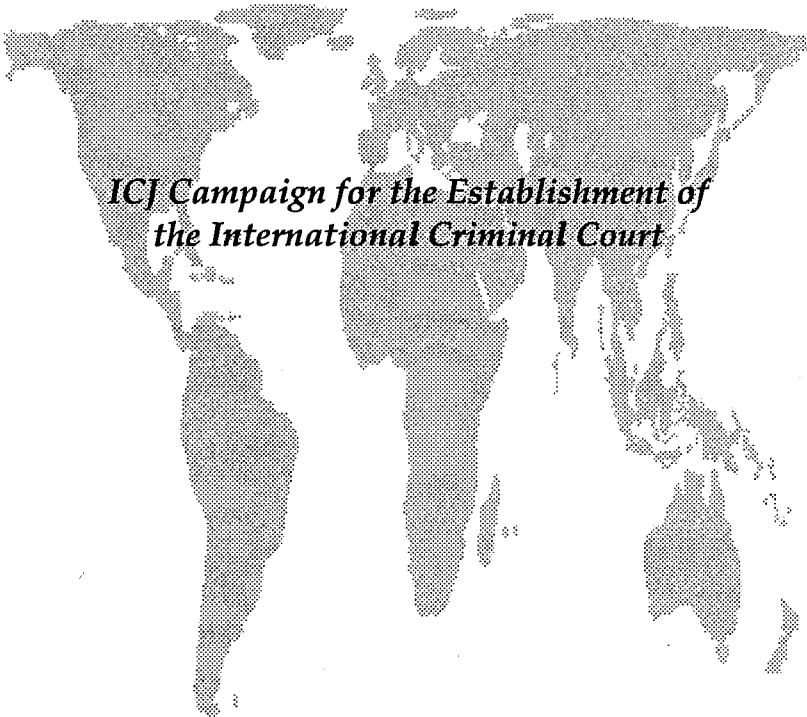




**INTERNATIONAL COMMISSION OF JURISTS
CENTRE FOR THE INDEPENDENCE OF
JUDGES AND LAWYERS**



*ICJ Campaign for the Establishment of
the International Criminal Court*

Update: February 1995

Highlights of ICJ Position

The time is right for an International Criminal Court, and the momentum is strong. The General Assembly of the United Nations will convene an Ad Hoc Committee at the UN Headquarters in New York from **3 to 13 April 1995**, and, if necessary, from 14 to 25 August 1995, to discuss the establishment of such a court.

In June 1994, the International Law Commission (ILC) finalised its consideration of the issue and proposed a Revised Draft Statute to the General Assembly. During the last General Assembly meeting, States were requested to comment on the Statute by 15 March 1995.

The International Commission of Jurists (ICJ) has some concerns on what is overall an excellent and realizable framework for an International Criminal Court, mainly on the Complaint Procedure which appears to be limited to States Parties to the Statute and/or the Security Council. Absent from the Revised Draft Statute is a procedure by which victims of crimes under international law can lodge complaints. The ICJ believes that such a procedure should be included in the Statute.

Moreover, the Revised Draft Statute makes a distinction between the crime of genocide and other international crimes. It provides that any State Party that is a Contracting Party to the Genocide Convention can bring a complaint alleging the act of genocide. Generally, however, only the State Party with custody of the accused and the State Party where the crime occurred can bring a complaint alleging other international crimes. The ICJ finds these provisions concerning other international crimes unnecessarily restrictive.

Another matter of concern is the act and crime of aggression. According to the Statute, a complaint against individuals alleging the crime of aggression can only be lodged if the UN Security Council has determined that a State has committed the act of aggression. The sole question for the Court seems to be whether an individual bears responsibility for the act of a State already deemed illegal — a determination made by the UN Security Council, a political rather than judicial body. This procedure could politicize the workings of the Court.



The ICJ invites you to join its campaign for the establishment of an International Criminal Court. Please lobby your respective governments for an International Criminal Court that:

1. is a full-time, permanent, impartial, and independent body associated with the United Nations;
2. is composed of highly qualified, independent and impartial jurists representing all regions of the world;
3. has subject-matter jurisdiction over all crimes under international law, including, those listed in the draft Code of Crimes Against the Peace and Security of Mankind, including:
 - genocide;
 - mass or systematic violations of human rights, including, e.g., murder, torture, forced transfer or deportation of populations, and persecution on social, political, racial, religious or cultural grounds;
 - war crimes, including, e.g., acts of inhumanity, cruelty or barbarity directed against the life, dignity or mental integrity of persons, such as torture and wilful killing;
4. ensures all due process and fair trial guarantees, such as those provided for in Article 14 of the International Covenant on Civil and Political Rights;
5. contains an independent and full-time prosecutorial organ to bring charges against accused persons and to collect, prepare, and present necessary evidence;
6. accepts complaints from a broad variety of sources, including States and individuals.



For more detailed information, please refer to the ICJ
Position Paper, *ICJ Campaign for the Establishment
of the International Criminal Court*,
or contact the ICJ.

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