

Board Resolutions

RESOLUTION URGING THE ESTABLISHMENT OF A PERMANENT INTERNATIONAL CRIMINAL COURT

WHEREAS, the case for creating an International Criminal Court has been made for nearly a half century;

WHEREAS, almost all the nations of the world have agreed that an International Criminal Court would be an essential component in a stable international order;

WHEREAS, genocide, crimes against humanity, and war crimes continue to shock the conscience of the world and have been particularly made known to the membership of the Philadelphia Bar Association;

WHEREAS, no community can morally permit those responsible for genocide, crimes against humanity, and war crimes to escape justice;

WHEREAS, without an effective International Criminal Court, perpetrators of genocide, crimes against humanity, and war crimes will likely go unpunished and their victims realize no justice;

WHEREAS, an effective International Criminal Court will likely deter the commission of these terrible crimes;

WHEREAS, the International Law Commission of the United Nations and the larger international community are currently working toward the creation of a permanent International Court;

WHEREAS, such an International Criminal Court must conform to the same standards of independence, impartiality and fairness which are expected in competent domestic court systems;

WHEREAS, no court can properly function unless adequately funded and insulated from political influence;

WHEREAS, permanency of an International Criminal Court will advance its independence and the interest of insulating it from political manipulation;

NOW, THEREFORE, BE IT RESOLVED that the Philadelphia Bar Association recommends a permanent International Criminal Court be established by multilateral treaty in order to prosecute and punish those individuals who commit the most serious crimes under accepted international law;

AND BE IT FURTHER RESOLVED that the Philadelphia Bar Association shall explicitly recommend that the United States government, and in particular, the Department of State, and Office of the Ambassador for War Crimes Issues, be actively involved in, and strongly committed to, the current on-going, multi-lateral negotiations in furtherance of a treaty establishing a permanent International Criminal Court, and that

any such International Criminal Court embody the following principals of law and fairness:

A. The International Criminal Court's initial subject matter jurisdiction should encompass: genocide, serious crimes against humanity, and war crimes. The International Criminal Court should exercise automatic jurisdiction over these crimes, and no additional declaration of consent by states parties be required.

B. The jurisdiction of the International Criminal Court should nevertheless complement the jurisdiction of the national criminal justice systems.

C. The United Nations Security Council, states party to the International Criminal Court treaty and, subject to appropriate safeguards, the International Criminal Court Prosecutor, should be permitted to initiate cases when a crime within the Court's jurisdiction appears to have been committed.

D. The rights afforded accused persons and defendants under internationally recognized standards of fairness and due process should be protected in appropriate provisions of the International Criminal Court's constituent instruments and rules of evidence and procedure.

PHILADELPHIA BAR ASSOCIATION
BOARD OF GOVERNORS
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