

The Columbia ICC Committee  
Students for Better Global Governance  
Independent Student Coalition for the ICC  
(ISC-ICC)



*Present*

## *The International Criminal Court: Past, Present, and Future*

April 19, 2003  
Columbia Law School  
101 Jerome Greene Hall  
New York, New York

### **About the International Criminal Court**

The International Criminal Court (ICC) is the world's first permanent institution capable of investigating and prosecuting individuals believed to have committed egregious violations of human rights, such as crimes of genocide, crimes against humanity, and war crimes. The Court may investigate and prosecute if crimes occur in a country that accepts its jurisdiction, or is committed by a citizen of that country, or if the UN Security Council refers the case. The ICC is meant to complement the jurisdiction of national courts and is not retroactive. Thus, the Court may act only if the nation having jurisdiction over the offender is genuinely unwilling or unable to prosecute. Unlike the International Court of Justice (ICJ), the ICC will try individuals rather than states.

The ICC, with its first bench of judges having been inaugurated, is now a reality. The Columbia ICC Committee wishes to express its support of the Court as it begins its life in the next months. This conference coincides with April commemorations of the Holocaust and Armenian genocide as well as the meeting of the Assembly of States Parties at the United Nations Headquarters in New York from April 21-23, 2003, which will confirm the nomination of Mr. Moreno Ocampo as Prosecutor.

This conference could not come at a more crucial time. The Bush administration's policy of ideological disengagement with the Court and attempts to exempt itself from its jurisdiction holds damaging consequences. As polls demonstrate, most Americans support the idea of an ICC but poorly understand the specifics of the actual institution and are consequently vulnerable to misinformation spread by its opponents. For the ICC to gain support in the United States, Americans must understand it thoroughly, and students, who at times serve as the country's social conscience and will undoubtedly provide the next generation's leadership in US government, must be engaged and well-informed.

## **About the Columbia ICC Committee**

The Columbia ICC Committee serves as an informal chapter of the Independent Student Coalition for the ICC (ISC-ICC) and is co-sponsored by the Students for Better Global Governance (SBGG) and Amnesty International. This group has been created with the purpose of educating and raising awareness among the Columbia and New York communities on the ICC. The conference will represent the culmination of our work this year, which has included a lecture series with Ben Ferencz, Former Prosecutor at Nuremberg, and Richard Dicker, Director of the International Justice Program of Human Rights Watch.

## **About ISC-ICC**

The ISC-ICC is the only student-based grassroots organization in the United States dedicated to educating the American public about the Rome Statute and the International Criminal Court (the "ICC"). The purposes of the organization are (1) to assist student organizations in developing educational programs about international civil society and, in particular, with respect to such issues as the ICC; (2) to disseminate factual ICC information and to develop educational materials, conferences, and educational internships on issues related to international civil society and the ICC; and (3) to provide information and materials to the public relating to the programs developed by the ISC-ICC.

There are presently over thirty campus chapters of the ISC-ICC throughout the United States with over 500 members in undergraduate, graduate, and professional schools. Over 75 American students from across the country, representing the next generation of American leaders, have participated in UN negotiations for the Court (Preparatory Commission) under the auspices of the ISC-ICC. The ISC-ICC plans to continue to participate in the work of the Court and the Assembly of State Parties.

## **Organizing Co-Sponsors**

Columbia International Criminal Court Committee

Students for Better Global Governance

Independent Student Coalition for the International Criminal Court (ISC-ICC)

Columbia Advertising, Marketing, Media and Public Relations Liaison (AMMP)

## **Co-Sponsors**

Amnesty International

Columbia Human Rights Society

Human Rights Studies of Barnard College

## Schedule of Events

*N.B.: Guests designated by an asterisk (\*) have not yet been confirmed*

10:30 a.m.	<p><u>Opening Remarks</u></p> <p>Esti T. Tambay Columbia ICC Committee Head</p> <p>Moderator</p>	12-15-1:00 p.m.	<p>Lunch Break: - <i>Pizza Available for Attendees</i> - <i>Sandwiches available for Guests</i></p>
10:45 a.m. -12:15 p.m.	<p><u>Panel I: Historic, Legal, and Political Development of the International Criminal Court: Precedent, Norms, and Civil Society</u></p> <p>Leila Sadat Professor of Law, Washington University in St. Louis <i>Historical Precedent for the ICC: From The Hague to Rome and Back Again</i></p> <p>Professor Roy Lee Columbia Adjunct Professor of Law Former Chief of the Codification Division, Office of Legal Affairs, United Nations <i>The Drafting of the Rome Statute: Issues and Negotiations</i></p> <p>William Pace Convenor, International NGO Coalition for the ICC (CICC) <i>The Historic Role of Civil Society in the Drafting Process</i></p>	1:00-2:30 p.m.	<p><u>Panel III: The United States and the ICC: Reconcilable Differences?</u></p> <p>* Ambassador Richard Prosper Ambassador-at-Large for War Crimes <i>Understanding U.S. Concerns: From the ICC to Justice in Iraq</i></p> <p>John Washburn Convenor, American NGO Coalition for the ICC (AMICC) <i>Anti-ICC Legislation: the American Servicemembers' Protection Act (ASPA)</i></p> <p>Richard Dicker Director, International Justice Program Human Rights Watch <i>Implications for International Justice: Security Council Resolution 1422, Bilateral Immunity Agreements, and Justice in Iraq</i></p> <p>Break</p>

Valentin Zellweger  
Counselor of Legal Affairs,  
Permanent UN Mission of Switzerland  
*Political Negotiations:  
From Drafting to the Preparatory Commission*

2:45-4:15 p.m.

Panel IV: Implications of the ICC in the 21<sup>st</sup> Century

Jeffrey Huffines  
Chair of Faith-Based Caucus for the ICC  
*Moral and Ethical Dimensions of the ICC*

Carla Ferstman  
REDRESS  
*The Implications of the ICC for Victims' Rights*

Fiona McKay  
Legal Counsel,  
Lawyers Committee for Human Rights  
*A Closer Step toward Universal Jurisdiction*

Sam Muller  
Deputy Director,  
Common Services Division of the ICC  
*The Birth of the ICC: Establishing an Effective International Institution*

4:15-4:30 p.m.

Concluding Remarks

## Speakers and Panelists

### **Richard Dicker**

Richard Dicker is Director of the International Justice Program at Human Rights Watch. He is a graduate of New York University Law School and has received his LLM from Columbia University. After his academic training, Mr. Dicker spent two years practicing civil rights law in New York. For the past ten years, he has worked for Human Rights Watch, where he first focused his efforts on human rights issues in Africa and Asia and published many articles on these subjects. Richard Dicker worked on Human Rights Watch's effort to bring a genocide case before the International Court of Justice charging the government of Iraq with the extermination of over 100,000 Kurds in 1988. He has led Human Rights Watch's efforts to establish the International Criminal Court for the past eight years. In addition, he has monitored the proceedings against Slobodan Milosevic at the International Criminal Tribunal for the Former Yugoslavia on behalf of Human Rights Watch.

### **Carla Ferstman**

Carla Ferstman is the Legal Director of REDRESS. She worked with the UN High Commissioner for Human Rights Field Operation in Rwanda on legal reform and capacity building in the administration of justice, and briefly with the International Secretariat of Amnesty International on a project on trials in the Great Lakes region. In 1999, she was appointed Executive Legal Advisor of Bosnia and Herzegovina's Commission for Real Property Claims of Displaced Persons and Refugees (CRPC). She joined REDRESS in May 2001. She has an LL.B. from the University of British Columbia and an LL.M. from New York University.

### **Roy Lee**

### **Fiona McKay**

As the Director of the Lawyers Committee's International Justice Program, Fiona McKay works to strengthen the emerging system of international justice, focusing in particular on ensuring that the International Criminal Court becomes a sound institution. Under Fiona's direction, the International Justice program also works to increase the capacity of national legal systems to prosecute international crimes and to cooperate with international criminal tribunals. A major component of Fiona's work is increasing support within the United States for international justice mechanisms.

Prior to joining the Lawyers Committee, Fiona served as Deputy Director of the Kurdish Human Rights Project in London. Before that, she worked as Legal Officer at Redress, a London-based NGO that works to promote torture survivors' right to reparation. At Redress, she developed an international justice program that included a highly successful project advocating the rights of victims within the Rome Statute for the International Criminal Court, and promoting the concept of universal jurisdiction (including carrying out research and representing victims of human rights violations in actual cases). Fiona also worked for a number of years in the Middle East, including directing a legal aid center in Jerusalem.

Fiona holds a B.A. (Hons.) in Modern History and Modern Languages from Oxford University (1983) and an L.L.M. from the London School of Economics (1996).

### **Sam Muller**

### **William Pace**

Since 1995, William R Pace has served as the Convenor of the NGO Coalition for an International Criminal Court (CICC), a global network now comprising more than 1,000 organizations from all regions of the world and sectors of global civil society. The Coalition was instrumental in the historic successful adoption of the Rome Statute on the International Criminal Court on July 17, 1998. In 2001, Mr. Pace

was awarded the William J. Butler Human Rights Medal for being one of the "cardinal figures in the creation of a Permanent International Criminal Court."

The World Federalist Movement-Institute for Global Policy (WFM-IPG), of which Mr. Pace is Executive Director, serves as the international secretariat to the Coalition. WFM-IGP is a 53-year old peace movement promoting the democratization and strengthening of the United Nations, working towards replacing war, anarchy and the rule of brute violence and power with democratic and representative institutions of law and justice at the regional and global levels.

In 1999, Mr. Pace served as the Secretary-General for the Hague Appeal for Peace civil society conference, a monumental gathering for peace in the city of The Hague in the Netherlands. With over 10,000 participants, many view it as the largest peace conference in history.

### **Leila Sadat**

Leila Nadya Sadat is one of the country's leading experts on international and comparative law. The author of nearly three dozen scholarly publications, including three books, she was recently appointed to the United States Commission on International Religious Freedom by U.S. Congressman Richard Gephardt in recognition of her outstanding work in international law and human rights. An outstanding scholar and public speaker, Professor Sadat delivers lectures on current issues of international law and international human rights throughout the United States and abroad and is often quoted or interviewed in newspapers and on radio and television. An active supporter of the ICC, Professor Sadat has authored many articles on the ICC and has spoken widely on the entry into force of the Rome Statute creating the ICC and the United States' rejection of the treaty. Her treatise on the ICC, *The International Criminal Court and the Transformation of International Law: Justice for the New Millennium*, is considered the definitive text on the Rome Treaty and its adoption. Professor Sadat was recently elected to the Executive Council and Executive Committee of the American Society of International Law

Association (American Branch), as a Director of the International Law Students Association, as a member of the American Society of Comparative Law and the French Société de Législation Comparée, and as Vice-President of the Association Internationale de Droit Penal (American Chapter).

### **John Washburn**

John Washburn has had an extensive career in diplomacy and international governmental and non-governmental organizations. He was director in the Executive Office of the Secretary-General of the United Nations between 1988 and 1993. Thereafter he was a director in the Department of Political Affairs at the United Nations until 1994. He is currently Convenor of the American Non-governmental Organizations Coalition on the ICC, co-chairman of the Washington Working Group on the ICC, and a board member and immediate past president of the Unitarian Universalist United Nations Office. Mr. Washburn was a member of the Foreign Service of the United States from 1963 to 1987. In the Department of State, Mr. Washburn had a variety of assignments in the Bureau of International Organization Affairs, relating to bilateral and multilateral issues.

### **Valentin Zellweger**