The International Criminal Court

For more than half a century since the Nuremberg and Tokyo trials, states have largely failed to bring to justice those responsible for genocide, crimes against humanity and war crimes. With the creation of the International Criminal Court (ICC), the world has begun to fulfill the post-World War II promise of “never again.” The ICC is the world’s first permanent, international judicial body capable of bringing perpetrators to justice and providing redress to victims when states are unable or unwilling to do so. This represents a major stride for international justice.

On July 17, 1998, at a diplomatic conference in Rome, the international community adopted the Rome Statute of the International Criminal Court. The treaty has been hailed by governments, legal experts and civil society as the most significant development in international law since the adoption of the United Nations Charter. The treaty entered into force on July 1, 2002. The Court made its first arrest in March 2006 and is scheduled to begin its first trial in September 2007.

What crimes does the Court prosecute?
The ICC can prosecute and bring to justice individuals accused of genocide, war crimes and crimes against humanity. These crimes are defined in the Rome Statute, and reflect existing international law. Although the crime of aggression is mentioned in the Statute, the Court cannot exercise jurisdiction over the crime of aggression until the definition is agreed upon.

What countries have ratified the Rome Statute of the ICC?
As of September 2007, 105 countries are party to the ICC. Countries that ratify the Rome Statute accept the Court’s jurisdiction and agree to cooperate with the court in investigating and prosecuting crimes, as well as in enforcing penalties. State parties encompass countries from all regions of the globe, including major U.S. allies: all NATO members (except for Turkey) and two permanent members of the U.N. Security Council (France and the United Kingdom). The United States is not a party.

Where is the Court located, what is its structure and who funds it?
The ICC is located in The Hague, the Netherlands. The Court is composed of three branches: the judiciary, which is made up of 18 judges, the Office of the Prosecutor and the Office of the Registrar, which runs the administration of the Court. The Assembly of States Parties is composed of one representative from each country that has ratified the Rome Statute. The Assembly of States Parties oversees the management of the Court and votes on changes to the Court’s structure and jurisdiction, which includes the election of judges and prosecutors and adoption of the budget. The Court is funded by countries that have joined the ICC.

Is the Court able to prosecute individuals for crimes committed before the Court’s establishment?
No. The Court has jurisdiction only over crimes committed after July 1, 2002, when the Rome Statute entered into force.

How do cases come before the Court?
Cases come before the court in one of three ways: (1) The Court’s Prosecutor can initiate an investigation into a situation where one or more of the crimes has been committed, based on information from any source, including the victim or the victim’s family, but only if the Court

“The establishment of the Court is still a gift of hope to future generations, and a giant step forward in the march towards universal human rights and the rule of law.”

– Kofi Annan, Former U.N. Secretary-General at the signing of the Rome Statute of the International Criminal Court

For additional information, updates and actions
AIUSA Program for International Justice and Accountability, amnestyusa.org/international_justice
American NGO Coalition for the ICC, http://www.amicc.org
International Criminal Court (official website), http://www.icc-cpi.int
As of September 2007, there are four situations before the ICC: Uganda, the Democratic Republic of Congo, Sudan and the Central African Republic.

**Uganda:** The Prosecutor v. Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen.

In October 2005, the ICC unsealed arrest warrants for five high commanders of the armed uprising group the Lord’s Resistance Army (LRA). They are charged with crimes against humanity and war crimes. None of the charged men has been arrested yet.

**Democratic Republic of Congo (DRC):**

The Prosecutor v. Thomas Lubanga Dyilo.

Thomas Lubanga Dyilo, a national of the DRC and alleged founder and leader of a political and military movement, the Union des Patriotes Congolais (UPC), was handed over to the ICC in 2006. He is charged with the war crime of enlisting and conscripting children under the age of 15 and using them to participate actively in hostilities. In 2007, the ICC confirmed the charges against Thomas Lubanga Dyilo, paving the way to the first trial.


In 2005, the U.N. Security Council passed a historic resolution calling for the ICC to investigate the crimes committed in Darfur. In 2007, the ICC issued arrest warrants for Ahmad Harun, former Sudanese interior minister, and Ali Kushayb, Janjaweed militia leader. They bear responsibility for 51 counts of alleged war crimes and crimes against humanity, including persecutions, murder, forcible transfer, rape, torture, and destruction of property and pillage in Darfur, Sudan.

**Central African Republic (CAR):**

In May 2007, the ICC Prosecutor began investigating allegations of rape and other violence committed in the Central African Republic (CAR). The Prosecutor stated that rapes and sexual violence perpetrated by armed individuals appeared to be a central feature of the conflict in the CAR. The ICC began monitoring the situation in the country in 2005 after the CAR government and the Cour de Cassation, CAR’s highest criminal court, requested that the ICC do so.

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