

WHAT'S NEW AT THE ICC?

RATIFICATIONS

With the ratification of **Burkina Faso** on April 16th, 2004, the ICC currently has **93** states parties and 137 signatory states.

| Country | Date of Signature | Date of Ratification/Accession |
|--------------------------|-------------------|--------------------------------|
| Afghanistan | | 10 February 2003 |
| Albania | 18 July 1998 | 31 January 2003 |
| Algeria | 28 December 2000 | |
| Andorra | 18 July 1998 | 30 April 2001 |
| Angola | 7 October 1998 | |
| Antigua and Barbuda | 23 October 1998 | 18 June 2001 |
| Argentina | 8 January 1999 | 8 February 2001 |
| Armenia | 1 October 1999 | |
| Australia | 9 December 1998 | 1 July 2002 |
| Austria | 7 October 1998 | 28 December 2000 |
| Bahamas | 29 December 2000 | |
| Bahrain | 11 December 2000 | |
| Bangladesh | 16 September 1999 | |
| Barbados | 8 September 2000 | 10 December 2002 |
| Belgium | 10 September 1998 | 28 June 2000 |
| Belize | 5 April 2000 | 5 April 2000 |
| Benin | 24 September 1999 | 22 January 2002 |
| Bolivia | 17 July 1998 | 27 June 2002 |
| Bosnia and Herzegovina | 17 July 2000 | 11 April 2002 |
| Botswana | 8 September 2000 | 8 September 2000 |
| Brazil | 7 February 2000 | 20 June 2002 |
| Bulgaria | 11 February 1999 | 11 April 2002 |
| Burkina Faso | 30 November 1998 | 16 April 2004 |
| Burundi | 13 January 1999 | |
| Cambodia | 23 October 2000 | 11 April 2002 |
| Cameroon | 17 July 1998 | |
| Canada | 18 December 1998 | 7 July 2000 |
| Cape Verde | 28 December 2000 | |
| Central African Republic | 7 December 1999 | 3 October 2001 |

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|-------------------------|-------------------|-------------------|
| Chad | 20 October 1999 | |
| Chile | 11 September 1998 | |
| Colombia | 10 December 1998 | 5 August 2002* |
| Comoros | 22 September 2000 | |
| Congo (Brazzaville) | 17 July 1998 | |
| Costa Rica | 7 October 1998 | 7 June 2001 |
| Cote d'Ivoire | 30 November 1998 | |
| Croatia | 12 October 1998 | 21 May 2001 |
| Cyprus | 15 October 1998 | 7 March 2002 |
| Czech Republic | 13 April 1999 | |
| Dem. Rep. of the Congo | 8 September 2000 | 11 April 2002 |
| Denmark | 25 September 1998 | 21 June 2001 |
| Djibouti | 7 October 1998 | 5 November 2002 |
| Dominica | | 12 February 2001 |
| Dominican Republic | 8 September 2000 | |
| East Timor | | 6 September 2002 |
| Ecuador | 7 October 1998 | 5 February 2002 |
| Egypt | 26 December 2000 | |
| Eritrea | 7 October 1998 | |
| Estonia | 27 December 1999 | 30 January 2002 |
| Fed. Rep. of Yugoslavia | 19 December 2000 | 6 September 2001 |
| Fiji | 29 November 1999 | 29 November 1999 |
| Finland | 7 October 1998 | 29 December 2000 |
| France | 18 July 1998 | 9 June 2000 |
| Gabon | 22 December 1998 | 21 September 2000 |
| Gambia | 7 December 1998 | 28 June 2002 |
| Germany | 10 December 1998 | 11 December 2000 |
| Georgia | 18 July 1998 | 5 September 2003 |
| Ghana | 18 July 1998 | 20 December 1999 |
| Greece | 18 July 1998 | 15 May 2002 |
| Guinea | 8 September 2000 | 14 July 2003 |
| Guinea-Bissau | 12 September 2000 | |
| Guyana | 28 December 2000 | |
| Haiti | 26 February 1999 | |
| Honduras | 7 October 1998 | 1 July 2002 |

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| Hungary | 15 January 1999 | 30 November 2001 |
| Iceland | 26 August 1998 | 25 May 2000 |
| Iran | 31 December 2000 | |
| Ireland | 7 October 1998 | 11 April 2002 |
| Israel | 31 December 2000* | |
| Italy | 18 July 1998 | 26 July 1999 |
| Jamaica | 8 September 2000 | |
| Jordan | 7 October 1998 | 11 April 2002 |
| Kenya | 11 August 1999 | |
| Kuwait | 8 September 2000 | |
| Kyrgyzstan | 8 December 1998 | |
| Latvia | 22 April 1999 | 28 June 2002 |
| Lesotho | 30 November 1998 | 6 September 2000 |
| Liberia | 17 July 1998 | |
| Liechtenstein | 18 July 1998 | 2 October 2001 |
| Lithuania | 10 December 1998 | 12 May 2003 |
| Luxembourg | 13 October 1998 | 8 September 2000 |
| Macedonia, FYR | 7 October 1998 | 6 March 2002 |
| Madagascar | 18 July 1998 | |
| Malawi | 3 March 1999 | 19 September 2002 |
| Mali | 17 July 1998 | 16 August 2000 |
| Malta | 17 July 1998 | 29 November 2002 |
| Marshall Islands | 6 September 2000 | 7 December 2000 |
| Mauritius | 11 November 1998 | 5 March 2002 |
| Mexico | 7 September 2000 | |
| Monaco | 18 July 1998 | |
| Mongolia | 29 December 2000 | 11 April 2002 |
| Morocco | 8 September 2000 | |
| Mozambique | 28 December 2000 | |
| Namibia | 27 October 1998 | 25 June 2002 |
| Nauru | 13 December 2000 | 12 November 2001 |
| Netherlands | 18 July 1998 | 17 July 2001 |
| New Zealand | 7 October 1998 | 7 September 2000 |
| Niger | 17 July 1998 | 11 April 2002 |
| Nigeria | 1 June 2000 | 27 September 2001 |

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|----------------------------------|-------------------|-------------------|
| Norway | 28 August 1998 | 16 February 2000 |
| Oman | 20 December 2000 | |
| Panama | 18 July 1998 | 21 March 2002 |
| Paraguay | 7 October 1998 | 14 May 2001 |
| Peru | 7 December 2000 | 10 November 2001 |
| Phillipines | 28 December 2000 | |
| Poland | 9 April 1999 | 12 November 2001 |
| Portugal | 7 October 1998 | 5 February 2002 |
| Republic of Korea | 8 March 2000 | 13 November 2002 |
| Republic of Moldova | 8 September 2000 | |
| Romania | 7 July 1999 | 11 April 2002 |
| Russian Federation | 13 September 2000 | |
| Saint Vincent and the Grenadines | | 3 December 2002 |
| Samoa | 17 July 1998 | 16 September 2002 |
| San Marino | 18 July 1998 | 13 May 1999 |
| Sao Tome et Principe | 28 December 2000 | |
| Senegal | 18 July 1998 | 2 February 1999 |
| Seychelles | 28 December 2000 | |
| Sierra Leone | 17 October 1998 | 15 September 2000 |
| Slovakia | 23 December 1998 | 11 April 2002 |
| Slovenia | 7 October 1998 | 31 December 2001 |
| Solomon Islands | 3 December 1998 | |
| South Africa | 17 July 1998 | 27 November 2000 |
| Spain | 18 July 1998 | 24 October 2000 |
| St. Lucia | 27 August 1999 | |
| Sudan | 8 September 2000 | |
| Sweden | 7 October 1998 | 28 June 2001 |
| Switzerland | 18 July 1998 | 12 October 2001 |
| Syrian Arab Republic | 29 November 2000 | |
| Tajikistan | 30 November 1998 | 5 May 2000 |
| Tanzania | 29 December 2000 | 20 August 2002 |
| Thailand | 2 October 2000 | |
| Trinidad & Tobago | 23 March 1999 | 6 April 1999 |
| Uganda | 17 March 1999 | 14 June 2002 |
| Ukraine | 20 January 2000 | |

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|--------------------------|--------------------|------------------|
| United Arab Emirates | 27 November 2000 | |
| United Kingdom | 30 November 1998 | 4 October 2001 |
| United States of America | 31 December 2000** | |
| Uruguay | 19 December 2000 | 28 June 2002 |
| Uzbekistan | 29 December 2000 | |
| Venezuela | 14 October 1998 | 7 June 2000 |
| Yemen | 28 December 2000 | |
| Zambia | 17 July 1998 | 13 November 2002 |
| Zimbabwe | 17 July 1998 | |

*On 28 August 2002, the Secretary-General, in his capacity as treaty repository, received from the government of **Israel** the following communication:

"...[I]n connection with the Rome Statute of the International Criminal Court adopted on 17 July 1998, [...] Israel does not intend to become a party to the treaty. Accordingly, Israel has no legal obligations arising from its signature on 31 December 2000. Israel requests that its intention not to become a party, as expressed in this letter, be reflected in the depositary's status lists relating to this treaty."

On 6 May 2002, the Secretary-General, in his capacity as treaty repository, received from the government of the **United States America the following communication:

"...[I]n connection with the Rome Statute of the International Criminal Court adopted on July 17, 1998, [...] the United States does not intend to become a party to the treaty. Accordingly, the United States has no legal obligations arising from its signature on December 31, 2000. The United States requests that its intention not to become a party, as expressed in [this letter](#), be reflected in the depositary's status lists relating to this treaty."

DECLARATIONS AND NOTIFICATIONS

To read declarations, as well as notifications made under article 87(1) and (2), by signatories and States Parties to the Rome Statute, [click here](#).

ICC POSITION OF NON-STATES PARTIES

To read more about any country's position on the ICC, go to the [CICC website](#).

China

"The Chinese government has always appreciated the need for, and supported the establishment of, an international criminal court marked by genuine independence, impartiality, effectiveness, and universality. If the operation of the court could bring to justice all those individuals who have perpetrated most serious international crimes, this would not only help build confidence in international justice, but will also ultimately contribute to the maintenance of international peace and security. This is the outcome we fervently hope for."

— Statement by Mr. Guan Jian, Representative of China to the 6th Committee of the 57th session of the UN General Assembly, 15 October 2002

"The Chinese Government has always understood and supported the establishment of an independent, just, effective and universal international criminal court.... Although we are not quite sure how the ICC will operate, we should not be pessimistic about the future of the Court.... As an observer state at the future Assembly of States Parties, China will continue with a sense of seriousness and responsibility to follow closely the evolution and operation of the ICC."

— Statement by H. E. Ambassador Zhang Yishan of China on the Entry Into Force of the Rome Statute of ICC at the 10th Session of the Preparatory Commission for ICC, 1 July 2002. Read [page 1](#), [page 2](#).

India

"Instead of legislating for the exception, the scope of the Statute has been broadened so much that it could be misused for political purposes or through misplaced zeal, to address situations and cases for which the ICC was not intended, and where, as a matter of principle, it should not intrude. ... Firstly, the Statute gives to the Security Council a role in terms that violate international law. ... [W]hat the Council seeks from the ICC through the Statute ... is the power to refer, the power to block and the power to bind non-States Parties. All three are undesirable. ... The third point of principle for us was that an ICC ... should explicitly ban [nuclear weapons] use as a crime. ... What is worse, the Statute does not list any weapon of mass destruction among those whose use is banned as a war crime. ... For these fundamental reasons of principle, we cannot accept the Statute."

— [Explanation of Vote by Mr. Dilip Lahiri, Head of Delegation of India, on the Adoption of the Statute of The International Court, July 17, 1998](#)

"As representatives of a democracy. the largest in the world I with an independent judiciary whose contribution to the jurisprudence of the right of the individual is likely to have few equals, we find it difficult to accept an outside authority purporting to sit in judgment upon the actions of our troops. Quite apart from the exemplary discipline and commitment to the cause of peace displayed by them, we see them as answerable for their behaviour to authorities within the established hierarchy of command and to our own established institutions, not to institutions whose jurisdiction we do not recognise."

— [Statement by H.E. Mr. V.K. Nambiar Ambassador Extraordinary and Plenipotentiary Permanent Representative of India to the United Nations on The situation in Bosnia and Herzegovina in the Security Council, July 10, 2002](#)

"In the context of UN peacekeeping operations, the two sides discussed the 'negative impact of an International Criminal Court (ICC) on such operations. They agreed on the serious inadequacies of the ICC and underlined the importance of cooperation between the U.S. and India to oppose its applicability to non-parties, as such applicability would be an assertion of jurisdiction beyond the limits of international law."

— Washington File, Text: U.S., India Achieve Results in Defense Cooperation (U.S-India Defense Policy Group concludes meetings), May 23, 2002

Iran

"The Islamic Republic of Iran has signed the Statute of the International Criminal Court, and studies are underway in my country with a view to presenting it to the Parliament for ratification. We believe that the principles and values laid down in the Statute will enable the Court to become an effective organ for the international community to combat the most serious crimes and render justice to victims of war crimes."

— [Statement by H. E. Mr. Mohammad H. Fadaifard, Ambassador and Charge d'Affaires, a.i. of the Permanent Mission of the Islamic Republic of Iran before the Security Council on the Situation in Bosnia and Herzegovina on 10 July 2002](#)

"By the adoption of the ICC Statute the international community has laid down another milestone, at the turn of century, towards achieving peace and justice — two indivisible components of a global society. It is particularly significant that this major event has taken place at the end of the United Nations Decade of International Law. We remain convinced that an effective court, aiming at deterring potential criminals, will provide the succeeding generations with the best hope for achieving a world spared from the scourge of aggression and genocide, which over this century, has caused loss of life of millions of people around the world."

— [Statement by Dr. Saeid Mirzaei Yengejeh, Representative of the Islamic Republic of Iran before the 6th Committee of the UN General Assembly, regarding the establishment of the International Criminal Court, 22 October 1998](#)

Israel

"...in connection with the Rome Statute of the International Criminal Court adopted on 17 July 1998, [...] Israel does not intend to become a party to the treaty. Accordingly, Israel has no legal obligations arising from its signature on 31 December 2000. Israel requests that its intention not to become a party, as expressed in this letter, be reflected in the depositary's status lists relating to this treaty."

—Received from the government of Israel by the Secretary-General as treaty depository, August 28, 2002

"... alongside Israel's support for the aspirations of the Court, Israel has concerns as to how effectively these will be achieved through the Court as it has been constituted. A major concern is that the Court will be subjected to political pressures and its impartiality will be compromised."

— [Israel and the International Criminal Court Office of the Legal Adviser to the Ministry of Foreign Affairs](#), June 2002

"When we signed, we added a [political declaration](#)[,] ... 'today, the government of Israel signs the statute while rejecting any attempt to interpret provisions thereof in a politically motivated manner against Israel and its citizens.' Since then, we've been working in preparatory committees in order to establish the various documentation needed for the court to exist, and within these committees we've managed to bring in a sort of [footnote or comment to that particular provision on transfer of populations](#) that refers the court back to international humanitarian law, and thereby closer to known position vis a vis settlements. ... I know that here in Israel we're living in a pressure cooker, where the political situation is at the head of everybody's agenda and it's something of immediate worry for all of us, but outside Israel this criminal court is the most serious development in international law, and we can't divorce ourselves from such a serious development, and therefore it's so important that we did sign this document."

— [Press Briefing by Israel Foreign Ministry Legal Advisor Alan Baker Jerusalem](#), January 3, 200

"The decision taken was a change in the position taken till now, following clear legal clarifications that the signing would not harm the interests of Israel, inter alia by the attaching of various and clear reservations raised by the Government of Israel regarding the treaty, and specifically the issue of the settlements."

— [Press Release, "Israel agrees to sign the International Criminal Court Treaty \(ICC\) January 1, 2001](#)

"Mr. President, it is with a measure of regret, both personally as a victim of the Nazi persecution of the Jewish people, and on behalf of the Israeli Delegation which I proudly head, that I have to explain the negative vote which Israel has been unwillingly obliged to cast today with regard to the Statute of the International Criminal Court. ... Needless to say, Mr. President, had [sub-para. \[8\(2\)\(b\)\] viii](#) not been included, my Delegation would have been able proudly to vote in favour of adopting the Statute."

— [Statement by Judge Eli Nathan](#) Head of the Delegation of Israel United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court 9th Plenary Meeting, July 17 1998

"The positions of my delegation concerning the detailed issues left to be resolved have been made clear throughout the preparatory conferences and intersessional meetings, and we will continue to take an active — and I hope constructive — role in the discussions ahead of us."

— [Statement by Ambassador Elyakim Rubinstein](#), Attorney General of Israel, Head of Israeli Delegation, June 17 1998

Japan

"It may be said that the most important recent development in international criminal justice is the birth of the International Criminal Court (ICC). The Government of Japan has consistently supported the establishment of the ICC and welcomed it when the Rome Statute came into force. In order for the ICC to be effective and universal, it is necessary for a large number of countries to be able to regard the Court as their own. We therefore consider it crucial that the ICC meet the expectations of as many countries as possible in conducting its activities."

— Statement by H.E. Mr. Haraguchi, Permanent Representative of Japan to the United Nations, Sept. 30, 2003, during a Security Council open meeting on justice and the rule of law.

"Japan has consistently supported the establishment of the ICC."... "Now that the Rome Statute has entered into force and the Court has come into its legal existence, let us offer our hands so that it can enter into its youth and subsequently become a trustworthy and independent adult. Through actively engaging in the discussion here at this session of the Preparatory Commission, Japan intends to continue its effort to achieve international justice in the world, and on this historic moment, the our delegation would like to reiterate its firm commitment for this solemn undertaking."

— Statement by Ms. Naoko Saiki, Head of the Delegation of Japan to the tenth session of the Preparatory Commission of the International Criminal Court, 1 July 2002. Read [page 1](#), [page 2](#).

Russian Federation

"In the context of asserting international standards of legality in post-conflict States, favourable conditions must be established in order to ensure human rights and to bring to justice persons who are guilty of war crimes, crimes against humanity or genocide. Here, the experience of the United Nations in cooperating with States in the establishment of special courts may prove useful. Due use, of course, should also be made of the potential of the International Criminal Court."

— Statement by H.E. Mr. Igor Ivanov, Minister of Foreign Affairs of the Russian Federation, Sept. 24, 2003, during a Security Council open meeting on justice and the rule of law.

"Russia's envoy to the United Nations, Sergei Lavrov, underlined that Russia resolutely condemns the recruitment of children by the so-called rebel or terrorist groups, and believes that those responsible for such practices should be brought to justice. Moscow believes that an International Criminal Court should be one of the barriers to prevent the spread of this evil, and guarantees the punishment for violent crimes committed against children as well, Lavrov said."

— *Children in Armed Conflicts on Agenda of UN Security Council*, By Vladimir Kikilo, TASS, January 15, 2003.

"We understand the US concerns about this and the position of those that defend the spirit and letter of the Rome Statute, which is one of most authoritative treaties of our time. And there are more than 75 states parties and that number will continue to grow. We hope that, on this item of discussion, a solution will be found that will not imperil UN peacekeeping operations, and one taken within the confines of the law and that will not diminish the Statute of the Court."

— Statement of the Representative of Russian Federation the Open Meeting at the Security Council on the Situation of the Bosnia Peacekeeping Mission, 10 July 2002

"The U.S. decision to not participate in the International Criminal Court now being set up is a mistake according to Alexander Yakovenko, a spokesman for the Russian Foreign Ministry." ... "Unlike the U.S., Russia voted for the Statute at the Rome conference and signed it in September 2000," the Russian diplomat said. He said that the ratification of this document is being considered."

— *U.S. Staying Away from International Criminal Court Believed Erroneous*, Diplomatic Panorama, May 07, 2002

START-UP OF THE COURT'S WORK

The ICC began its work on July 1, 2002, the date of entry into force of the Rome Statute. By June 16, 2003, the first 18 judges, the prosecutor, and the registrar had all been sworn into office.

Work of the Prosecutor

- On July 16, 2003 the prosecutor held a press conference to inform the public about the 499 communications received thus far by his office and his decision to closely follow the situation in Ituri, Democratic Republic of the Congo. [July 16th](#) and [July 15th](#) press releases provide specific information about these communications, as well as the prosecutor's methods of operation.
- In September, the prosecutor released a [policy paper](#) encapsulating central strategic and policy issues facing the prosecutor's office as it commences operations, such as its complementarity strategy and the question of which categories of perpetrators should be the object of investigations.
- On September 8, the prosecutor provided an [update on his work](#) to the second session of the Assembly of States Parties.
- On February 12, 2004 the Prosecutor made a [statement on his priorities and initiatives](#) to date.
- On April 20, the Prosecutor provided an ["Overview of the Strategy and Activities of the Office of the Prosecutor."](#)

Referrals

In April 2004, the President of the **Democratic Republic of the Congo** referred the situation in its territory to the ICC Prosecutor. [Read the ICC Press Release](#) and a [fact sheet](#) on the referral.

In January 2004, the President of **Uganda** referred the situation in Northern Uganda to the ICC Prosecutor. [Read the ICC Press Release](#) and a [fact sheet](#) on the referral. See also the [statement by the Prosecutor](#) related to

crimes committed in Barlonya Camp.

ASSEMBLY OF STATES PARTIES

The Assembly of States Parties (ASP) held its first session from September 3-10, 2002, thus beginning the active life of the International Criminal Court. The session report is now available in all UN languages on the [ICC pages of the UN website](#).

Assembly Workplan

In its first order of business, the Assembly elected its officers, including H.R.H. Zeid Ra'ad Zeid Al-Hussein from Jordan as President. The Assembly's official work — adopting the legal agreements that were prepared during the 10th Preparatory Commission sessions and that will allow the Court to begin operations — was completed during the first four days of the session. Adopted documents included the Rules of Procedure and Evidence, Elements of Crimes, an agreement on the privileges and immunities of the Court, a relationship agreement between the Court and the United Nations, financial regulations and rules, basic principles governing a headquarters agreement to be negotiated between the Court and the host country, and the first year budget. No major changes were made to any of the draft agreements.

Moreover, negotiations were completed and a procedure was adopted for the nomination and election of judges that while not a quota system, is designed to ensure adequate regional, legal system, and gender representation — a first in international elections. The period for nominations opened on September 9th and will close on November 30th, 2002. In a press release from the court, President Zeid Ra'ad Zeid Al-Hussein strongly appealed to governments not make reciprocal agreements or swaps of votes in nominating and electing ICC judges. [Read more about the election of judges](#).

Additional business included the appointment of a Director of Common Services who will manage the operations of the Court until a Registrar is appointed during the second resumed session in April. The mandate of the Advance Team was also extended to October 31, 2002. The UN Secretariat will continue to provide services to Assembly meetings on a provisional basis, with the decision regarding the form and functions of a permanent secretariat to be decided during the second ASP meeting in September 2003. The ICC will reimburse the UN for its services. A trust fund for this purpose has enough to repay the UN and support the first months of the Advance Team.

On the final two days of the session, high-ranking officials from states parties made statements about the Court, concluding with a statement by the Secretary General. In their remarks, both state representatives and the Secretary General emphasized the overriding importance of preserving the Court's independence and impartiality. A signing ceremony for the Agreement on the Privileges and Immunities of the Court followed the close of the meeting.

[Click here to find the Complete Report of the Preparatory Commission to the ASP.](#)

Participants

In addition to the (at that time) 79 ICC member states, the session was well attended by non-party states. Originally, only states that had signed either the Rome Statute or the Final Act of the 1998 Rome Conference were to be eligible for observer status at the Assembly. However, the Assembly, upon the recommendation of the President, decided to allow the participation of all United Nations members. Thus, in effect, all states of the world are entitled to participate all of the Assembly's consultations, although only member states are eligible to vote.

Participating observers included Brazil, China, India, Israel, Japan, Pakistan, the Russian Federation, and Turkey. Thus, contrary to repeated assertions that large countries or nations with major economies or resources will join the US in not participating in the work of the Court, in fact the most powerful states and those with the largest populations actively participated in this first session of the Assembly. It is clear that they will continue this involvement. Of the few missing delegations, the most notable were the United States and Iraq.

Bilateral Immunity Agreements

US efforts to obtain bilateral agreements preventing the surrender of US nationals to the ICC were a topic of great interest to both NGOs and governments attending the session. Official government statements during the

final two days of the ASP often criticized the US campaign for these agreements, whether explicitly or by inference. No formal debate was held on the subject. However, several NGO meetings discussed the US proposal and a closed meeting of governments provided the opportunity for delegations to share their reactions informally.

Although several states, including Romania, Israel, Tajikistan, and East Timor, have already signed one of the US agreements, none are known to have yet ratified. Romania and East Timor have both stated that they are waiting to hear the final EU position on the matter before they move further toward bring the agreements into force.

It has been reported that the EU has agreed on three principles in regard to the US's proposal:

- **No reciprocity:** EU member states can not agree to have their own nationals exempted from the jurisdiction of the Court;
- **No immunity:** There must be U.S. agreement that any individual accused of crimes within the jurisdiction of the Court will be investigated or tried "where appropriate"; and
- **Limited applicability:** The agreement can only apply to individuals who are "sent" to the signing state, i.e., only current government employees or military personnel who are in the country on official business.

These reportedly would be the minimum standard. EU countries would be free to decide individually to take a stronger position. They were proposed last week during the legal advisers' meeting and gained further ground as the basis of a common position this week, but no final decision will be made until the Sept 30th ministerial meeting. The European Parliament has also scheduled a special debate on the 25th.

[Read more about US attempts to conclude Article 98\(2\) agreements.](#)

2003 ASP Meetings

Through at least September 2003, ASP sessions are scheduled to be held in at the UN in New York.

2003 ASP meetings include:

- February 4-7, the Second Resumed Session during which the judges were elected ([see below](#)).
- April 21-23, Third Resumed ASP session in NY during which the [prosecutor was elected](#) ([see below](#)), as were 10 of the 12 members of the [Committee on Budget and Finance](#). At that time, it was also announced that there are [two candidates for the office of registrar](#), one of which will be chosen by the judges at their next plenary session.
- August 4-8, Committee on Budget and Finance meet in NY to establish the first year budget;
- September 8-12, Second ASP session took place. Highlights included:
 - In [remarks to the Assembly](#), Prosecutor Luis Moreno-Ocampo said that crimes allegedly committed in the Ituri district of the Democratic Republic of the Congo potentially constituted genocide, crimes against humanity, or war crimes — all of which fell within the Court's jurisdiction. If necessary, he stands ready to seek authorization from the pretrial Chamber to start an investigation under his proprio motu powers.
 - The Assembly elected Serge Brammertz of Belgium as Deputy Prosecutor for Investigations. Prior to his election by an absolute majority in the first and only round of a secret ballot — 65 of 87 votes — the Assembly decided that the term of office for the Deputy would be six years, starting on 3 November.
 - The Assembly's President informed the Assembly that he had appointed Christian Wenaweser (Liechtenstein) to chair the Special Working Group on the Crime of Aggression; Patricio Ruedas (Spain) to chair the Working Group on the draft programme budget; and Gaile Ramoutar (Trinidad and Tobago) to chair the Working Group on Staff Regulations.
 - The Assembly elected, without a vote, Benin, Fiji, France, Honduras, Ireland, Paraguay, Serbia and Montenegro, Slovenia and Uganda to the Credentials Committee. Also without a vote, it elected Elena Sopkova of Slovakia and Inna Steinbuka of Latvia (both from the Group of Eastern European Countries) as members of the Committee on Budget and Finance.
 - In principle, the Assembly agreed to the establishment of a Secretariat of the Assembly of States Parties along the lines of the draft resolution as contained in annex II to document ICC-ASP/2/3.
 - The Assembly elected a high-profile Board of Directors to the Victims Trust Fund of the court, who are charged with the disbursement of funds to victims. The members of the Board,

representing the five UN regional groups, are: from Africa, Archbishop Desmond Tutu, former Chairman of the Truth and Reconciliation Commission of South Africa; from Asia, Her Majesty Queen Rania of Jordan; from Eastern Europe, His Excellency Mr. Tadeusz Mazowiecki, former Prime Minister of Poland; from Latin America, His Excellency Mr. President Oscar Arias Sánchez, former President of Costa Rica; and, from the Western European and Others Group, Madame Simone Veil, former Minister of Health of France and former President of the European Parliament.

ELECTION OF JUDGES

On March 11th at a [ceremony in The Hague](#) presided over by the Queen of the Netherlands, the first 18 judges of the ICC were sworn in by the President of the Assembly of States Parties, H.R.H. Zeid Ra'ad Zeid Al-Hussein, Permanent Representative from Jordan to the United Nations. Kirsch from Canada was chosen as President of the Court and Kuenyehia and Odio Benito from Ghana and Costa Rica were elected Vice Presidents.

The judges were elected during the week of February 4-7, 2003. They come from Bolivia, Brazil, Canada, Costa Rica, Cyprus, Finland, France, Germany, Ghana, Ireland, Italy, Korea (South), Latvia, Mali, Samoa, South Africa, Trinidad and Tobago, and the United Kingdom, all of which are ranked "free" by the non-profit Freedom House. [Read more](#). To download the WICC chart of the judges diversity and credentials, [click here](#).

The 43 nominees (listed below) included: 10 female and 33 male candidates, 10 from Africa, 8 from Latin America and the Caribbean, 12 from Western Europe and other affiliated countries, 7 from Eastern Europe and 6 from Asia.

Nomination and Election Procedures

Voting Requirements

- **Qualifications.** Must vote for at least 9 from List **A** and 5 from List **B**;
- **Region.** Must vote for at least 3 candidates from each region. If the number of States Parties from a region is less than 3/18 of the total number of States Parties, the minimum voting requirement is one less than the number of candidates from that region;
- **Gender.** Must vote for at least six women and at least six men. If the number of candidates from either gender is fewer than 10, the following formula is to be applied:

| No. of Candidates | Voting Requirement |
|-------------------|--------------------|
| 10 | 6 |
| 9 | 6 |
| 8 | 5 |
| 7 | 5 |
| 6 | 4 |
| 5 | 3 |
| 4 | 2 |
| 3 | 1 |
| 2 | 1 |
| 1 | 0 |

- **Invalidation.** Ballots not meeting all of the voting requirements will be invalidated.
- **Discontinuation.** The use of minimum voting requirements will be discontinued after 4 rounds if all 18 judges have not been elected.

Timeline

— 9 September 2002 - Opening of nomination period
— 1 November 2002 - The President of the ASP will inform States Parties if there are less than a specific number of candidates in each category:

- 13 Candidates from List [A](#)
- 9 Candidates from List [B](#)
- 10 Female and Male Candidates
- 6 Candidates from each region (if the number of States Parties from a region is less than 3/18 of the total number of States Parties at that moment, this number will be 4)

— 30 November 2002 - Closing of nomination period unless specific number of candidates not achieved:

- 9 candidates from List [A](#)
- 5 candidates from List [B](#)
- 10 Female and Male Candidates
- 6 Candidates from each region (if the number of States Parties from a region is less than 3/18 of the total number of States Parties at that moment, this number will be 4)

— 8 December 2002 - Closing of nomination period in the event the above numbers are not achieved

— 3-7 February 2003 - Elections of judges and Prosecutor

***List A** contains candidates with established competence in criminal law and procedure, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings

****List B** contains candidates with established competence in relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court



[Text of the Nomination and Election Procedures Adopted by the ASP.](#)



[Text of the Resolution on the Procedure for the Election of Judges.](#)

Official Candidates and Elected Judges (in **bold**)

| Country | Name of Candidate |
|-------------------|--|
| Argentina | Antonio Boggiano |
| Belgium | Marc Bossuyt |
| Bolivia | René Blattmann , 6-yr term |
| Brazil | Sylvia H. De Figueiredo Steiner , 9-yr term |
| Bulgaria | Dimitar Gochev |
| Cambodia | Bunchhat Heng Vong |
| Canada | Philippe Kirsch (President), 6-yr term |
| Colombia | Rafael Nieto Navia |
| Costa Rica | Elizabeth Odio Benito (Vice President), 9-yr term |
| Croatia | Ivo Josipovic |

Cyprus

Democratic Republic of the Congo

Fiji

Finland**France**

Gambia

Germany**Ghana**

Greece

Hungary

Ireland**Italy****Latvia****Mali**

Mongolia

Niger

Nigeria

Peru

Poland

Portugal

Republic of Korea

Romania

Samoa

Senegal

Slovenia

South Africa

Spain

Switzerland

Trinidad and Tobago

Uganda

United Kingdom

United Republic of Tanzania

Venezuela

Gheorghios M. Pikis, 6-yr term

Joseph-Medard Katuala Kaba Kashala

Timoci Uluiburotu Tuivaga

Erkki Kourula, 3-yr term**Claude Jorda**, 6-yr term

Raymond C. Sock

Hans-Peter Kaul, 3-yr term**Akua Kuenyehia** (Vice President), 3-yr term

Ioannis Giannidis

Hajnalka Kárpáti

Maureen Harding Clark, 9-yr term**Mauro Politi**, 6-yr term**Anita Usacka**, 3-yr term**Fatoumata Dembele Diarra**, 9-yr term

Jargalsaikhany Enkhsaikhan

Mory Ousmane Sissoko

Adolphus G. Karibi-Whyte

Roberto Maclean Ugarteche

Eleonora Zielinska

Almiro Rodrigues

Sang-Hyun Song, 3-yr term

Ion Diaconu

Tuiloma Neroni Slade, 3-yr term

Doudou Ndir

Bostjan Zupancic

Navanethem Pillay, 6-yr term

Juan Antonio Yáñez-Barnuevo

Barbara Ott

Karl T. Hudson-Phillips, 9-yr term

Daniel D.N. Nsereko

Adrian Fulford, 9-yr term

Kamugumya S. K. Lugakingira

Victor Rodríguez-Cedeño


[Official site for information about candidates](#), listing the nominees whose applications have been received and processed by the UN, including credentials of the nominees and letters of support from their respective governments, and an election guide and a sample ballot (ICC-ASP/1/5).

[Resumes and statements of candidates](#) translated and digested into one document (ICC-ASP/1/4/ADD.1 - English, French and Spanish versions).

 [AMICC chart of judges' affiliations with the US and UK \(May 2003\)](#). Will be updated as new information is received.

 [CICC Questions & Answers: Procedures for the Nomination and Election of Judges to the International Criminal Court](#).

[Answers by Judicial Candidates to the CICC Questionnaire](#).

 [Lawyers Committee for Human Rights, Criteria for the Assessment of the Qualifications of Candidates for Judges of the ICC](#).

[Elections information on the site of the Women's Caucus for Gender Justice](#).

ELECTION OF THE PROSECUTOR

On April 22, 2003, during the second resumed session of the ASP, **Mr. Luis Moreno Ocampo of Argentina was unanimously elected as the first prosecutor of the ICC**. He was sworn in at a ceremony in The Hague on June 16.

In his [acceptance address](#) he said:

I am also aware of the apprehension and concerns raised by this system even today, in particular with regard to my powers to launch an investigation on my own initiative. ... An attentive reading of the Rome statute and its supplementary instruments reveal that the architects of the International Criminal Court were wise in accompanying the powers of the prosecutor with an adequate system of checks and balances apt to prevent abuse of power or arbitrary decisions. The Assembly will control the prosecutor's behaviour. The prosecutor will supervise his team and the pre-trial chamber will control the cases. The judges were selected among the best candidates from 43 countries. The world can trust them. I wish the Assembly to rest assured that I will indeed exercise my functions with caution and within the strict limits provided for in the statute and other instruments."

[Read the Prosecutor's policy paper](#), a revision of an earlier draft that was amended to take into account the input from a group of experts, distinguished national judges and prosecutors, leading academics, NGOs and journalists meeting June 17-18 to advise him on questions facing the Office of the Prosecutor as it commences operations.

The nomination period for the Prosecutor of the International Criminal Court was opened on 9 September 2002, in accordance with article 42(4) of the Rome Statute of the International Criminal Court and the resolution on the procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors (E, F, S, R, C, A) adopted by the Assembly of States Parties on 9 September 2002. It closed with no nominations. It re-opened from March 24 to April 4th.

On March 25th, the ASP President announced Moreno Ocampo' selection:

I am pleased to report that, on Friday 21 March 2003, the States parties to the Rome Statute of the International Criminal Court agreed informally, and on the basis of consensus, to elect at the forthcoming resumed session of the Assembly of States Parties, Mr. Luis Moreno Ocampo, of Argentina, as prosecutor of the International Criminal Court.

In agreeing to Mr. Moreno Ocampo, and following months of lengthy consultations between the governments on a number of strong contenders, the States Parties are confident the newly-established Court will benefit in the coming years from a gifted prosecutor with proven abilities; a man of recognized integrity. The States Parties look forward to electing him, formally, to this important position at the resumed session of the Assembly of States Parties, which will convene from 21-24 April 2003, in New York.

[Official site for information about candidates](#), listing the nominees whose applications have been received and processed by the UN, including credentials of the nominees and letters of support from their respective governments.

 [Text of the Nomination and Election Procedures Adopted by the ASP](#).

INTERNATIONAL CRIMINAL BAR (ICB)

Defense, victims, and witnesses council, working with legal associations from around the world, founded a new international criminal bar at a conference in Montreal on June 15th, 2002. Around 350 lawyers from 48 countries participated in the meeting, which unanimously endorsed a [resolution](#) forming the bar. The existence of the bar will help ensure that defendants receive a fair trial at the ICC and that all council appearing before it have access to the resources they need to protect the rights of their clients. The attendees of the Montreal meeting also adopted a draft framework constitution for the consideration of all participating bodies and individuals and for proposed adoption at the first meeting of the general assembly.

The steering committee then met in Paris from November 23-24 to incorporate suggestions into the draft constitution. They adopted a [resolution](#) summarizing their work.

The first general assembly of the new bar took place from March 21-22, 2003 in Berlin. The Assembly adopted the ICB-BPI's Constitution, elected its first Council, and approved a Code of Conduct for Counsel for submission to the Registrar of the Court (see below). Click here to read the [Berlin resolution](#) and to download the [the ICB constitution](#).

For more information contact:

E-mail: admin@bpi-icb.org

Web: www.bpi-icb.org

CODES OF CONDUCT

Defense, Victims and Witnesses Council

The International Criminal Bar has adopted a [Code of Conduct and Disciplinary procedure](#) for counsel appearing before the ICC. For more information go to www.bpi-icb.org.

The International Bar Association (IBA) has also drafted a [code of professional conduct](#) for counsel, which it presented to the Court on February 20, 2003. For more information, go to www.ibanet.org.

Prosecutors

The Secretariats of the [International Association of Prosecutors](#) and the [Coalition for the International Criminal Court](#) have prepared a [Draft Code of Professional Conduct for Prosecutors of the International Criminal Court](#). It is hoped that such a draft code could be presented to the Office of the Prosecutor next spring, for consideration and for use as a potential tool in shaping the Office of the Prosecutor's approach to professional ethics. Comments on the draft are welcome through January 2003.

Judges

ICC Judge Anita Usacka will be working on the task force charged with drafting the code of ethics for judges of the Court, and will begin her work in November 2003.