

WHAT'S NEW WITH THE AMICC?

MEMBER UPDATES

American lawyers had a first-time opportunity to hear from a high-level official of the International Criminal Court (ICC) what practicing in front of the Court will be like. In August 2003, AMICC sponsored the participation of Mr. Bruno Cathala, the newly elected ICC Registrar, as a featured speaker at the **American Bar Association (ABA)** Annual Meeting in San Francisco. The Registrar, with the judges and the Prosecutor, is one of the top officials of the Court. As the senior administrator and manager of the ICC, he has the fundamental and arduous responsibility of providing assistance, facilities, and support not only to the judges and the prosecutor, but also to attorneys representing defendants, victims, and witnesses.

The American Bar Association has long been a strong advocate of the ICC and United States participation in the Court. It sent delegates to the Rome Conference that adopted the ICC Statute in 1998, adopted a resolution and report in support of the Court and US ratification of the Rome Statute in 2001, was a founding member of AMICC, and was a leading voice in the formation of the independent International Criminal Bar (ICB) for counsel appearing before the ICC. The ABA formally joined the ICB in July and confirmed the election of David Stoelting, the ABA's representative to AMICC, to the ICB Counsel at the San Francisco meeting. The ABA credited the Registrar's presentation toward the Continuing Legal Education requirements which lawyers must meet to maintain their licenses.

Amnesty International launched a worldwide petition for individuals around the world to call on all governments to refuse to enter into impunity agreements currently being proposed by the United States not to surrender US nationals accused of genocide, crimes against humanity and war crimes to the new International Criminal Court. It submitted the final petition to all governments. All signatures received by 27 September were submitted to EU Ministers of Foreign Affairs who will meet to consider the issue on 30 September. Amnesty is also building up a list of members who are interested in the ICC and is interested in creating materials that can be used for public outreach.

Baha'is of the United States report that the US Conference of Religions for Peace members, including 70 national religious organizations, has written an educational piece on the ICC and that the piece will be used to educate its membership and the religious supporting public at large. A Baha'i quarterly called 'World Order' will feature Human Rights and ICC issues in an upcoming edition.

Almost 70 celebrities have signed onto a letter of support for the **Citizens for Global Solutions (formerly World Federalist Association's)** Victim's Trust Fund (VTF) Campaign and the ICC. VTF tool kits are available on the [campaign website](#), including information on issues areas such as religion, children, women and victims in relation to the ICC. The campaign will be ongoing.

Human Rights First (formerly Lawyer's Committee for Human Rights) has been comparing US criminal law to ICC crimes to locate gaps that might affect the US's ability to exercise complementarity. This information will serve as basis to encourage legislative initiatives updating US law. It is also developing an advocacy tool for its [website](#) that will provide information on cases that could come before the court.

The Independent Student Coalition (ISC) is currently seeking innovative, ambitious, passionate students that would like to take the leading educational role in the international subject area of their choice. The ISC plans to develop branches in each of the following issue areas that will perform similarly to the already developed ISC-ICC. The first part of development into these new issue areas will be the organization of delegations of students to attend and participate in negotiations held at United Nations headquarters in New York for each of these new issue areas.

The Leadership Training Program of the ISC-ICC, which consists of taking US students to participate in negotiations on the ICC at the United Nations was and continues to be an incredible success, with over one hundred students having participated in the program since its inception in September 2001 (for more information on this successful program, visit the Leadership Training Program section of the ISC-ICC website at www.isc-icc.org/programs.html#ASP)

The ISC will assist individual student leaders in gaining accreditation for themselves and their student delegations to the negotiations at the United Nations. It will also assist leaders in advertising for and putting together diverse delegations of US students to attend the negotiations, and will aid in arranging housing for student delegates with other students in NYC for the duration of the conferences at the UN. In return, leaders will be responsible for monitoring and overseeing the delegation, and preparing a final report of the issues that were discussed at the conference they attended, which will be published by ISC.

Candidates who are interested in leading a delegation of students must make themselves available to lead delegations of students to the conferences held on the subject they are chosen for. The ISC will work with college and university professors to arrange for permissions for those who will need to miss classes to

attend conferences.

Individuals interested in learning more about this opportunity should contact Christina Hartman either via e-mail at christina@studentcoalition.org, or by phone at 202-441-5956.

Lawyers' Committee on Nuclear Policy has been working with the Institute for Energy and Environment to produce a publication entitled "Rule of Power or Rule of Law?" The piece contains a section on the ICC and can be found on its website www.lcnp.org. It is also now available in paperback. Members of the Lawyer's Committee will tour US law schools in Spring 2003 to talk about nuclear disarmament as well as the ICC.

The National Service Conference of the American Ethical Union reported the new website of the Council of Ethics-Based Organizations Associated with the Department of Public Information of the United Nations at www.cebo.org. The AEU National Assembly, meeting in Philadelphia at the end of May, will hand out the Victim's Trust Fund packets to the 25 attending organizations.

The Philadelphia Bar Association reports that it has discussed the ICC with Senator Specter. Articles on the ICC are appearing in the Bar Recorder, and ICC talks have been organized with various groups such as the National Liberty Museum, and with lawyers in the state. In addition, it has sent a letter has been sent to the President Bush regarding the 'unsigned'. On October 24, 2002, it adopted a resolution following up on an earlier resolution of support, resolving 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.

The Unitarian Universalist Association is providing continued active support for the [Victim's Trust Fund Campaign](#) through promotion at an April seminar and member meetings with local churches. The Canadian Unitarians will be meeting in the coming weeks, where there will be updates on what Americans are doing to support the Court. The next UUA General Assembly meeting will take place during June in Boston, with John Washburn (AMICC Convener) as a panel speaker.

The United Nations Association of the United States (UNA-USA) reports that it is working on a radio public service announcement and a short video, expected to be available in June. [See its press release](#) on the occasion of the swearing in of the inauguration in the Hague.

FAITH AND ETHICS CAUCUS UPDATE

The Faith and Ethics Caucus for the ICC is a coalition of religious, interfaith, ethics and faith-based non-governmental organizations dedicated to promoting awareness of and support for the ICC among religious, ecumenical, and ethical communities. Founded in 1997, the Caucus is co-sponsored by the Coalition for the ICC (CICC) and the American NGO Coalition for the ICC (AMICC).

The Caucus has become extremely active since the beginning of 2003 and has taken on a broad range of new initiatives. On March 11-12 it will host an experts meeting "**Societies in Transition: The Significance of the ICC in Justice & Reconciliation.**" [Click here](#) for more information.

In support of the anniversary of the coming into force of the Rome Statute, the Caucus ran a congratulatory ad in the Christian Science Monitor on July 1, 2003. On September 11th, 2003 the Caucus hosted a [panel discussion in New York on religious persecution and the ICC](#) during the meeting of the ICC's Assembly of States Parties. The Caucus website will soon feature research on religious persecution, including theological discussions of the relationship between confession, repentance, compensation and forgiveness, and the moral imperatives of retributive and restorative justice. The Caucus also hopes to support the work of the Court in The Hague by developing a directory of spiritual counseling services to assist the Victims & Witnesses Unit, and of religious scholars competent to identify and assist belief groups that will come before the Court.

The Caucus welcomes the participation of new member organizations. Information on their mission and work is available at www.amicc/faith.html. The Caucus is currently looking for groups to help develop materials for Jewish, Muslim, Hindu, and other faiths.

ALLIANCE BUILDING AND OUTREACH

Connecticut

On September 14, a Connecticut alliance kicked off in Hartford with a brunch for interested local NGOs. Those present agreed to support an alliance. This was followed by a public meeting with remarks and a discussion led by AMICC's convener. We are fortunate that Susan Hambrick, a lawyer and activist with the

Connecticut chapter of the American Friends Service Committee will lead the formation of the alliance. The first priority is a visit by constituents and Connecticut notables to Senator Christopher Dodd.

Maine

AMICC now encourages alliances to call first on senators and representatives who have shown openness to the ICC by voting against the American Servicemembers Protection Act (ASPA). In response and as its first activity after organizing, representatives of the Maine alliance (MAICC) on August 28 called on Rep. Tom Allen to thank him for his vote and to seek his advice on approaching other members of the Maine congressional delegation and about general strategy for the ICC in Congress. The meeting was cordial and productive. It was attended by Allen's staffer in Washington responsible for his positions on the ICC; she will welcome contacts from our partner organization, the Washington working Group on the International Criminal Court. MAICC was due to call on Maine's other representative, Michael Michaud on September 27

Also on August 28, the same MAICC delegation visited the editorial board of the Portland Press Herald. Although the board insisted that the special international status and superpower responsibilities of the United States entitle it to special treatment from the ICC, it did respond to the MAICC argument that an aggressive attack on the Court would neither benefit that status nor win that treatment.

MAICC's plans for the future include meetings and speaking events to raise awareness in the state about the ICC, systematic placement of the ICC in the regular programs of member organizations, recruitment of more members and inclusion of accurate information about the ICC in university and college curricula.

New Mexico

Mary and Roger Schense and Dr. William B. Pratt constitute an AMICC liaison and alliance formation group in New Mexico. In response to a presentation by Mrs. Schense on August 21, the United Nations Association chapter in New Mexico voted to sponsor an alliance. Organization of the alliance will begin early in 2004. Meanwhile, the group has placed op-eds and letters in local media, made public contacts with representatives Steve Pearce (potentially positive) and Heather Wilson (ill-informed and opposed), and visited their offices. Next steps will be continuation of the media campaign and contacts and visits with senators Bingaman and Domenici and representative Tom Udall.

PRESIDENTIAL ELECTION 2004 CAMPAIGN

None of the major democratic challengers were opposed to the ICC, and all (with the possible exception of Senator Kerry who has not addressed this point) support US engagement with the Court at a minimum. ([Click here](#) for more information on the Democratic candidates' ICC positions.) To ensure that all candidates had the information they needed to remain steadfast in their support if confronted by ICC critics, we sent a packet of talking points and fact sheets (created in large part by WFA [now Citizens for Global Solutions]) to their foreign policy staff members. In September, several AMICC members were able to meet with members of Gov. Dean's evolving foreign policy team. We continue to seek an exchange of views with the Kerry campaign.

To increase the impact of our efforts to educate the candidates, we conducted campaign reach them directly through the public by ensuring that they were repeatedly asked questions about the Court at any and all public meetings they attend. For example, John Washburn, AMICC Convener, attended an on-the-record breakfast at the NY Council on Foreign Relations that featured Richard Gephardt. He praised him for his pro-ICC voting record in the Congress, pointed out that the Court will be up and running on inauguration day, and asked him what his policy, as president, would be toward the Court. [Gephardt responded](#) by reiterating his longstanding support for the Court, the failure of the Bush Administration to work multilaterally, and his vow to engage the Court should he become president.

In fact, a question by an ICC supporter in San Antonio led to the only known comment by John Kerry on the ICC, "I support the international criminal court with severe reservations because it allows too many frivolous lawsuits. Once that is cleared up I will support it." Kerry also promised to add his ICC position to his website (which he has not yet done). Such occasions remind the candidate that this is an important issue to Americans and require them to know enough about the subject to answer intelligently and with conviction. They also bring the subject to the attention of the audience and are consequently an excellent educational opportunity.

As we move into the general campaign, we encourage you to organize groups to attend campaign events in your state to ask questions about the ICC at every opportunity.

Please let us know how the candidates respond to your questions so that we can share your experiences with others. Your efforts are critical to ensuring that the ICC remains an essential part of the presidential campaign debate on the importance of US engagement with other countries on common goals and needs.

FOREIGN AFFAIRS AD

[Click here](#) to see AMICC's ad in the May/June 2003 issue of *Foreign Affairs*.

VICTIM'S TRUST FUND CAMPAIGN

World Federalist Association (WFA) Launches ICC Victim's Trust Fund Campaign on April 10 2003

When an injustice has been done, there is an understandable desire to right the wrong. But how do you begin to ameliorate the suffering of a child whose father has been killed in genocide or soothe a woman whose psyche bears the scars of mass rape at the hands of war criminals? While there is no way to completely erase their suffering, the Victims Trust Fund of the International Criminal Court begins to address their pain in a concrete and humane way.

Established by article 79 of the Rome Statute, the fund is "for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims." It is an independent fund that will provide direct, financial restitution for the victims of war crimes, crimes against humanity and genocide. The Fund has three sources of income: fines placed on those found guilty by the court, voluntary donations by the States, and individual voluntary donations. The Fund's resources will assist victims of gross human rights abuses. Donations to the Fund are not tax deductible.

April 10, 2003, WFA launched a coordinated national campaign to build political will for the ICC through the Victims Trust Fund. **WFA activists and others are sending checks to the Fund at P.O. Box 15250, Washington, DC 20077 and then sending letters to their senators with a copy of the check, letting them know about their support for positive US engagement with the ICC.** In this way, ICC advocates can get across the message that the American people support the ICC.

April is a month that marks many tragedies: the Rwandan, Armenian, and Cambodian genocides all began in April, and Holocaust Memorial Day falls on April 29. But now the ICC will permanently end impunity for those who order and carry out future genocides, and the Victims Trust Fund will help the survivors rebuild their communities. April also marks the end of apartheid in South Africa. But now the ICC permanently outlaws apartheid, along with other methods of state terror: enforced disappearances, torture, systematic persecution, and sexual violence, among others. After the horrors of the 20th century, the world community has created an institution of justice and healing that will make the 21st century more peaceful and humane. It deserves American support.

This campaign has a number of advantages. First and foremost, it provides a way to personalize the suffering of victims of genocide and make it clear that the ICC is not designed to frivolously prosecute American political leaders. Second, even a small number of checks will make a powerful statement. Moreover, in states where there are no formal ICC advocacy organizations, individual supporters can have a tremendous impact. For the purposes of this campaign, the quantity of checks sent rather than the amount of money donated is what will make a difference. Finally, this project will provide a vehicle for local ICC advocates to educate friends, colleagues and local leaders in their local community about the Court within a very understandable context of alleviating human suffering.

As of October 8, 2003, 817 checks have been received, raising \$10,531 for the Fund. Please join notables such as President Jimmy Carter, Martin Sheen, Noah Wyle, and Bonnie Raitt in supporting this campaign.

[Click here](#) to go to the Victim's Trust Fund Campaign website and learn more.

AMERICAN LEGION INITIATIVE

Letters to the Editor

The November 2003 issue of the *American Legion* magazine includes an interview on the ICC with Senator George Allen (R-VA) called "[God Giveth and the ICC Taketh Away.](#)" This is the second article attacking the Court to appear in the magazine in a year. Like the previous piece, Senator Allen's objections to the court are fundamentally inaccurate and misinformed. This is dangerous and important since the magazine has a readership of around 3 million veterans, many of whom already harbor suspicions about the court and could cause the Legion to come out against the ICC.

If you are an American Legion member, please write a rebuttal letter to the editor! If you are not a member, but know someone who is, please pass this information along to them. Letters should mention the writer's Legion membership and be emailed to magazine@legion.org

Senator Allen is mostly concerned that the Court will try American soldiers for political reasons and in trials that do not meet American legal standards. Here are points in sequence that writers can use to rebut his

main arguments:

- The Rome Statute of the ICC is in line with the U.S. Constitution's due process protections. Anyone tried by ICC is promised equal protection, right of appeal, and protection against double jeopardy. The only difference is that the ICC does not guarantee trial by jury; however, American service members waive this right when they join the military.
- The ICC is a court of democracies. Almost all member states are either already democratic nations or are in the process of becoming democratic. Sen. Allen's comments about North Korea and Iraq are misleading. Rogue states with tyrant leaders and no independent judiciaries do not belong to the court, and thus have no say in the workings of the court or whom the court brings to trial.
- American soldiers will never come to trial before the ICC. Because it respects the Status of Forces and Mission Agreements (SOFAs and SOMAs), the Court gives the U.S. sole jurisdiction over American soldiers charged with crimes abroad.
- The ICC can act only if there is not a national court capable of trying the case. The U.S. can stop the ICC from trying American service members merely by conducting its own proper investigation and, if necessary, prosecuting the allegation.
- US military lawyers wrote the ICC's definitions of crimes and Rules of Procedure and Evidence based on U.S. military codes. American soldiers already live by these rules, and with the implementation of such systems in the ICC, we are making sure that other nations operate by the same standards.
- The debate over the bilateral immunity agreements that the Bush administration is currently asking ICC nations to sign is not about protecting our troops. ICC states opposed to the agreements are willing to exempt American troops, but they are not willing to exempt rogue civilians with U.S. passports. To protect these rogue civilians, the U.S. is withholding millions of dollars in aid from American allies that help protect our military.
- The ICC will not concern itself in the affairs of stable democratic nations. The first case the ICC will likely hear comes from the Democratic Republic of the Congo — a volatile nation plagued with brutal civil war, governmental flux, and gross violations of human rights.

Thank you for any help you can give us with this urgent situation. Please remember to pass this information on to any American Legion members that you know!

Legion ICC Resolution Campaign

We are seeking to identify Legion Departments (55 in all including one in each state, DC, Puerto Rico, France, Mexico, and the Philippines) that would be willing to sponsor a Legion resolution calling on the US to work with the ICC to:

- Assist any American servicemember that becomes involved with the Court's activities,
- Promote the rights of servicemembers in any ICC case involving POWs, and
- Cooperate with the Court in prosecuting foreign nationals accused of the kinds of atrocities that lead to wars.

Such a resolution would bring the Legion's support to establishing closer relations between the United States and the Court without directly confronting the Legion's refusal to endorse the ICC. Put another way, it would allow the Legion to pursue its interests in the ICC pragmatically without abandoning the principles the Legion believes require it to reject the concept of the Court. All three of the main points suggested for the resolution are permitted by the American Servicemembers' Protection Act and the last one is specifically authorized by the Dodd amendment to the ASPA.

Since the Legion follows a "bottom-up" approach in adopting policy statements, we are encouraging ICC supporters, including AMICC alliances, to confer with local Legionnaires about how best to get the Department in their state to sponsor such a resolution.

Secretariat's 2003 End-of-Year Report

As the year ends we are very grateful for your hard and creative work for the ICC, for our chance to support you in it, and for the satisfaction we have all shared in this extraordinary and compelling cause during this amazing year. We hope these feelings are evident in the following year-end report covering 2003 and looking ahead.

2003 and the Court

This was of course an amazing and marvelous year for the Court. You all know the sequence of extraordinary events leading to the full establishment of the Court including the swearing in of the judges on March 10 at which John was proud to represent AMICC, the selection and confirmation of the Registrar and Prosecutor, and the approval of the Court's full formal budget of euros 53,071,846 for 2004. The budget created the full structure and organization of the Court and largely set its institutional personality and the conditions for its organizational culture. The Prosecutor has announced that the Congo will be the first situation he will address. The creativity and energy released by these accomplishments and by the skills and high qualities of the Court's senior officials are evident on the Court's website, www.icc-cpi.int. We and our international colleagues have concluded from this very strong beginning that **although the U.S. campaign against the Court may considerably hamper its early operations, it will NOT stop them or the ICC. Nonetheless, the campaign is dangerous for the Court and we must intensify our work against it.**

AMICC in 2003

We salute the launch of new and very promising alliances in Maine, New Mexico, and Connecticut. We hail the Southern California Alliance's success in obtaining **a strong pro-ICC resolution from the Los Angeles City Council**. The World Federalist Association's imaginative **campaign of education about the ICC through contributions to its Victims Trust Fund** has been a great and exciting success. The USA for ICC web site of the Campaign for UN Reform has been refined into an indispensable and creative instrument for grass roots support and advocacy for the ICC. In an important development, **the American Bar Association, the National Association of Criminal Defense Lawyers and the members of the Faith and Ethics Caucus have developed direct contacts with the ICC**, thus serving professional purposes, drawing their US members closer to the Court, and bearing witness internationally of American popular support for the Court. **The United Nations Association completed a 15-minute video** on the ICC which can be ordered from them or us for \$5.

AMICC in 2004 and Beyond

AMICC is good to go at its present level of activity until 2006, thanks to a grant received this summer. However, the Steering Committee agreed that we must do much more.

Concerning our mandate and work, the Steering Committee has advised us to retain for now our existing goals of US full cooperation and support for the Court followed by the earliest possible American ratification of the Rome Statute. These may have to be revisited depending on the results of the presidential election and subsequent events. If any changes seem necessary then, the full membership of AMICC will decide on them.

Starting in 2004, we will try to provide the much more regular and personal contact with alliances that we have found these volunteer groups require. We also must take much more initiative in working with national members on their programs. More travel money will make it possible for alliance leaders, task forces and the Advisory Council to meet, permit us to go to them more often, and enable occasional support for member programs.

Early 2004 will be a busy period. Among highlights, we will be stepping up our recruitment of new members and in particular hope to complete the memberships of anti-torture organizations and Native American groups. In January, John and Anne will participate in Citizens for Global Solutions (formerly the WFA) workshops on nationwide advocacy for the ICC. John will go to Montreal to assist in the renewal of the International Criminal Bar Association which will represent defense counsel at the ICC and has among its leaders representatives from US bar associations. Since Congress will be in recess most of January we will be urging and supporting local alliances to arrange calls on local senators and congress. In February he will spend a week in San Antonio organizing a local alliance there. Meanwhile Anne will be continuing her outreach to presidential candidates. She will also be directing intern research on, among others, constitutional issues about the ICC and the legal background of the BIAs.

United States Politics and the ICC

All Democratic presidential primary candidates except Kerry and Sharpton now have favorable positions on the ICC. The substance of these ranges from "positive engagement" to immediate ratification of the Rome Statute. The Steering Committee approved AMICC's continuing work with candidates on the ICC as they refine their international affairs policies.

In November there was **the first visible debate inside the Administration on the political and diplomatic cost of the campaign for bilateral immunity agreements (BIAs)**. The cost counters wanted the President to preempt with his own waivers a bill approved in the Senate Foreign Relations

Committee exempting from all assistance reduction six countries about to enter NATO and which had refused BIAs. The hardliners insisted that there should be an absolute ban on exemptions beyond those granted in The American Servicemembers Protection Act. The cost counters won a tiny victory with presidential waivers covering only funds to prepare the countries for NATO or enabling them to make contributions to the coalition forces in Afghanistan and Iraq. Nonetheless, there is now a very small breach in the wall against waivers which we will seek to exploit for countries which enjoy similar high favor in Congress. In so doing, we can constantly force attention on the cost of the BIA campaign to other American national interests. This concern about the cost to national interests is important and useful because it does not depend on support for the ICC.

Congress is certain to be heavily conservative for the foreseeable future. Legislative bans against funds for U.S. cooperation with the Court must be removed, expansion of the American Servicemembers Protection Act must be stopped and its scope progressively reduced until it is eliminated. We must intensify our Washington education, promotion and information in Congress through our partner organization, the Washington Working Group on the ICC. **(Our profound thanks go to the World Federalist Association for its steadfast and vigorous support of the Working Group)**. It is particularly important that we thoroughly counter the Administration's constant misrepresentation of the ICC in Congress as well as nationally and world-wide. However, those efforts can be effective only if federal legislators have heard consistently at home in person from groups of influential and well-informed constituents. This is key work for the alliances and our other friends across the country.

Happy Holidays

As we look forward to all these challenges and opportunities and to the ICC at work, we send you our warmest thanks for what we have done together and our very best wishes for rest and fulfillment in the holidays.

John Washburn
Convenor

Anne Heindel
Deputy Convenor