

Partners for Global Change

Toolkit The International Criminal Court July ~ August 2010

Nationwide Teleconference
Saturday, July 10, 2010
1:00 p.m. Eastern
Dial: 888-299-4099
Verbal Passcode: VJ45572



Citizens for
Global Solutions

Call Tips

- Participants should dial in 5-10 minutes prior to the scheduled start time.
- When dialing in, the host and participants should hold the line for an operator.
- Participants will verbally give their pass code to the operator.
- Operators will take the city, state, and number of people in the room and place them into the Main Conference.
- Hit “*1” during Q&A sessions to queue up if you have a question. The Operator will allow questions in the order they are received.

Call Details

Moderator:

- Anu Joshi, Manager of Outreach and Membership

Speakers:

- Ambassador Stephen Rapp, Ambassador at Large for War Crimes Issues, U.S. State Department
- Ariela Blätter, Director of Programs and Policy, Citizens for Global Solutions

Call Agenda:

- Introduction & opening remarks from Anu Joshi
- Ambassador Rapp speaks on the United States position on the International Criminal Court, the recent developments from the Review Conference in Kampala and the future of U.S. policy towards the ICC
- Question and Answer session with Ambassador Rapp
- Ariela Blätter speaks on the history of the ICC and Citizens for Global Solutions, recounts her experiences from her time on the ground in

Kampala, Uganda and speaks to the way forward in promoting positive U.S. engagement with the ICC

- Questions and Answer sessions with Ariela Blatter
- Citizens for Global Solutions Partners Project:
- Question & Answer Session Regarding the Partners Project

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Speaker Biographies

Ambassador Stephen Rapp



Stephen J. Rapp of Iowa is Ambassador-at-Large for War Crimes Issues. Appointed by President Obama, he was confirmed by the Senate, and assumed his duties on September 8, 2009. Prior to his appointment, he served as Prosecutor of the Special Court for Sierra Leone beginning in January 2007, leading the prosecutions of former Liberian President Charles Taylor and other persons alleged to bear the greatest responsibility for the atrocities committed during the civil war in Sierra Leone. During his tenure, his office achieved the first convictions in history for sexual slavery and forced marriage as crimes against humanity, and for attacks on peacekeepers and for recruitment and use of child soldiers as violations of international humanitarian law.

From 2001 to 2007, Mr. Rapp served as Senior Trial Attorney and Chief of

Prosecutions at the International Criminal Tribunal for Rwanda, personally heading the trial team that achieved convictions of the principals of RTLM radio and Kangura newspaper—the first in history for leaders of the mass media for the crime of direct and public incitement to commit genocide.

Mr. Rapp was United States Attorney in the Northern District of Iowa from 1993 to 2001, where his office won historic convictions under the firearms provision of the Violence Against Women Act and the serious violent offender provision of the 1994 Crime Act. Prior to his tenure as U.S. Attorney, he worked as an attorney in private practice and served as Staff Director of the U.S. Senate Judiciary Subcommittee on Juvenile Delinquency and as an elected member of the Iowa Legislature.

He received his BA degree from Harvard College in 1971. He attended Columbia and Drake Law Schools and received his JD degree from Drake in 1974.

Ariela Blätter, Director of Programs and Policy:



Ariela Blätter came to us from Amnesty International where she most recently served as the Senior Director for International Programs. During her seven year tenure at Amnesty International she also served as Deputy Managing Director for Government Relations and as the Director of the Conflict Prevention and Response Center.

Ariela comes from an extensive advocacy and law background—she is an international human rights lawyer that has served as a lobbyist at the State, Congressional and at the international level. Most notably, she served as a permanent representative to the UN on the establishment of the International Criminal Court, overseeing a team of NGO’s lobbyists and policy staff. Additionally, she was an international affairs advocate for the Jewish Community Relations Council of Greater Boston, where she gained significant experience lobbying members of the State House and US Congress on foreign policy.

Citizens for Global Solutions Partners Project

July - August 2010

What is International Justice Day?

At the Kampala Review Conference this past June the body that governs the Court, passed the Kampala Declaration acknowledging July 17th as International Justice Day. International Justice Day has been celebrated throughout the world since 1998 as part of an effort to recognize the emerging system of international criminal justice.

Why July 17th?

July 17th was chosen because it is the anniversary of the adoption of the Rome Statute, the treaty that created the International Criminal Court. Each year, people around the world use this day to host events to promote international criminal justice, especially support for the International Criminal Court.

Partners Project

This month we are going to be celebrating International Justice Day and our recent accomplishments in Kampala at the Review Conference. We will also be ensuring that the United States continues a course of positive engagement with the International Criminal Court into the future. Here are the steps:

1. Read over the attached factsheets on the International Criminal Court and the Crime of Aggression.

- Use the attached factsheets and talking points on the International Criminal Court and the Crime of Aggression for more information on the issue.
- Read Ariela's blog posts from her time on the ground in Kampala on our website at: <http://globalsolutions.org/blog/tag/ICC>.
- Check out our interactive flash tool on the World's Worst Criminals here: <http://usaforicc.org/mostwanted/intro>.

2. Print out the attached “Thank you” letter and Petition.

To celebrate International Justice Day and make sure that the President and Ambassador Rapp continue hearing from supporters of international engagement and the ICC we will be sending in thank you letters. These letters express our gratitude and serve as a reminder to the Administration that when we engage with the international community it WORKS. We are also making sure that the Administration and the State Department are committed to working with the International Criminal Court into the future and supporting the crime of aggression.

3. Reach out to your friends and family and ask them to sign on to the Thank you letter to President Obama and Ambassador Rapp.

Using the factsheet and talking points attached reach out to your friends, family, coworkers this weekend and ask them to sign on the thank you letter. Only by talking about the need for international justice with our community and elevating this issue will we move our cause forward. Encourage people to get involved and to check out www.usaforicc.org for more information and ways to take action.

3. Send me your completed Thank You letters.

We'll make sure that they get to the State Department and the Administration and that they hear our voices loud and clear. As we move into the next phase of this campaign to support the ICC we need to thank our elected officials for engaging and urge them to continue their support for the ICC.

Mail letters with petition signatures to:

Anu Joshi
420 7th Street SE
Washington DC 20003

It's Election Season & We Need Your Help!

How do we build a Congress that shares our values? By helping elect those who want the same things we do and by educating every single Member of Congress through our persistent lobbying and advocacy efforts.

And we need your help. We need completed Questionnaires on our issues from Candidates in order to endorse them. Please urge your Congress members and Candidates for Congress to fill out these questionnaires!

You can find the Candidate Questionnaire here: www.globalsolutions.org/pac or by visiting the Partners Website (www.globalsolutions.org/partners).

For more information contact our government relationship Fellow, Melissa Kaplan at mkaplan@globalsolutions.org or 202.546.3950 x110

Please email me if you have any questions getting started on the project or have any feedback to report! ~ Anu Joshi, ajoshi@globalsolutions.org

CALL NOTES

Citizens for Global Solutions
418 7th Street S.E. Washington DC 20003
202-330-4100 (office)

ajoshi@globalsolutions.org
www.globalsolutions.org/partners

International Criminal Court Fact Sheet

International Criminal Court 101

- The ICC was created in 1998 to hold the world's worst criminals accountable for their crimes.
- It is the only permanent international court that tries individuals accused of **genocide, war crimes** and **crimes against humanity**.
- It steps in when national courts cannot deliver justice or are deliberately shielding the accused.
- 111 countries have ratified the Rome Statute, the ICC's founding Treaty.

What can the International Criminal Court do?

- The ICC goes after the world's worst criminals, including Sudanese President Omar Al-Bashir.
- The Court is conducting four prosecutions, one investigation, and six preliminary investigations.
- The Court's power goes beyond its ability to prosecute individuals. The possibility of indictment from the ICC spells trouble for political leaders who act with impunity.
- The ICC serves as a deterrent for would-be perpetrators of large-scale violent crimes.

The U.S. and the ICC

- As the Court embodies fundamental American values of accountability and justice, participation in the ICC is essential to American global leadership.
- The United States, while not a party to the Court, is allowed to participate as an Observer, but is not permitted to vote.
- In a break with the previous administration's policies the U.S. attended and participated fully in the recent ICC Review Conference in Kampala.
- State Department Legal Adviser Harold Koh states that the administration "has been actively looking at ways that the U.S. can, consistent with U.S. law, assist the ICC in fulfilling its historic charge of providing justice to those who have endured crimes of epic savagery and scope."

Latest News from the International Criminal Court

Crime of Aggression: At the recent ICC Review Conference held this June in Kampala, Uganda, the Court took an historic step forward by adopting a definition of the crime of aggression. For more information see the attached factsheet and talking points.

How you can support the International Criminal Court

- Join **Citizens for Global Solutions** in urging lawmakers to support the Court's mission of international justice.
- **Learn more** about the world's most wanted criminals at www.usaforicc.org
- Visit www.globalsolutions.org for more information on the ICC and **ways to get involved**.

The Crime of Aggression and the ICC

The International Criminal Court (ICC) can try criminals that commit genocide, war crimes, and crimes against humanity. However, in an exciting new development, the ICC may soon be able to try individuals who have committed the crime of aggression - the act of one state waging illegal war against another. This came from a recent history-making decision on prosecuting leaders who wage illegal wars.

Why is Aggression Important Now?

When a state uses force against another state outside of the authorization of the United Nations Security Council, it is an act of aggression. The crime of aggression has been included in the guidelines that govern the ICC since 1998. Despite the crime appearing in the statute of the ICC, the Court hasn't been able to try leaders who wage an aggressive war because countries that belong to the Court first must agree to a definition of the crime and lay out exactly how it would work. Unfortunately they were not able to come to an agreement in Rome in 1998, when the statute was drafted.

What about the United States?

Historically the U.S. has been a global leader on the crime of aggression. The U.S. helped to establish the Nuremberg Tribunal after World War II, which brought Nazis to justice for their decision to engage in an illegal war and the terrible crimes committed in the Holocaust. In 1974 the U.S. took the decision, as part of the United Nations, to ban the planning or execution of an unlawful war.

Last month States, members of the ICC, and non-members like the U.S. joined together in Kampala, Uganda to look at the way the Court has been operating and to make changes to the ICC statute. At this meeting the U.S. continued its global leadership on this issue by providing a positive influence at the Review Conference. Through U.S. involvement, states were able to understand better and come to a common agreement on the definition of the crime of aggression and how it could be prosecuted. The Obama Administration's decision to attend and participate constructively proves that engagement with the global community works. This was a reversal of the policy of hostility by the Bush Administration, which ignored the Court during eight critical years of decision-making.

Let's Talk About Kampala

Defining the Crime of Aggression: the planning, preparation and implementation of an act of aggression, by the head of state or military, which clearly violates the UN Charter. The act itself must be very serious, in its character, gravity, and scale, for it to rise to the level of consideration by the ICC. The act must also involve the use of force by one State against the sovereign, territorial, and political independence of another State. And this definition isn't actually "new." Coincidentally, this is the same definition that the U.S. and the UN agreed to back in 1974!

In practice, an investigation could be started by the UN Security Council (which the U.S. is a part of), the ICC Prosecutor, or a country that is a part of the ICC. This part isn't new either – it's the same way that a case on genocide, crimes against humanity or war crimes is started.

Here is what is new in the process:

1. The ICC Prosecutor must wait 6 months before s/he can act on an alleged act of aggression in order to give the UN Security Council time to assess whether or not it wants to look at the situation and take action.
2. If the UN Security Council doesn't act within the 6 months time period, the ICC Prosecutor may go ahead with the case. However, once the Prosecutor acts, if the UN Security Council has any additional concerns, it can delay the case from moving forward for one year. The hold can be renewed annually.

Citizens for Global Solutions was represented in Kampala, and with the support of our members, was able to influence the positive outcome of the conference. As an organization, we strongly believe in the importance of the prosecution of aggression, and we are long-time supporters of the ICC and its future success. We are pleased to see our hard work result in a decision that respects the wishes of both State Parties and victims of war, through allowing both the UN Security Council and the International Criminal Court to be involved in stopping acts of illegal aggression once and for all.

Will this affect me as an American?

The crime of aggression will not apply to non-state parties like the U.S. Even in the case where a citizen of a non-state party wages aggression on the territory of a state party, the ICC will not be able to step in. That means that the ability for the U.S. to engage in coalition forces, humanitarian intervention, and deploy U.S. military personnel will not be curbed in any way. The only way the ICC would step into this situation is under the direction of the UN Security Council, where the U.S. has veto authority. While Citizens for Global Solutions hopes that one day the crime of aggression will apply to all nations, currently if States that have ratified the ICC Statute are unhappy with the provisions regarding aggression, they can easily “opt-out” of it without withdrawing from the court. Similarly, if and when the U.S. joins the court, it can decide to opt out of the crime of aggression.

So What Happens Now?

When it came to the timing of when the ICC could start prosecuting the crime of aggression, the U.S. and other permanent members of the U.N. Security Council [United Kingdom, France, China and Russia], worked very hard in Kampala to postpone the decision. In no less than 7 years the States will meet together to discuss the act of aggression again and have, in essence, a Kampala II. Only if a positive decision is made at the next Conference would the International Criminal Court be allowed to prosecute and convict heads of state who commit acts of aggression. As a result, the ICC will not be able to investigate the illegal act of aggression for at least seven more years. Seven plus years is a long time, too long, to wait for justice for the victims of a war of aggression, and puts humanity further away from the goal of achieving peace.

Talking Points on the Crime of Aggression

The ICC can already try individuals for genocide, war crimes, and crimes against humanity, but the recent historic decision in Kampala may one day allow the ICC to prosecute the world's most egregious crime – the crime of aggression – which is when a state illegally wages war against another state.

1. While the crime of aggression had previously been included in the ICC's founding statute, the Court has not been authorized to prosecute individuals of this crime. States have agreed upon a definition of the crime of aggression, which is a historic step forward for the Court and its ability to hold leaders criminally responsible for starting wars.
2. The U.S. historically has played an important role in addressing the crime of aggression, dating all the way back to the Nuremberg Tribunal. That continued at the recent International Criminal Court Review Conference held in Kampala, Uganda. The U.S. was engaged in the review conference and provided a positive influence on the decisions made—a break from the U.S. hostility to the court for the last 8 years.
3. CGS was represented at the Kampala review conference, and with the support of our members, was able participate in and influence the positive outcome of the conference. As long-time supporters of the ICC and its past and future success, we strongly believe in the prosecution of aggression.
4. As the U.S. is not currently a party to the ICC, Americans will not be affected by this decision. That means that the U.S. still can engage in coalition forces, humanitarian intervention and deploy U.S. military personnel. However, CGS and our members continue to advocate for U.S. involvement with the Court and eventual ratification.
5. It will be at least another seven years before the ICC will be able to investigate the crime of aggression. Before that can happen States must convene at another review conference and vote to give the ICC the power to do so.
6. Seven plus years is a long time for the victims of illegal wars to wait for justice. Over the coming years, it is critical that advocates keep moving forward on the crime of aggression. Together, we can urge the U.S. and its allies to support allowing the Court to prosecute heads of state that wage illegal war.
7. At Citizens for Global Solutions our members have always been committed to the abolition of war—in fact we think it's so important it is included in our mission statement. We strongly feel that the steps the ICC is taking towards prosecuting the act of aggression are moving us in the right direction. We cannot allow head of states to act with impunity any longer. Please support us as we continue our campaign to promote positive U.S. engagement with the International Criminal Court.



Dear President Obama and Secretary Clinton;

As a member of Citizens for Global Solutions I am particularly proud of, and thankful for, the positive engagement of Ambassador-at-Large for War Crimes Issues Stephen Rapp and State Department Legal Adviser Harold Koh during the 2010 International Criminal Court Review Conference in Kampala, Uganda that recently concluded.

U.S. engagement with the international community works. As Koh stated after the Review Conference, "the U.S. was once again seen, with respect to the ICC, as part of the solution and not the problem. The outcome in Kampala demonstrates again principled engagement can protect and advance our interests, it can help the states parties to find better solutions, and make for a better court, better protection of our interests, and a better relationship going forward between the U.S. and the ICC."

The International Criminal Court is an important tool to hold the world's worst criminals accountable for their crimes and send a message to these criminals that there are consequences for their actions. For too long the United States has been absent from the workings of the Court. I am so pleased that now the U.S. has chosen the path of principled engagement.

The agreement in Kampala requires there be another decision taken on the timing of the entry into force of the crime of aggression at a review conference in 2017. Given the fact that U.S. national security interests were protected in the Kampala agreement, I would expect to see the U.S. work over the next seven years to move forward with the crime of aggression and not roll the clock backward. Ultimately, the crime of aggression will strengthen the ICC's capacity to hold the world's worst criminals accountable for their actions and gives the world a new means to stave off the trauma of unjust wars.

I look forward to ongoing American support of investigations by the Court and ultimately the reinstatement of the United States' signature to the Rome Statute. Thank you again for your efforts and those members of your administration who are laboring on behalf of a more just, peaceful and secure world.

Signed,

(Please see next page)

CC: Ambassador-at-Large for War Crimes Issues, Stephen Rapp
Legal Adviser, Harold Koh
U.S. State Department
2201 C Street NW
Washington, DC



Signature: Name: Street Address: City, State, Zip code:	Signature: Name: Street Address: City, State, Zip code:
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Building Peace, Justice and Freedom in a Democratically Governed World