



Coalition for an International Criminal Court (CICC)

**STATEMENT ON THE
INTERNATIONAL CRIMINAL COURT**

August 13, 1999

We the undersigned, representing organizations that address issues relating to the protection of children in situations of armed conflict, and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, stand in solidarity with our colleagues on the United Nations Inter-Agency Standing Committee, as well as our non-governmental and governmental colleagues around the world, in issuing this statement.

We welcome the signing of the Rome Statute for an International Criminal Court (ICC) by a total of 83 states thus far, and particularly commend those states that have already ratified the Statute. We note, however, that the ICC will only become operational upon entry into force of the Rome Statute, which requires ratification by 60 states.

We encourage all states to sign and ratify the Statute as soon as possible. Recent atrocities committed in a number of places have again illustrated the urgent need for an effective and independent international court, in order to bring to justice and hold accountable those responsible for serious violations of international humanitarian and human rights law.

We recall that the ICC is intended to complement national criminal justice systems. We thus remind all states of their primary responsibility to bring to justice those responsible for serious violations of international humanitarian and human rights law.

We welcome the fact that the ICC will also have jurisdiction over serious crimes committed in the context of armed conflicts not of an international character, which are the predominant type of conflicts today. Since the Statute requires that the state on the territory of which the conduct in question occurred or the state of nationality of the accused be a party to the Statute, we urge all states to ratify the ICC Statute, in order to ensure the future effectiveness and authority of the Court. This includes the Court's jurisdiction over war crimes.

We welcome the Statute's advancement of international efforts to end the exploitation and abuse of children in armed conflict. The Statute grants the Court jurisdiction over the war crime of conscripting or enlisting children under the age of fifteen years into national armed forces or armed groups, or using them to participate actively in hostilities. The Statute's list of war crimes also includes intentional attacks on educational institutions and schools, which are frequently targeted for recruitment purposes and to terrorize civilian populations.

We also welcome the Statute's recognition of the need for expertise in the Court on violence against children, and its inclusion of measures for the protection of child victims and witnesses. These measures include providing for in camera proceedings or presentation of evidence by electronic or other special means. The Statute also mandates the establishment of a Victims and Witness Protection Unit, which would provide protective measures and security arrangements, counseling and other appropriate assistance.

We emphasize the need to ensure the interest of all victims in criminal proceedings before the ICC and the existence of a viable and comprehensive witness protection regime, and hence urges the adoption of

appropriate and vigorous procedures for the protection of victims and witnesses, especially children.

We welcome the recognition by the ICC Statute that attacks on humanitarian personnel constitute war crimes and urges all states to uphold this tenet.

We call on all states to live up to their responsibility to protect civilian populations, which have increasingly become targets in present day conflicts, and to ensure the full implementation of the Rome Statute for an ICC.

We call on all states taking part in the ICC Preparatory Commission process, to safeguard the integrity of the Statute in its present form and to build upon the results achieved in Rome. In particular, any attempt to further narrow the Court's jurisdictional regime could upset the fine balance of legal and political considerations reflected in the ICC Statute. Such amendments would irreparably damage the ICC's goal of establishing an equal regime of jurisdiction throughout the world.

We are following closely the negotiations on the ICC's Rules of Procedure and Evidence and on the elaboration of elements of crime for the three core crimes of genocide, crimes against humanity and war crimes. States are urged to ensure the conformity of these elements with established international humanitarian and human rights law. In addition, states should ensure that the provisions resulting from these negotiations do not unduly limit the Court's discretion in interpreting the provisions of the Rome Statute.

We recall that the effectiveness and independence of the Court will depend upon its financial stability and logistical support. States are thus urged to ensure that the ICC is provided with sufficient personnel and financial and material resources to make it effective from the outset.

Signed,

Children's Caucus of the Coalition for an International Criminal Court
Coalition to Stop the Use of Child Soldiers*
Office of the Special Representative of the Secretary-General for Children and Armed Conflict
Women's Commission for Refugee Women and Children
Society for the Psychological Study of Social Issues
CCIA/World Council of Churches
Lutheran World Federation
Save the Children UK

Defense for Children International, Human Rights Watch, International Save the Children Alliance, International Federation Terre des Hommes, Jesuit Refugee Service, Quaker United Nations Office- Geneva, and World Vision International.
