

**RESOLUTION REGARDING U.S. SUPPORT FOR
THE INTERNATIONAL CRIMINAL COURTS**

WHEREAS, on April 30, 1998 the Philadelphia Bar Association adopted a Resolution supporting the establishment of a Permanent International Criminal Court at the Diplomatic Conference of Plenipotentiaries held in Rome in June-July, 1998; and

WHEREAS, the Philadelphia Bar Association reaffirms its commitment to the international rule of law and worldwide protection of human rights; and

WHEREAS, on July 17, 1998 at the Rome Diplomatic Conference on the International Criminal Court (ICC), the Rome Statute establishing the ICC was adopted by an overwhelming vote of nations of 120 to 7; and

WHEREAS, this Court's limited subject matter jurisdiction now covers the most heinous crimes of genocide, war crimes and crimes against humanity, crimes which continue to shock the conscience of the world; and

WHEREAS, under the Rome Statute, the courts of each individual nation will continue to have primacy of jurisdiction in all cases involving alleged criminal acts by their nationals; and

WHEREAS, under the Statute's Principle of Complementarity, national courts will continue to have jurisdiction to investigate and, where appropriate, prosecute any of their nationals as long as they are willing and able to do so; and

WHEREAS, the Court came into force on July 1, 2002, triggered by the deposit of more than the required 60 country ratifications (now at 76) of the Rome Statute on April 11, 2002; and

WHEREAS, the Philadelphia Bar Association through its representative has been committed to and an active participant in the NGO (Non-Governmental Organization) CICC (Coalition for an ICC) in Rome and the follow-up ten ICC Preparatory Commission (Prep Coms) meetings; and

WHEREAS, the Rome Statute encompasses and conforms with the criteria for a permanent International Criminal Court contemplated by the Resolution adopted on April 30, 1998 by the Philadelphia Bar Association's Board of Governors;

WHEREAS, the American Bar Association (ABA) and the Association of the Bar of the City of New York have passed Resolutions recommending to the United States Administration and Congress that the United States accede to the ICC Rome Statute; and

WHEREAS, the United States government has had great input into the content and protections embodied in the ICC Rome Statute; and

WHEREAS, the United States recently announced that it will not be subject to the ICC Rome Statute.

NOW, THEREFORE, BE IT RESOLVED, that the Philadelphia Bar Association respectfully urges appropriate officials of the United States government to reexamine its current position and reconsider its recently announced determination regarding the ICC Rome Statute.

AND BE IT FURTHER RESOLVED that the Philadelphia Bar Association, in the interest of fairness, justice and the rule of law, strongly recommends that the United States resume its previous involvement in the ongoing ICC deliberations, albeit as an observer in the Assembly of States Parties.

AND BE IT FURTHER RESOLVED, that the Philadelphia Bar Association authorizes the Chancellor to reaffirm the appointment of a representative to continue participating in the following: the CICC and, as a Coalition member, as an observer to the Assembly of States Parties; as a member of the Washington Working Group (WICC); as a member of the ICC American Working Group (AMICC) and others, including the deliberations and functions of the newly created independent International Criminal Bar (ICB) for the ICC, which was formalized by Resolution on June 15, 2002 in Montreal by representatives of worldwide bar associations, lawyers for the defense/victims/witnesses, NGO's and others. Said representative shall continue to report on the activities of the CICC and related organizations to the Chancellor and Board of Governors on a regular basis.

PHILADELPHIA BAR ASSOCIATION
BOARD OF GOVERNORS
ADOPTED: October 24, 2002