



INVESTIGATION AND PROSECUTION OF HUMAN RIGHTS VIOLATORS BY THE INTERNATIONAL CRIMINAL COURT

The International Criminal Court (ICC) is the first new major international institution of the 21st Century. It holds individuals accountable for genocide, war crimes and crimes against humanity. It was formed as a universal response to past and present atrocities, beginning its work on July 1, 2002. Its creation is the culmination of fifty years of international efforts through the United Nations to create a permanent international judicial institution to try heinous crimes that are condemned by all governments, religions, cultures and peoples.

The ICC is different from UN human rights bodies such as the Human Rights Committee and the Human Rights Council in that it tries individuals for crimes rather than investigating states for human rights violations. Unlike traditional human rights bodies, it does not report violations of human rights norms; it punishes the worst atrocity crimes which always include the most serious violations of human rights. The Court has opened investigations of atrocities in Uganda, the Democratic Republic of Congo, the Central African Republic, Kenya and Darfur, Sudan. The ICC has issued arrest warrants for senior leaders of four of these countries, including two for Omar al-Bashir, president of Sudan. It began its first trial in January 2008 and several more are underway. Examples of the crimes which the ICC is currently investigating or may investigate in the future include:

- Enlisting child soldiers and turning them into killing machines as a war crime;
- Turning young girls into sex slaves as a war crime or crime against humanity;
- Mutilating people as a war crime;
- Exterminating entire populations as a crime against humanity;
- Persecuting religious groups and attacking sacred places as a crime against humanity; and
- Acting to destroy national, ethnic, racial or religious group as genocide.

The work of the ICC is also closely related to the work of the United Nations and its security and human rights bodies. The Security Council, acting under Chapter VII of the UN Charter, can refer situations to the ICC as it did in relation to Darfur, Sudan. The Human Rights Council, an organ of the UN, addresses some of the same situations as the ICC; it has appointed a special rapporteur for Sudan and an independent expert for Democratic Republic of the Congo. The Office of the High Commissioner for Human Rights (OHCHR) has established field presences in Uganda, Sudan and the DRC to facilitate its work dealing with the same crises as the ICC.

The ICC's focus on individual accountability does not set it apart from human rights law. The Rome Statute incorporates and makes reference to elements of human rights law, including the Genocide Convention and other treaties. The application by the ICC of law codified in the Rome Statute "must be consistent with internationally recognized human rights." The Court also limits the admissibility of evidence obtained in violation of international human rights norms. Where appropriate, ICC judges use applicable treaties and the principles and rules of international law. Finally, to be elected, some ICC judges must have competence in areas such as international human rights law.

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