

The Achievements & Shortcomings of the International Criminal Court



It is eight years The International Criminal Court (ICC) is the first ever permanent, treaty based, international criminal court established to promote the rule of law and ensure that the gravest international crimes do not go unpunished. The Court shall be complementary to national criminal jurisdictions. The jurisdiction and functioning of the Court shall be governed by the provisions of the Rome Statute.

The Rome Statute of the International Criminal Court was established on 17 July 1998, when 120 States participating in the "United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court" adopted the Statute. The Statute entered into force on July 1, 2002. Anyone who commits any of the crimes under the Statute after this date will be liable for prosecution by the Court. The crimes under the Statute are the crime of genocide, crimes against humanity, war crimes, and the crime of aggression.

The seat of the Court is The Hague in The Netherlands. The Court will be temporarily housed at "de Arc" on the outskirts of The Hague before moving to its permanent premises at the *Alexanderkazerne*. It is envisaged that the permanent premises will be ready for occupation between 2007 and 2009.

Even though the Statute entered into force on July 1, 2002, it will take some time before the Court begins its operations. A number of statutory measures and practical steps still have to be taken before the Court becomes operational. In February 2003, the Assembly of States Parties elected the eighteen judges of the Court for a term of office of three, six, and nine years. The judges constitute a forum of international experts that represents the world's principal legal systems. In March 2003, the 18 judges of the Court elected the Presidency. It is composed of Judge Philippe Kirsch (Canada) as President, Judge Akua Kuenyehia (Ghana) as First Vice-President, and Judge Elizabeth Odio Benito (Costa Rica) as Second Vice-President of the Court. In April 2003, the Assembly of States Parties unanimously elected Mr. Luis Moreno-Ocampo (Argentina) as the first Chief Prosecutor of the Court. In June 2003, Mr. Bruno Cathala (France) was elected Registrar of the International Criminal Court by an absolute majority of the judges meeting in plenary session. He will hold office for a term of five years.

The International Criminal Court is an independent international organization. In accordance with article 2 of the Rome Statute, the relationship with the United Nations system is governed by an agreement that has been approved by the Assembly of States Parties. The agreement basically says that the United Nations and International Criminal Court will respect each others' status and mandate, and will cooperate on all issues of mutual interest.

There have been no judgments made by the ICC at this time. The Chief Prosecutor has opened investigations into three situations: Darfur, Sudan (June 2005), Uganda (July 2004), and Democratic Republic of Congo (June 2004).