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The Rome Statute enters into force -- A major step towards ending impunity for the worst crimes

Amnesty International welcomes the historic occasion today of the entry into force of the Rome Statute of the International Criminal Court (Rome Statute) and calls on all governments to become parties to the Rome Statute and actively support the International Criminal Court (ICC).

"From today, those who commit the worst crimes under international law can be brought to justice by the Court," said Amnesty International.

The entry into force means that the ICC will be able to investigate and prosecute people accused of genocide, crimes against humanity and war crimes committed from this date onwards. The ICC is expected to begin investigating its first cases in early 2003.

"Currently 73 countries have ratified the Rome Statute at a pace that has surprised many and appears to be continuing," added Amnesty International. "It is another step towards a strengthened system of international justice, where the ICC will complement national jurisdictions in the struggle against impunity."

"With the entry into force of the Rome Statute today, new standards for international criminal law become operational. As more states join the Statute and the Court itself starts functioning, the chances increase of bringing to justice perpetrators of the worst crimes under international law."

Background

The Rome Statute was adopted by the international community on 17 July 1998 at a diplomatic conference in Rome. The Rome Statute provides for the establishment of a permanent ICC with jurisdiction over genocide, crimes against humanity and war crimes. The crime of "aggression" will also be within the ICC jurisdiction, when a definition and a procedure for consideration have been agreed.

The Statute provides that it will enter into force and the Court can be established following the 60th ratification - this took place on 11 April 2002 at a special ceremony at the UN Headquarters. As of today 73 states have ratified the Rome Statute and a total of 139 states have signed the Statute.

The ICC will not take the place of national courts but will be complementary to them only acting

when national courts are unwilling or unable to do so. The Court will have an independent prosecutor who can commence an investigation and based on information from any source. The UN Security Council can defer a case for 12 months at a time; however, all permanent members of the Council must agree to the deferral.

The ICC can only investigate and prosecute crimes committed after 1 July 2002.

The ability of the ICC to act is also limited to some degree by whether a state has ratified the Statute - this is the reason that Amnesty International is calling on all states to ratify. The Court will only be able to carry out investigations and prosecutions if the crime was committed on the territory of a state which has ratified; or, the state makes a declaration that it accepts the Court's jurisdiction over the crime; or; the accused person is the national of a state that has ratified. In addition, an important provision gives the Security Council the authority to refer any situation to the ICC - regardless of whether a state has ratified - if it considers it a threat to international peace and security.

The Rome Statute makes clear that state officials, no matter what their rank or position, have no immunity for these crimes.

The crime of genocide is defined in the same terms as the Genocide Convention of 1948, that is killings and other acts "committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group."

According to the ICC Statute, the court will have jurisdiction over war crimes "in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes". The list of war crimes in the Statute considerably expands on the "grave breaches" of the 1949 Geneva Conventions, and covers both international and non- international armed conflicts.

Crimes against humanity consists of certain acts "when committed as part of a widespread or systematic attack directed against any civilian population", in pursuit to a state or organizational policy to commit such attack. The acts in question include murder, extermination, enslavement, deportation abroad and forcible transfers within a state, arbitrary detention, torture, rape and other crimes of sexual violence, "disappearances", persecution the crime of apartheid and other inhumane acts. Such crimes may be committed in war or peacetime, by state agents or members of armed political groups.

From 1 to 12 July, the Preparatory Commission of the International Criminal Court is meeting at the UN Headquarters in New York to complete its preparation of supplementary documents to the Rome Statute, including the draft First Year Budget of the Court and the procedure for electing the Judges and the Prosecutor.

In September 2002, the Assembly of States Parties will meet to approve the work of the Preparatory Commission. In January 2003 it is expected that it will meet again to elect the Judges and the Prosecutor. An inauguration event for the judges is planned to take place in The Hague.

Public Document

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