind. It takes enormous amounts of time and money to set up ad-hoc tribunals, and the delay in their creation means that evidence gets destroyed and those responsible remain at large. Moreover, once the ICC exists, it is extremely unlikely that the Security Council will authorize the creation of any more ad-hoc tribunals. Finally, the creation of a permanent court will have a deterrent effect on future war criminals.

Q: *Can the Court try Americans?*

Americans arrested abroad for committing a crime are already subject to prosecution by other countries. Thus, being tried in foreign courts is not a new development. In the highly unlikely event of an American being arrested abroad for war crimes, in many cases a trial in the ICC would be fairer, because US negotiators fought hard for and won strong protections for the accused in the Court's procedures. In addition, under the principle of complementarity, the ICC would only intervene when the U.S. does not undertake a good faith effort to investigate or prosecute. In practical terms, it is highly improbable that American judicial system would be unwilling or unable to try a case.

Q: *How will the U.S. benefit by participating in the Court?*

By enforcing international law fairly and consistently, the ICC would serve to deter future war crimes and crimes against humanity, and therefore lessen the necessity for U.S. intervention in such cases as Kosovo and the Sierra Leone. Moreover, the US will benefit from remaining engaged even as a non-State Party, especially by continuing to participate in negotiations organizing the Court. Even after the Court comes into existence, as a non-State Party we would benefit from cooperating with the Court to prosecute individuals who commit war crimes against Americans.

Q: *What about restorative justice through truth commissions?*

The International Criminal Court system and future truth commissions are not mutually exclusive. The main goals of truth commissions such as in South Africa are to allow facts about human rights violations to come to light, to create a climate for national reconciliation by morally condemning crimes and acknowledging the victims, to contribute to the education of the population by highlighting the mechanisms which led to the horrors of the past, and to respond to victim's needs for justice. The ICC can operate within the framework of truth commissions. The Court is not meant to try every individual involved in massive campaigns of genocide, war crimes, or crimes against humanity. Rather, it is meant to hold accountable those leaders who orchestrated, oversaw, and ordered such campaigns.

SAMPLE RESOLUTION POINTS

ON THE INTERNATIONAL CRIMINAL COURT:

1. We commend the United Nations and the Diplomatic Conference in Rome for the drafting and adoption of the Rome Statute of the International Criminal Court (ICC).
2. We affirm the need for international judicial mechanisms for the administration of justice capable of addressing major categories of crime with consistent application for all countries.
3. We call upon all governments to be diligent in the conduct of affairs by preventing those acts that might constitute offenses of international character as defined by law and by holding their own citizens accountable to those standards.
4. We call upon the United States government to provide international leadership by ratifying the treaty, and actively supporting the International Criminal Court.
5. We encourage our members to learn about the International Criminal Court and the necessity for its creation, and to support the participation of the United States in the International Criminal Court, including the ratification of the Rome Statute.

* Points are adapted from the Presbyterian Church (USA) Resolution on the International Criminal Court (H), 25.329—25.337, 211th General Assembly, June 1999.

SAMPLE ACTION ALERT

(from the Lutheran Office For Government Affairs, ELCA, March 2001)

U.S. Ratification of International Criminal Court Needed

When President Clinton signed the United Nations Rome Statute December 31, 2000 the debate on whether the US should join the International Criminal Court (ICC) as one of its 60 founding members moved from the White House to the US Senate which can now give its advice and consent. US support for the international system of justice has manifested itself over the past 50 years, beginning with the Nuremberg Trials and the Geneva Conventions and continuing in the last decade with the UN International Tribunals in Rwanda and the former Yugoslavia.

Currently 139 nations have signed the ICC treaty and 27 have ratified it, including our traditional allies Austria, Belgium, Canada, Finland, France, Germany, Italy, Luxembourg and Norway. The ICC will be a working court by 2002, and all nations will be affected by its decisions, whether or not they are members.

The ICC is an important advance toward global justice because it will try individuals accused of war crimes rather than nation states. While broad trade sanctions target an entire population, many of whom are innocent victims, the ICC will take legal action against the responsible individuals who give commands for crimes against humanity, such as genocide. The list of war crimes now includes the systematic rape and sexual assault of ethnic groups, as well as sexual slavery, enforced prostitution or sterilization of a population. For the first time systematic crimes against humanity can be prosecuted even if they do not occur during wartime.

Now the United States needs to ratify the Rome Treaty to be a full member at the negotiating table during the selection of judges and prosecutors. The US has influenced every stage of the Court's development by participating in United Nations Preparatory Commission meetings to define issues such as "crimes of aggression" and to provide adequate safeguards for US military personnel on humanitarian missions. The war crimes prohibited by the ICC are prohibited by the US Uniform Code of Military Justice and impose no new laws on American service personnel. The ICC is limited to prosecuting only the most heinous war crimes against humanity, and only if a country itself is "unwilling or unable genuinely to carry out the investigation or prosecution." The primary responsibility for law enforcement remains with each country's civil and military courts.

Ratification will ensure that the United States is the leader in creating a court that best reflects American principles and values. The Senate can uphold our role as the foremost defender of international human rights by voting for ratification and securing our full membership in the ICC.

ACTION NEEDED: Write your Senators, Representatives and President Bush. Tell them you want the United States to ratify the Rome Treaty for the International Criminal Court so that the United States will be able to vote for judges and prosecutors and ensure that American values prevail.

RESOLUTIONS

Church of the Brethren

The Church of the Brethren Annual Conference Passed the following words in the larger statement "Nonviolence and Humanitarian Intervention" (1996). The full text can be found at: http://www.brethren.org/ac/ac_statements/nonviol.htm

...The Church of the Brethren continues its longstanding support for United Nations efforts to build world peace.¹⁸ We support a more active United Nations seeking nonviolently to dampen civil wars and to come to the aid of victims of genocide, military aggression, and gross violations of human rights. Because the UN is the most representative global political institution, it can help move conflicts from the battlefield to the negotiating table and the international courtroom. In claiming authority over decision making for military intervention, it can reduce the likelihood that one country can claim a unilateral right to make war. We believe the UN should have the authority to prevent war.

...The Church of the Brethren should commit resources for witness, education, and persuasion of officials in the US government and at the United Nations, and through the Brethren presence in Washington DC, educate our own members and speak truth to the principalities and powers. The church should attempt to exert influence in the larger world community to:

...

4. encourage the United States and other countries to comply with existing international laws and accept the jurisdiction of the International Court of Justice as compulsory;
5. support the creation of a permanent international criminal court to provide opportunity, whenever possible, for impartial judicial proceedings for those who are victims of, or are accused of, war crimes, terrorism, and other violations of human rights laws; ²³

Evangelical Lutheran Church of America

Policy Statement, For Peace in God's World 1995, Adopted 1996

Affirms commitment to "Promote respect for human rights. 'Recognition of the inherent dignity of and equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.' These words from the Preamble to the Universal Declaration of Human Rights (1948) are consistent with our understanding of humans created in God's image. Human Rights provide a common universal standard of justice for living with our differences, and they give moral and legal standing to the individual in the international community."

"In support for international cooperation, we:

- Advocate increased respect for and adherence to international law;
- support creation of an International Criminal Court, which would hold individuals accountable for violations of international law, for example, in cases of genocide and war crimes; ..."

National Council of Churches of Christ in the U.S.A

NCCC Resolution on the International Criminal Court, NCCCUSA General Assembly, November 10-12, 1999

WHEREAS, the National Council of Churches of Christ in the U.S.A. has supported the creation of the International Criminal Court (ICC); and

WHEREAS, the Rome Statute of the International Criminal Court was adopted in 1998 and submitted to governments for ratification;

THEREFORE the International Justice and Human Rights Program Ministry Committee of Church World Service and Witness recommends that the CWSW Unit Committee recommended to the General Assembly of the National Council of Churches of Christ in the U.S.A. that it:

- a) commend the United Nations and the International Conference in Rome for the drafting and adoption of the Rome Statute of the International Criminal Court (ICC);
- b) call upon the United States administration to provide international leadership by signing the treaty, submitting it to the Senate for ratification, and supporting the creation of the International Criminal Court;
- c) call to the attention of the member communions the action and its rationale taken by the 211th General Assembly of the Presbyterian Church (U.S.A.) regarding the International Criminal Court,
 - 1) commending the rationale for study and reflection; and
 - 2) recommending that similar action be taken by each communion.

Presbyterian Church (U.S.A)

Presbyterian Church (USA), Resolution on the International Criminal Court (H), 211th General Assembly, June 1999.

The Advisory Committee on Social Witness Policy (ACWSP) recommends that the 211th General Assembly (1999) of the Presbyterian Church (U.S.A.) do the following:

1. Commend the United Nations and the International Conference in Rome for the drafting and adoption of the Rome Statute of the International Criminal Court (ICC).
2. Affirm the need for international judicial mechanisms for the administration of justice capable of addressing major categories of crime with consistent application for all countries.
3. Call upon all governments to be diligent in the conduct of affairs, preventing those acts that might constitute offenses of international character as defined by law, holding their own citizens accountable.
4. Call upon the United States administration to provide international leadership by signing the treaty, submitting it to the Senate for ratification, and supporting the creation of the International Criminal Court.

5. Call upon the United States Senate for prompt consideration and ratification of the treaty.
6. Encourage Presbyterians to learn about the International Criminal Court and the necessity for its creation, and to support the participation of the United States in the International Criminal Court.
7. Request that the appropriate offices of the General Assembly make available information for study.
8. Direct the Stated Clerk to communicate this resolution and its background information to the secretary general of the United Nations, the president of the United States, the secretary of state, the secretary of defense, and every member of the United States Senate.

Excerpt from attached rationale: "The Rome treaty holds the promise of helping to establish international mechanisms for the administration of justice for those crimes long acknowledged to be contrary to the interests of peace and justice. The necessity to adequately address issues involving international justice in its multiple aspects – punishment for perpetrators of international crimes, the restorative needs of victims, and the redemptive actions necessary for the rebuilding of community – remains one of the unresolved challenges of the world community."

United Methodist Church

Text of resolution passed by the United Methodist General Board of Church and Society, May 2000:

- "D. Impunity: The Case for an International Criminal Court "You shall not render an unjust judgement; you shall not be partial to the poor or defer to the great: with justice you shall judge your neighbor." (Leviticus 19:15)

A culture of peace must be globalized today. The prevailing culture of repression, oppression and exploitation has no place in this culture of peace. Only the pursuit of a just peace, which includes the search for truth and justice for victims, will bring about forgiveness, reconciliation and healing in many rural villages, towns, cities, nations and regions of the world that are scarred by conflict and war. The establishment of an International Criminal Court (ICC), as provided for in a treaty adopted in Rome in June 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, provides an important step in ending impunity. This court will hear cases against war crimes, genocide, crimes against humanity and crimes of aggression. Faith-based and religious groups, working together with the Coalitions for an International Criminal Court (CICC), identified several moral and ethical imperatives and included these in a draft preamble they offered the Rome Conference to consider.

The draft stated: "Desirous that the quest for justice includes retributive justice whose purpose is the prosecution and punishment of offenders while insuring the rights of the accused to fair trials, restorative justice whose purpose is that of reparations, restitution and rehabilitation for the victims, and redemptive justice which must be seen as the enablement of communities to deal with the truths of the past in ways which will allow and enable social reconstruction and reconciliation, and the ending of cycles of violence; "Recognizing that adjudication of crimes of international concerns that have transcended national boundaries are often beyond the scope of national criminal justice systems, and that crimes whose immediate victims have occurred within national contexts are often beyond the competence or ability of national judicial systems; Noting the basic principles of justice for victims of

crime and the abuse of power approved by the United Nations General Assembly; therefore, establish the International Criminal Court..."

As Pope John Paul II stated, "A positive sign of the growing will of the States to acknowledge their responsibility in the protection of the victims of [crimes against humanity], and their commitment to prevent them, is the recent initiative of the diplomatic Conference of the United Nations that distinctly adopted the Statute for an International Criminal Court that will assess the guilt and punish those responsible of genocide, crimes against humanity and war crimes."

United Methodists all over the world must urge all governments, especially the United States of America, to sign and ratify the treaty to establish the Court. The work of the CICC and the Washington Working Group on the International Criminal Court (which focuses on getting the US to ratify the treaty) must be supported. In their support, United Methodists must preserve and strengthen the unprecedented provisions of the Rome Statute calling for an end to impunity for crimes committed against women and children. Also, the ancestral and sacred sites of indigenous peoples must be included in the Court's definition of protected sites."

STATEMENTS AND LETTERS

Letter sent to President Clinton From Representatives of Faith-Based Groups and Organizations

December 20, 2000

William Jefferson Clinton
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Clinton:

We as representatives of religious organizations and faith based groups recognize that, in the conscience of peoples and nations around the world, there is a growing conviction that human rights have no borders, because they are universal and indivisible. Human rights provide a common universal standard of justice for living with our differences, and they give moral and legal standing to individuals and communities in the international community.

Further, we see the necessity to adequately address all aspects of international justice including punishment for perpetrators of international crimes, the restorative needs of victims, and the redemptive actions necessary for the rebuilding of communities.

We believe that the International Criminal Court must exist in order to ensure protection of the dignity and fundamental rights of individuals and communities. This dignity is shared by all people, regardless of their age, race, sex, ethnic origin, religion or status as combatant or non-combatant. Each person shares in this human dignity, without exception, and is entitled to the protection of the law, which such a Court would ensure.

The past century's numerous heinous acts of barbarism have underscored the urgency of this issue. We call upon you, President Clinton, to sign the treaty adopted in Rome in June 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court.

Sincerely,

Rev. Michael Dodd
Columban Fathers' Justice & Peace
Office

Rabbi David Saperstein
Co-Director
Commission on Social Action of Reform
Judaism

Gary Baldrige
Co-coordinator Global Missions
Cooperative Baptist Fellowship

Rev. Lonnie Turner
Cooperative Baptist Fellowship
Washington Office

Rev. David O. Selzer, Chair
Janet G. Chisholm, Vice-Chair
Verna M. Fausey, Secretary
Christopher Pottle, Treasurer
Mary H. Miller, Executive Secretary
Episcopal Peace Fellowship

Rev. Peter Ruggere
Maryknoll Office of Global Concerns

Rev. Bob Edgar
General Secretary
National Council of the Churches of Christ in
the USA

Kathy Thornton, RSM
NETWORK National Coordinator
NETWORK, A National Catholic Social
Justice Lobby

Rev. Elenora Giddings Ivory
Director, Washington Office
Presbyterian Church (USA)

Rev. Jesse Jackson
President and Founder

Rob Cavanaugh
Legislative Director
Unitarian Universalist Association
of Congregations
Washington Office for Faith in Action

James E. Winkler
General Secretary
General Board of Church & Society
The United Methodist Church

Herbert Blinder
Director
Washington Ethical Action Office

American Jewish Committee

Letter to: Congressmen Gilman and Gejdenson on the American Servicemember's Protection Act of 2000 (H.R. 4654) July 21, 2000, from Robert S. Rifkind, Chair, Jacob Blaustein Institute for the Advancement of Human Rights (excerpt):

"Following the Second World War, the Nuremberg Tribunal sought to bring what President Truman called the 'beneficent power of law' to bear on those responsible for that calamity. The proposed International Criminal Court represents the unfinished business of Nuremberg. Twenty years ago President Reagan committed his administration to press the Senate to ratify the Convention against Genocide, which calls for the creation of an international criminal court."

Jewish Council For Public Affairs

Statement of Jewish Council for Public Affairs Chair Steven Schwarz, July 29, 1998

"The Jewish Council for Public Affairs (JCPA) views as an important step forward the establishment of a permanent international criminal court with jurisdiction over genocide, crimes against humanity, war crimes and aggression. Our overall support for this initiative reflects the organized American Jewish community's fundamental commitment to the protection of human rights and dignity for all peoples.

If utilized appropriately, we believe the court represents an historic achievement that will enable the international community to bring to justice perpetrators of serious crimes against humanity. We hope the court, which emerges at the close of a century that has witnessed unprecedented acts of barbarism, will finally provide a mechanism for enforcing the Genocide Convention."

Lutheran Office for Government Affairs & Lutheran Office for World Community, ELCA

Letter to Assistant to the President for National Security Affairs Samuel Berger, October 8, 1999 , from Rev. Mark B. Brown, Assistant Director for International Affairs, Lutheran Office for Governmental Affairs, and Dennis W. Frado, Director, Lutheran Office for World Community (excerpt):

"We are writing you to express our hope that you will support signature of the Rome Statute of the International Criminal Court (ICC). The time has come for the U.S. to join the rest of the world's civilized nations in supporting this important step forward for the rule of law."

Maryknoll Missioners

Letter to President Clinton calling for his full support of the ICC, from: Helene O'Sullivan, M.M., Maryknoll Sisters Congressional Leadership Team; Victoria Armour-Hilernan, Maryknoll Mission of the Faithful, and Raymond J. Finch, M.M., Superior General, Maryknoll Society:

"The ICC will not prevent all future human rights violations. But it will provide a forum to prosecute the most heinous international crimes when national systems are unable or unwilling to do so. It will also serve to deter those who would commit genocide, crimes against humanity and war crimes, by confronting them with the threat of punishment. It would offer redress to victims where national courts cannot provide it. It would also strengthen peace and end the cycle of violence, by offering justice as an alternative to revenge. And it would contribute to the process of reconciliation by replacing the stigma of collective guilt with the catharsis of individual accountability. But unlike the ad hoc tribunals, which can raise questions of selective and political motivations, the legitimacy of a permanent ICC created by treaty by UN member nations would not be open to challenge. The Court would have the same mandate wherever the crimes under its jurisdiction are committed."

National Council of the Churches of Christ in the USA

July 8, 1998

The President
The White House
Washington, DC 20500

Mr. President:

As the Rome Conference proceeds towards designing a treaty for establishing an International Criminal Court (ICC), we ask leaders of our government to consider carefully the moral, legal and political reasons for American acceptance of the jurisdiction of such a court.

Like many people all over the world, we regard the ICC as an important step towards the time when, for at least a limited number of atrocious crimes, a rule of law will finally prevail over some dimensions of national sovereignty. We believe that from its beginning ICC authority will be seriously crippled by an insistence by any nation especially the United States, that it have the right to veto any case brought against itself in the court.

We say "especially the United States" because (1) U.S. traditions of law, (2) our status as a chief world power, and (3) our claim to world moral leadership are all on the side of admitting to ICC jurisdiction over some potential actions of our own nation as well as others.

Our Declaration of Independence asserted that as a new nation we owed "decent respect to the opinions of mankind." Implied in all current religious traditions is the conviction that there are

standards of law that apply to all human beings. The 1948 Universal Declaration of Human Rights expressed just such a conviction, and we are proud of American leadership in bringing that Declaration to pass fifty years ago. ... Our tradition of respect for law entails respect for law enforcement. The place to begin such steps short of international war is legal prosecution of persons and groups guilty of atrocities such as those committed recently in Rwanda and Bosnia. Special courts for individual prosecutions are not enough. The world needs a permanent criminal court.

If the U.S. exempts itself from the jurisdiction of the court whenever we deem it to our self-interest to do so, we will be handing other nations, large and small, an excuse to follow our example. We cherish that feature of our own legal tradition that forbids anyone to be judge of their own case. An American acceptance of some degree of subjection to this principle will offer a powerful example of our integrity in our advocacy of limited government as indispensable in a true democracy. By so accepting at least a limited jurisdiction of the ICC we will imply to the rest of the world exactly what Judge Learned Hand meant when he said, "The spirit of liberty is the spirit that is not too sure it is right."

We have great confidence in the American judicial system, however, and we applaud the principle, now in the proposed Treaty, of jurisdictional parallelism, whereby a national court will have full freedom to hear cases involving its own laws and its own citizens. We remember with pride that the United States military judicial system ultimately acknowledged the gross injustice of the My Lai incident in the Vietnam War. As Americans we have to applaud the fact that this case is now taught as a violation of the rules of military engagement in the curricula of West Point and the United States War College. The very existence of an international tribunal, we believe, will prompt such action in many national legal systems, a resort to local jurisdiction that is much to be desired.

The moral fiber of individuals and nations is all that stronger when, on occasion, they have the capacity to admit they are sometimes wrong. In Psalm 15:4 we read that the "righteous" are those who "swear to their own hurt and do not change." We believe that this nation is unlikely to be a perpetrator of war crimes, genocide, and crimes against humanity. But we will have the best chance of persuading other nations of their own vulnerability to gross wrongdoing if we concede that our own powerful nation may conceivably be capable of the same.

We know that the originating jurisdictional powers of an ICC can be abused by those who mean political harm to the United States rather than honest pursuit of genuine grievances. But even a single case in which this country risks "swearing to its own hurt" will set a powerful example to other nations that none of them is above the law, especially the law that forbids the atrocities on which this court's concern will be focused

Grace and Peace,
(The Rev Dr.) Joan Brown Campbell, General Secretary

National Spiritual Assembly of the Baha'is of the United States

Letter to Assistant to the President for National Security Affairs Samuel Berger, October 21, 1999, from Dr. Firuz Kademzadeh, Secretary for External Affairs, (excerpt):

"It is our strong conviction that the present stage in the historical development of relations among the peoples of the world demands the strengthening and even the expansion of international organizations intended to foster the development of international law and ensure the establishment and maintenance of peace and security. The creation of the ICC within the UN system is an important step toward this end."

Vatican Delegation to the Diplomatic Conference on the ICC

Intervention of Archbishop Martino, Head of the Vatican Delegation to the Diplomatic Conference on the ICC, Rome June 16, 1998:

Mr. Chairman,

The Delegation of the Holy See wishes to begin by expressing its sincere thanks and appreciation to the Italian Government for its generosity and hospitality in hosting this Diplomatic Conference, I am pleased to convey to this Assembly the greetings of His Holiness Pope John Paul II. My Delegation is very optimistic that the arrangements and provisions made for our work at this Center of the Food and Agricultural Organization will greatly assist the very delicate and difficult work which faces us over the next several weeks.

The Holy See has very actively participated in the Preparatory Committee meetings which have preceded and led up to this Conference as a sign of its deep interest in matters which touch upon the questions of justice, reconciliation and the good of the human person. As Pope John Paul has stated, "Within the international community the Holy See supports every effort to establish effective juridical structures for safeguarding the dignity and fundamental rights of individuals and communities. Such structures however can never be sufficient in themselves; they are only mechanisms which need to be inspired by a firm and persevering moral commitment to the good of the human family as a whole. For communities no less than for individuals, commitment to solidarity, reconciliation and peace demands a genuine conversion of heart and an openness to the transcendent truth which is the ultimate guarantee of human freedom and dignity". (11 January 1997)

With this basis, I would like to highlight several important considerations regarding the establishment of such a court.

Any International Criminal Court should exist in order to ensure protection of the dignity of the human person. This dignity is shared by every human person, regardless of his age, race, ethnic origin, status as combatant or non-combatant, sex or stage in human life, from the unborn to the elderly. Because each person shares in this human dignity, each person, without exception, is entitled to the protection of the law which such a Court would oversee. The Statutes and the Crimes which shall be under the jurisdiction of the Court must reflect this equal dignity shared by all.

As a consequence, an important principle that must underlie the justice to be dispensed and assured by an International Criminal Court is that of *suum cuique*, to each person his due. Again to cite Pope John Paul II, Among the primary aims of law must be to ensure that each person receives his due, at every level of social life. The recognition that the human person is by nature the subject of certain rights which no individual, group or State may violate represents a significant juridical achievement and must be considered an essential principle of international law. N (Address to the World ~ Association of the World Peace Through Law Center, 9 May 1992) Those who have been harmed are due the protection of the law. Those who are responsible for violations of the most heinous crimes which offend the conscience of the human family, the crimes which will fall under the jurisdiction of this Court must be made to accept their responsibility in accordance with universal norms. It is indeed the right of society to manifest, by means of law and juridical structures, those objective and eternal values which protect and order the human family and human dignity.

As an instrument of justice, such a Court must be conceived as a means of seeking not revenge but the restoration of that right relationship within the human family which will lead to reconciliation. Accordingly, the verdicts, and most especially the sentences which the Court will impose, must always keep in mind this higher goal of reconciliation. For that reason, the Holy See is convinced that the death penalty has no place in this statute. The destruction of life - be it as punishment. or as panacea is inconsistent with the universal norms that serve to justify an International Criminal Court.

Finally, Mr. Chairman, the Holy See wishes to stress the need to formulate statutes for this Court which will ensure its independence from political concerns and pressures particularly those which reflect the particular rather than the universal, the exclusive rather than the inclusive. It is an inherent element of justice that everyone stands equal before the law. Any structures or rules which could lead to decisions about guilt or innocence that are based upon political rather than juridical considerations have a questionable role in the proposed statute.

I wish to express to this Conference the confidence of the Holy Sec that the work we undertake here will be fruitful and harmonious, The Creation of an International Criminal Court is a very Important initiative which will touch upon the rights and lives of nations and communities as well as those of individuals. May Almighty God bless our efforts so that future generations might look upon this Court as a substantial contribution to respect for law and for the rights of all men and women everywhere in tile world - regardless of who speaks for them and who does not - for each is a child of God created in his own likeness.

Thank you, Mr. Chairman.

H.H. Pope John Paul II

From the Message of His Holiness Pope John Paul II for the Celebration of the World Day of Peace, 1 January 2000, "Peace on Earth to Those Whom God Loves!" (excerpt):

"Crimes Against Humanity—This principle has an immensely important consequence: an offense against human rights is an offense against the conscience of humanity as such, an offence against humanity itself. The duty of protecting these rights therefore extends beyond the geographical and political borders within which they are violated. Crimes against humanity cannot be considered an internal affair of a nation. Here an important step forward was taken with the establishment of an International Criminal Court to try such crimes, regardless of the place or circumstances in which they are committed. We must thank God that in the conscience of peoples and nations there is a growing conviction that human rights have no borders, because they are universal and indivisible."

RESOURCES

The American Academy of Arts and Sciences' Project on National Security and the ICC:
<http://www.amacad.org/projects/ciss.htm>

Human Rights Watch on the ICC:
<http://www.hrw.org/campaigns/icc/>

The International NGO Coalition on the ICC (CICC) contains relevant information including country-by-country signature and ratification counts:
<http://www.iccnw.org/>

Lawyers Committee for Human Rights on the ICC:
<http://www.lchr.org/lchr/feature/50th/main.htm>

The Official United Nations Web Site on the ICC Contains the ICC Statute, Elements of Crime, Preparatory Commission reports, and other related documents:
<http://www.un.org/law/icc/index.html>

The World Federalist Association's website of information, latest news and links about the ICC:
<http://www.wfa.org/issues/icc.html>

Washington Working Group on the International Criminal Court:
<http://www.wfa.org/issues/wicc/wicc.html>

For more information, please contact:

~OR~

Rev. Peter Ruggere
Chair, WICC Religious and Faith-Based
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WASHINGTON WORKING GROUP ON THE ICC

SUMMARY DESCRIPTION

The Washington Working Group on the International Criminal Court (WICC) is a coordinating group of the Washington legislative and governmental affairs offices of American non-governmental organizations (NGOs) committed to the cause of the International Criminal Court (ICC). The WICC supports, coordinates, and provides materials and information for education and advocacy about the Court by these organizations to Congress and the Administration.

The Rome Statute to establish the ICC was adopted in July 1998 by the votes of 120 countries over opposition of seven nations, including the United States. The Court will come into existence when 60 countries have ratified the Statute. This may well occur as early as 2002. The Court will try only the most serious perpetrators of future mass crimes against humanity, war crimes and genocide. It will try them only if national courts cannot or will not do so.

The ICC will be governed by its own inter-governmental body, which will choose its judges and manage its finances and administration. It will be a treaty organization independent of, but with close relations with, the United Nations. The draft I.C.C. Statute was negotiated in a U.N. committee and the Rome Conference that adopted it was called by the United Nations General Assembly. Another General Assembly body, the United Nations Preparatory Commission for the International Criminal Court, is currently negotiating final arrangements for the Court. It will meet well into 2001. Its sessions provide useful recurring occasions to draw attention to the development and imminence of the Court and to discuss the U.S. position on the ICC with American officials.

The United States has made far-reaching, fundamental, and indispensable contributions to the quality of the Rome Statute as well as winning restrictions on the powers of the Court, which have dismayed many governments and NGOs. A recent poll reported that 66% of Americans surveyed favored early American participation in the Court.

The WICC serves its members, and they coordinate with each other largely through telephone, fax and email exchanges of information, opinions, and material. Meetings are held as necessary or desired, are conducted crisply, and are confined to policy and tactics, analysis of recent events such as Preparatory Commission sessions, and meetings with government officials and experts.

The WICC is generously supported by the World Federalist Association with office facilities and the services of a senior staff member as Coordinator. It has Washington and New York Co-Chairpersons, and has just under thirty organizational members. The WICC seeks additional members dedicated to the cause of international justice.

The New York Co-Chairman, John L. Washburn, also serves as the Convenor of the American NGO Coalition for the ICC (AMICC) . He may be reached at the following address:

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