



Citizens for
Global Solutions

...And Justice for All:

How to Talk About the
International Criminal Court in the U.S.

www.globalsolutions.org
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About Citizens for Global Solutions

Citizens for Global Solutions is a nationwide organization of people who recognize that in today's interconnected world, our lives, our jobs and our families are increasingly affected by global problems. These challenges, such as terrorism, climate change, failed states and infectious diseases, cannot be solved by any one country alone, even the United States. Citizens for Global Solutions believes that countries can best solve these global problems by working together to find global solutions.

Citizens for Global Solutions inspires Americans to engage the world. We educate Americans about our global interdependence, communicate global concerns to public officials, and promote solutions to a range of emerging challenges. We promote a better U.S. relationship with international institutions and support making them more able to respond to the threats and challenges of a new century. We work to build political will in the United States to ensure that our country works with our friends and allies to make the world a safer and better place for everyone.

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Quick Reference Guide

Priority target audiences for International Criminal Court-related communications in the U.S., in addition to the general public and the media:

- (1) members of the military
- (2) Jewish organizations
- (3) experts who form and influence foreign policies

Desired Policy Outcome:

Softening the Bush Administration's anti-International Criminal Court stance and persuading Congress that the U.S. should be a constructively engaged observer of the Court's proceedings. Specifically, we ask that the U.S.:

1. Announce that it will provide cooperation, information and advice in ongoing prosecutions (provided that information does not compromise our security interests).
2. Return to the table – i.e., take full advantage of observer status to participate in Court proceedings and negotiations.
3. Stop putting pressure on countries to sign bilateral immunity agreements and withholding foreign assistance to countries that refuse to sign these agreements.
4. Establish an independent, high-level commission in advance of the 2009 review conference to evaluate the ICC and make recommendations for U.S. policy.
5. Contribute to the International Criminal Court's Victims Trust Fund.

Key Messages:

1. The International Criminal Court is the only permanent international court to try individuals accused of the worst violations of genocide, war crimes and crimes against humanity when national courts are destroyed or unable to handle the case, or are deliberately shielding the accused from justice.
2. The International Criminal Court embodies fundamental American values of accountability, equality and justice.
3. The International Criminal Court abides by the highest standards of fairness and judicial process.
4. Participation in the International Criminal Court is essential to American leadership and credibility.
5. The United States should move toward constructive engagement with the International Criminal Court, assisting the Court's efforts to bring to justice the world's worst criminals while monitoring and guiding its development from "inside the tent."



Introduction

A WINDOW OF OPPORTUNITY

In June 2005, the International Criminal Court (ICC) Prosecutor announced the start of investigations into the situation in Darfur, Sudan. The United Nations Security Council had referred the situation in Darfur to the ICC just months before, a historic decision that may significantly change the landscape for U.S. supporters of the ICC. This momentous step—the first Security Council referral to the ICC—was taken on an 11-0 vote, with the United States and three other countries abstaining from the vote. While the U.S. insisted that its opposition to the ICC remained unchanged, its willingness to permit the Darfur case to be sent to the ICC was a noteworthy sign of potential flexibility in the U.S. relationship with the ICC.

The Bush Administration's opposition to the Court is well known. For the past four years, the United States has refused to participate as an observer in the Court's Assembly of States Parties (ASP), instituted sanctions against countries that did not exempt all U.S. citizens and some foreign personnel from the Court's jurisdiction, and made it clear that the U.S. did not intend to cooperate with the Court. What is not clear is how the U.S. will choose to act now that the Court is up and running and investigating several cases in which the U.S. has interests.

We believe that this is a critical time for proponents of the ICC to make their case. While it is unlikely that the U.S. will ratify the ICC's Rome Statute (the treaty that established the ICC) in the near future, it will now start facing real and visible choices about how it deals with the ICC. As the U.S. decision to abstain on the Darfur referral demonstrates, there is room to influence U.S. policies on the ICC.

Further, the imminent start of trial proceedings in its first cases, expected within months, will likely generate intense media interest and provide numerous opportunities for ICC proponents in the U.S. to reach out to new audiences.

There is a window of opportunity to reintroduce the ICC to U.S. audiences. Previously, the debate on the ICC (insofar there was a debate) was based on theoretical projections by both supporters and detractors of the ICC about how the Court would act. Now the Court is beginning to build a track record and can be judged by its actions and decisions. This new information will be critical to educating Americans about the ICC and building the case for greater U.S. engagement with the Court.

WHAT CAN BE ACHIEVED

In 2009, the ASP will convene a seven-year review conference of the Rome Statute (the treaty that created the ICC) during which countries that have joined the Court will consider changes and additions to the treaty. Countries that have not ratified the Court's treaty will be able to participate as observers, but without a vote. In the U.S., a new Administration will have entered office in January 2009, and will need to determine its policy on the ICC just as the Court's member countries are gearing up for the review conference. This four-year period, from 2005 to 2009, presents an opportunity for ICC supporters in the U.S. to build the case that the U.S. needs a different approach to the Court. Our goal of having the U.S. join the Court – or at least adopt a policy of non-member participation and close cooperation with the Court – before the 2009 review conference is achievable, but we must start working towards that goal now. These four years are crucial for educating Congress and the public about the true purpose of the Court, explaining how it promotes our interests and values and poses no risk to the U.S.

How the U.S. interacts with the Court during this four-year period is important for shaping its relationship with the Court, and will influence its decision whether to join the Court in advance of the review conference. Small decisions taken now (e.g. not blocking the Darfur referral to the ICC) are the building blocks for the bigger policy decisions to be made in 2009. We therefore recommend that

advocacy efforts be focused on softening the Bush Administration's anti-ICC stance and persuading Congress to support the role of a constructively engaged observer of Court proceedings. Specifically, we ask that the U.S.:

1. Announce that it will provide cooperation, information and advice in ongoing prosecutions (provided that information does not compromise our security interests).
2. Return to the table - i.e., take full advantage of observer status to participate in Court proceedings and negotiations.
3. Stop putting pressure on countries to sign bilateral immunity agreements and withholding foreign assistance to countries that refuse to sign these agreements.
4. Establish an independent, high-level commission in advance of the 2009 review conference to evaluate the ICC and make recommendations for U.S. policy.
5. Contribute to the International Criminal Court's Victims Trust Fund.

ABOUT THE GUIDE

This guide is intended to provide advice to supporters of the ICC on communicating with American audiences about the ICC and the U.S. relationship with the Court.

It was inspired by a shared sense among advocates of the ICC that we need a common strategy and approach to deal with the crippling polarization and lack of genuine debate on the issue. When we first came together to discuss our strategy in early 2004, it was clear that the American debate about what role the U.S. should play regarding the Court had become both marginalized and one-sided. Even as the ICC came into existence, U.S. media coverage of the Court was infrequent, cursory, and dominated by statements from the Administration. In certain policy circles in Washington, DC, including the U.S. Congress, the ICC came to be seen as a "toxic" topic and public statements about the ICC were rarely made by influential figures. Beliefs about the Court were often based on misunderstandings or its opponents' unsubstantiated claims, and did not reflect the reality of the ICC's structure, governance or actions.

ICC supporters in the U.S. identified a clear need to engage and educate those groups and individuals who could change U.S. policy on the ICC, either directly or by challenging the misperceptions of U.S. policymakers.

This guide is intended to help ICC supporters understand how key American audiences perceive the ICC and how to best engage these audiences in a constructive dialogue about the Court. It provides a set of "key messages" that were developed through a collaborative process involving leading U.S. organizations working on the ICC and tested in focus groups and in-depth interviews with key audiences.

This guide draws heavily on the messaging advice of *U.S. in the World - Talking Global Issues with Americans: A Practical Guide*, and is intended to be a companion to the excellent advice presented in it. We strongly recommend that users of our guide obtain, read, and use the *U.S. in the World* guide.¹

WHY A COMMUNICATIONS GUIDE?

Many people tend to think of communication in terms of outreach to the media. But communication is a term that describes nearly everything we do as advocates. Anytime we write a report, give a speech, participate in a debate, meet with a Senator, organize a coalition meeting or write a letter to the President, we are engaging in communication.

One important characteristic of most of our communications as advocates is that they are one-sided. We produce fact sheets, give speeches, speak on TV or radio, or write reports to get our message out - all without the benefit of knowing what our reader or listener already knows or believes about the ICC. In a conversation, by contrast, we have the opportunity to engage in back and forth dialogue that helps us identify what our partner is most interested in, address any concerns she may raise, and fill in any gaps in her knowledge. Indeed, we may even change our own opinion.

¹ *U.S. in the World - Talking Global Issues with Americans: A Practical Guide* can be downloaded for free or purchased at www.USintheWorld.org.

The most persuasive communications are those that address an individual recipient's beliefs and concerns. Because there is no effective feedback loop for many of our advocacy communications, using research-based messages is especially important.

Through research, we have developed a better understanding of the range of opinions on the ICC and the ideas and values that motivate these beliefs. The research revealed themes and patterns in how some key groups of people think about the ICC and what kinds of arguments they regard as credible and motivating. This helped us develop better messages to effectively communicate what we want to say. By knowing how our audiences are actually hearing what we have to say, we can do a better job creating communications that get across what we really mean.

Moreover, the process of developing this guide together helped us discover our common goals and identify common strategies to achieve these goals. Through a process of dialogue, debate and exchange, we have been able to create a product that draws on the best thinking of leading ICC advocates about our common messages and strategy.

Finally, by using this shared, research-based strategy and way of talking about the ICC, we can ensure that all of our efforts as advocates are not only more effective, but also mutually reinforcing. If we're all talking from the same page, each of our jobs will be easier.

HOW THE GUIDE WAS DEVELOPED

In January 2004, Citizens for Global Solutions, with support from the Ford Foundation, brought together a small group of leading U.S. advocates on the ICC for a two-day strategy and messaging retreat. The purpose of the retreat was to develop consensus regarding the main audiences for ICC-related communications, the key objectives of the groups' communication

initiatives, and the main messages and ideas that would be communicated.

In preparation for the retreat, participants reviewed ICC-related research conducted by Citizens for Global Solutions (including focus groups with members of the public and high-level interviews with foreign policy experts) and a SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis conducted with the members of the Washington Working Group on the ICC (WICC).

Facilitators Purnima Chawla and Louisa Hart² led participants through a systematic strategic analysis and message-development process, which included the review of previous research, a broader SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis, identification of key audiences and goals, and a structured messaging session. The group arrived at five messages that should underpin communications regarding the ICC. In addition to the media and the general public, the group also identified three specific constituencies as priority target audiences for ICC-related communications. These were: (1) members of the military, (2) Jewish organizations and (3) experts who form and influence foreign policies.

These messages were then tested with members of the three target audiences identified above. The goal of this message-testing research was to learn how each of these constituencies would respond to our key messages, what beliefs, perceptions and values underlie their responses, and what kinds of arguments they would find most persuasive. In this study, exploring the perceptions and beliefs underlying target audiences' responses was more important than quantifying and comparing the response to each message or projecting how many people would react positively or negatively to the material. We therefore chose to test these messages using a

² Purnima Chawla is at the Center for Nonprofit Strategies. Louisa Hart is an independent consultant. Both worked at Equals Three Communications at the time of the retreat.

qualitative research design. Researcher Purnima Chawla conducted in-depth phone interviews with 11 persons who were carefully selected to represent the three primary target audiences—the military, Jewish organizations, and foreign policy experts.

These in-depth interviews allowed us to explore the range of opinions on the ICC and the ideas and values in which these opinions are anchored. They revealed themes and patterns in how these target constituencies think about the ICC and what kinds of arguments they regard as credible and motivating, thus providing insights to help refine and improve the messages and supporting arguments.

The strategic analysis, research findings and draft messages were further refined following the publication of *U.S. in the World – Talking Global Issues with Americans: A Practical Guide* by the Aspen Institute’s Global Interdependence Initiative and the Rockefeller Brothers Foundation. The following advice on communicating about the ICC in the U.S. is intended to serve as a companion to and further expansion the excellent *U.S. in the World* advice on communicating with Americans about positive, constructive U.S. global engagement.

Public Opinion Polling on the International Criminal Court

Because the debate about the International Criminal Court (ICC) in the U.S. has been so one-sided, policymakers and the media tend to assume that the public does not support the ICC. However, public opinion polls consistently show strong American public support for U.S. ratification of the Rome Statute establishing the ICC. The level of support ranges from a low of 54% to a high of 77%.³

When the question mentions that the U.S. does not currently support the Court, support is lowest at 54%.⁴ In two separate polls, between 58-65% say that the U.S. should “support the Court” even when the question mentions that some oppose the Court “because trumped up charges may be brought against Americans, for example, U.S. soldiers who use force in the course of a peacekeeping operation.”⁵ In polls that do not contain a negative argument in the question but simply ask whether the U.S. should sign/ratify the treaty, responses in support of ratification range from 66-77%, with most falling in the three-quarters range.⁶

This support, while stronger among Democrats than Republicans, is bipartisan: a February 2005 poll found that 61% of Republicans said that the U.S. should participate in the ICC.⁷

The referral of Darfur to the ICC may have increased public support for cooperation with the ICC; a June 2005 poll that asked whether the U.S. “should cooperate with the International Criminal Court to bring to justice those accused of crimes against humanity” found that 91% of the public supported cooperation and only 6% opposed it.⁸

The same poll found high levels of support among three major U.S. religions: 97% of Jews, 91% of Catholics and 89% of Protestants said that the U.S. should cooperate with the ICC.⁹

Seven in ten Americans agreed after September 11th that, because of the attacks on the United States, it is particularly important for the U.S. government to work with other nations to create the ICC.

Seventy-one percent of Americans strongly or somewhat agree that, “given the events of September 11th, it is more important for the United States to work in concert with other nations to establish an International Criminal Court.” Thirty-seven percent strongly agree, whereas only 8% strongly disagree.¹⁰

Public support for the ICC is echoed among opinion leaders and Administration officials, but not congressional staff, who “mis-read” the public on this issue.

Surprisingly, this broad consensus among the public is echoed in the executive branch, despite the Bush Administration’s current rejection of the Court. In 2004, a surprising 68% of Administration officials thought that the U.S. should participate in the ICC.¹¹ Despite the broad consensus on the ICC among Administration officials and the public, Congress has consistently voted against the ICC. Indeed, a Program on International Policy Attitudes report, *The Hall of Mirrors*, reveals that only 43% of congressional staff supported U.S. participation in the ICC. Congressional staff (and other opinion leaders) incorrectly believe that there is not majority support for the ICC in the public.

Footnotes

³ Hall of Mirrors: Perceptions and Misperceptions in the Congressional Foreign Policy Process; Sample Size 1,195 Americans; July 2004; Conducted by the Program on International Policy Attitudes and prepared for the Chicago Council on Foreign Relations, October 1, 2004.

⁴ Americans' Attitudes toward an International Criminal Court; 28th-30th March 2002; Sample Size 1,043; Conducted by Roper ASW and cited in "Americans' Attitudes toward an International Criminal Court" prepared for Human Rights First, April 9, 2002.

⁵ Americans on the Darfur Crisis and the ICC; 18th-25th Feb 2005; 1,182 Sample Size; Conducted by the PIPA/Knowledge Networks Poll cited in "Americans on the Darfur Crisis and the International Criminal Court" prepared by the American Public on International Issues and the Chicago Council on Foreign Relations; "U.S. General Population Topline Report," sponsored by the German Marshall Fund and the Chicago Council on Foreign Relations, conducted by Harris Interactive, 2,862 telephone interviews and 400 personal in-home interviews, nationally, 5th-30th June 2002.

⁶ Hall of Mirrors, supra Note 3.

⁷ Americans on the Darfur Crisis and the ICC; 18th-25th Feb 2005; 1,182 Sample Size; Conducted by the PIPA/Knowledge Networks Poll cited in "Americans on the Darfur Crisis and the International Criminal Court" prepared by the American Public on International Issues and the Chicago Council on Foreign Relations.

⁸ Do Americans Care About Darfur?; 9th-16th May 2005; 1,000 Polled; Conducted by Zogby International and cited in "Update Briefing: Do Americans Care About Darfur?" prepared by International Crisis Group, June 1, 2005.

⁹ Id.

¹⁰ Americans' Attitudes toward an International Criminal Court, supra Note 4.

¹¹ Hall of Mirrors, supra Note 3.



Principles of Strategic Communication

This guide is based on our emerging understanding of how people attend to and process information and messages. Some of the principles that have guided our work are explained in this section.

FRAMES DETERMINE MEANING

Everyone takes in millions of bits of information every day. When we encounter new information, our brain goes through a process of figuring out how to understand this information. We ask ourselves, what is this information about? What story is this a part of? In what drawer should I file this information?

In other words, we understand new information by seeing where it fits in relation to the knowledge and ideas we already have. This process occurs in a largely unconscious and automatic way – we aren't aware that we are referencing what we already know to figure out how to understand new information. However, the result of this process is that the conclusions we draw from any information are strongly influenced by our mental constructs, those deeply held beliefs and stories about the world that we already have in our heads.

This is why it helps to signal in advance to your listeners what your story is “about,” to provide context for the information you are trying to get across. People are not blank slates; they are looking for cues to help understand new information, and if you can provide the cues, it will be easier for them to hear and understand what you're trying to get across. Sometimes you can signal what the issue is “about” by putting the information in the context of a story people know, like Chicken Little or David and Goliath. Other times, this signal relies on words and phrases that evoke shared values, like teamwork, far-sightedness, or avoiding double standards.

Some people call this process – signaling what the information you're trying to convey is about – “framing.” By framing your issue in a smart and effective way, you can help the listeners hear what you have to say.

How do you frame a communication? One way is to use “big ideas” or stories that your listeners already know. Ask yourself: What is U.S. participation in the International Criminal Court “about” to you? Building a world with justice for the victims of atrocious crimes? The legacy of American leadership at Nuremberg? An interconnected world that requires teamwork to solve problems? Making smart choices in our foreign policy? The U.S. working in partnership with other countries? Putting bad guys in prison?

In reality, it might be all of these things, or none. But when you open a communication with one of these frames, you signal to your listeners what the story you're telling is about. It is like leading the listeners down a path – if it is a well-worn path that the listeners already know, they know other things about what is coming down the road, and they also know what is not around the corner. And once you get on a certain well-known path, it's hard to see other paths or ways of reasoning.

Wise choices to signal what a story is *about* help your listeners make sense of the facts that you are presenting and open their minds to the conclusions you'd like them to reach. Poor choices, or letting your opponent define the frame, might unintentionally lead the listeners to rule out certain policy options. For example, if the ICC is primarily conceived of as a threat to U.S. soldiers, then there is little reason for the U.S. to even cooperate with the Court. Alternately, if the ICC is about whether the U.S. chooses to lead on international human rights, or about providing justice for the victims of genocide, possible threats to U.S. soldiers become only one of many considerations in defining U.S. policy, not the entire basis for making a decision.

But, as with all smart communications, it is important to understand that different frames will resonate effectively with different audiences. Some useful frames for introducing the ICC are presented in the next section.

“Big Ideas” About Smart, Principled U.S. Global Engagement

Below are some key concepts that apply across multiple issue areas. Consultations with diverse foreign policy and public opinion experts suggest that concepts like these constitute a connective tissue that holds together the elements of a shared vision for how America should be in the world. These concepts are familiar to Americans, who understand their importance from their own life experiences. We’ve loosely grouped these concepts into categories for shorthand reference, recognizing that other groupings are possible but hoping to suggest how you can determine which kinds of “big ideas” will best help you convey your vision and give meaning to your facts and figures.

You will find the concepts listed below evoked frequently, in different words, throughout the guide. Each time you invoke them in your own words, you will help to reinforce within the public key elements of a shared vision for America’s role that experts and advocates in multiple fields are trying to advance.

- **Pragmatic/Smart/Effective/Realistic** ... results-oriented, sound decision making, good management, effectiveness, doing what works, common sense, cost–benefit, getting results, sensible distribution of resources
- **Farsighted** ... prevention, investment, insurance, innovation, vision, stewardship, future generations
- **Comprehensive** ... seeing the big picture, connecting the dots, using all available tools, addressing all the moving parts, balanced approach, complex problems require comprehensive solutions
- **Trustworthy** ... keeping promises, practicing what we preach, avoiding double standards
- **Collaborative** ... teamwork, team leadership, respecting and listening to others, taking others’ priorities into account
- **Principled ... Right Thing to Do** ... putting America’s strength to great purpose, fairness, justice, being ethical, common decency, doing our share, living up to our values, the American way

From: U.S. in the World – Talking Global Issues with Americans: A Practical Guide

FACTS DON’T ALWAYS WIN THE DAY

One of the most frustrating aspects of working on the International Criminal Court in the United States is the persistence of myths about what the Court is, how it works, and how it will affect Americans. Despite the best efforts of ICC advocates, even many educated Americans and foreign policy experts continue to hold mistaken beliefs about the ICC that are based in fundamental misunderstandings about the ICC’s statute, structure and intentions.

People who believe strongly in their cause often feel that the facts alone should be enough to win the day. Sadly, just giving someone the facts is often not enough to convince them of your argument. If the “facts” that you are presenting contradict a basic truth or story that your listeners know and believe, then they won’t accept that your facts are correct, no matter how much proof you provide. But if you can place your facts in a frame or story that they already accept, then it’s more likely that they will accept your point of view.

Example: U.S. Foreign Assistance

Advocates for increased U.S. financial assistance to poor countries often hear from people they're talking with that the U.S. already gives too much foreign aid. Many people believe that the U.S. gives up to 15% of its gross national income in foreign aid, when in reality it gives less than one quarter of one percent. In response to claims that the U.S. gives too much, advocates have often sought to educate their listeners about the facts, stressing that U.S. aid really isn't as high as the listener thinks, and falls far short of other countries' assistance.

This tactic, however, does not work. Even when told how much assistance the U.S. actually gives, much less than they thought, many people still insist that aid levels are too high – confusing advocates who wonder how to get the facts across to build their case.

Interestingly, research in focus groups has shown that it is not the lack of information about actual aid levels that is the problem in getting people to support more assistance. Instead, what researchers found is that Americans have a deeply held – and not altogether incorrect – belief that we are the most generous country on earth. This belief is not something that is negotiable – no amount of education or advocacy will change it. Efforts to change minds by demonstrating that the U.S. doesn't give as much aid as other countries will only contradict this belief in a way that undermines the central argument that we could do more.

However, it is possible to communicate successfully with people without trying to contradict this belief. What works is to tell a story that incorporates people's values. When researchers acknowledged the proud history America has as a generous country, talked about what we have done right and how we can do more today, many more people thought that the U.S. should increase our foreign aid budget – even if they thought that it was too high in the first place.

THREE KEY MESSAGES

It's a truism in public speaking that your listeners will only remember three things from your speech. It follows that you should identify the two or three central points you want to make and spend the rest of your time backing up those points with your arguments to support them. If you try to cram in too much information and do not tell the listeners what the main points are, they might not remember the things that you think are most important.

Because of the way our brains process information, the most effective communications are those that identify the key points, or “takeaways,” for the audience and stick to making sure these points get across and are believed.

One way to do this is to identify the main messages which, if your listeners heard and believed, would make them do what you want them to do. For this guide, we wanted to identify the messages that – if totally believed by our target audiences and the public – would lead them to agree with us that the U.S. should join the ICC. These are presented in the Key Messages Section, along with “proof points” or supporting arguments that help convince the listeners or readers that the core message is true.



Framing the ICC: What Is This About?

In this section we present recommended frames for opening your comments about the ICC and some language to support and elaborate those frames.

American Leadership

America has a proud history of bringing nations together to secure justice for the victims of atrocities. We led the effort to establish the Nuremberg tribunals after WWII and were instrumental in creating the tribunals for Rwanda and Yugoslavia. As an early supporter of the ICC, the U.S. was once again part of that effort, ensuring that horrific acts such as genocide and war crimes never go unpunished. Today, in rejecting the ICC, we're turning our backs on that proud legacy of American leadership.

Teamwork, Human Rights for Everyone

The ICC represents the international community coming together to condemn and punish individuals who commit the world's worst crimes, like genocide, mass rape and torture of civilians, which we can all agree are heinous under any circumstances in any part of the world.

Interconnectedness

We all want the world to be better and safer for everybody. We know that when we work together to hold individuals accountable for protecting basic human rights around the world, we come closer to creating a peaceful and stable world for everyone.

American Values

Participating in the ICC is a way for the U.S. to affirm its leadership role in addressing injustice and protecting human rights. The ICC is a mutually beneficial alliance that extends the rights we enjoy to others and opens up new opportunities for promoting our values. The U.S. will do best in the world when we honor abroad the same values we cherish at home – justice, fairness and human rights for all.

Avoiding Double Standards

The U.S. believes that human rights and justice for the victims of genocide are important – and that we should practice what we preach. If we want others to live by the standards we espouse we have to apply the same standards to ourselves. It's important that the U.S. not only support efforts to bring war criminals to justice but accept that these rules apply to us as well.

Results/Common Sense Cost-Benefit Analysis

(Especially applicable to informed and elite audiences)

Let's not let the perfect be the enemy of the good. While the U.S. didn't get its way on every detail of the ICC treaty, what really matters is how we move forward from here. The ICC is the best we have right now for providing justice to the victims of atrocities when nations fail. It's in our interest to make sure that it works as intended. Besides, it makes more sense to ensure that we have a seat at the table as the most effective way of protecting our own interests.

ADVICE ON FRAMES AND LANGUAGE

Get out of the habit of saying, “It’s not about X, it’s about Y.”

One of the most difficult habits to break in policy debates, even for the most seasoned communications professional, is responding to a criticism or question by saying, “It’s not about X, it’s about Y.” For example, with the International Criminal Court, we often slip into the trap of saying, “It’s not about U.S. soldiers, it’s about justice.”

While this is a common mistake, it’s a big one. When you begin any communication by repeating your opponent’s argument, you are doing them the big favor of reinforcing their argument. You are essentially letting them choose the frame in which the debate will be heard. Instead of repeating the contrary argument, just reframe directly. For example say: “We believe that the ICC is about making the world a safer and better place for everyone, including U.S. soldiers.” You should still be able to answer the question honestly, but you’re doing so on your terms.

Avoid language that implies a bureaucratic body.

Our research indicates that many Americans believe that international institutions (like the United Nations) tend to be too bureaucratic and wasteful to be truly effective. In speaking about the Court, avoid words like “institution” and “international body” that reinforce those perceptions. Similarly, comparing the Court to the International Court of Justice (ICJ) or other UN institutions may alienate some audiences. Instead, speak of the Court as an improvement on *ad hoc* tribunals that are set up as needed (See page 19, third bullet point, for a discussion of why the ICC is an improvement on the *ad hoc* tribunals). This reaffirms that there is a need for this function, and most people have a favorable impression of the tribunals.

Emphasize the need for the Court and the heinousness of the crimes it addresses.

As the Court has just become functional and is still being refined, it is difficult to argue about how well it will serve its purpose. Instead, focus your messages on the need for the Court and the significance of its objectives.

The important thing is that we now have a body that serves an important function. Our focus should be on supporting and improving the Court so that it performs its function as effectively as possible.

Use simple language to communicate the crimes the Court addresses.

While the legal definitions of genocide, war crimes and crimes against humanity may be open to different interpretations by different audiences, most people intuitively grasp the distinction between ordinary crimes and intentional and systematic violence against a population. Use non-jargonistic language and examples (like Darfur and Rwanda) to convey the kinds of atrocities that the Court is designed to address.

Avoid debates about legal proceedings.

The intricacies of international law are not something that can be effectively debated or addressed in advocacy communications. While it is useful to understand some of the legal issues that may be potentially controversial, it is important to keep the conversation focused on the values and principles that it embodies, which are consistent with our own constitution and judicial system. In sum, the entire world (including the U.S.) benefits from the ICC, even if we disagree on some of the details.

Avoid any language that hints at world government or governance.

Although most Americans know very little about the ICC, they feel vaguely fearful that it aims to supersede the American judicial system, and therefore threatens the rights and freedoms that are enshrined in our Constitution. Opponents of the ICC have tried to frame ICC ratification in terms of giving up American sovereignty, and, by extension, American values and rights. When advocates speak of global governance or try and explain how little we will be yielding, we reinforce that frame. Instead, note that the ICC is a mutually beneficial alliance that extends the rights we enjoy to others and opens up new opportunities for promoting our values.

Key Messages (And Ways to Communicate Them)

This section lays out five key messages that present basic facts and arguments about the ICC. They are based on the questions people ask about the ICC, such as “What is it?”, “Will it be fair to the U.S.?”, and “Why should the U.S. support it?” Through a structured brainstorming process, participating ICC advocates identified the main questions people ask most often about the ICC and then developed messages in response to those questions. Most questions about the ICC relate to one of these five messages, and can be answered through that message.

In addition to addressing the questions people actually have about the ICC, these messages also meet another important criterion. We believe that if all our audiences believed and acted on these messages, we would be able to achieve our objectives. These key messages therefore constitute a core set of ideas that should be communicated through all materials and at every possible media or community event.

Each message is followed by an explanation of what the message is trying to convey, notes about certain phrases or words that we found work well (or do not work), and a set of supporting statements. These statements can be used to clarify and elaborate the message and make it more powerful and persuasive. From this set, you can pick ideas and arguments that you think will work best with your audiences. You will also likely think of other messages and ideas that can support these messages.

We have provided sample quotes from the interview research throughout this text that were representative of opinions held by respondents. Respondents are not identified by name because the interviews were confidential in order to allow participants to express their unvarnished personal views.

MESSAGE 1

The ICC is the only permanent international court to try individuals accused of the worst violations of genocide, war crimes and crimes against humanity when national courts are destroyed or unable to handle the case, or are deliberately shielding the accused from justice.

This message answers a basic question that most people have about the ICC: *What is it?* This simple message covers the basic information about the Court and opens the door for you to elaborate on the main attributes of the Court.

Key concepts and things to keep in mind:

“only permanent international court”

Unlike the *ad hoc* tribunals, the ICC is a permanent body with no end date specified. This is important because a permanent, professional body is both more effective and efficient, and it signals the international community’s strong commitment to delivering justice in a timely and consistent manner. Another advantage of a permanent Court is that accused criminals cannot escape the Court by hiding until it closes, as some of the accused before the *ad hoc* or hybrid tribunals have done.

“[Different countries] will have different legal systems. It is much better to have one standing court that can basically take these things on. I want to mention I saw what happened when Pol Pot was captured. Frankly, the U.S. to its discredit tried to get everyone in the world to take universal jurisdiction so there would be a place to try Pol Pot, but they could have done it themselves and wouldn’t do it for political reasons. So, I think the court kind of de-politicizes things.”

-- Interview Respondent

This does not mean that there is no role in the future for hybrid or other types of tribunals; only that the ICC is the only permanent court at the international level for these crimes.

“to try individuals”

The ICC holds accountable those individuals who bear responsibility for the crimes, not countries or governments. This is a key part of how the ICC is different from the International Court of Justice (or World Court) which is also in The Hague. The ICJ is like a civil court in that it hears and judges disputes between countries, whereas the ICC is a court that can prosecute criminal cases against individuals.

“the worst violations of genocide, war crimes and crimes against humanity”

Genocide, crimes against humanity and war crimes are the worst international crimes, and the ICC only has jurisdiction in cases of the highest gravity, specifically when the crimes are committed as part of a “plan or policy” of such crimes or a “widespread commission.” Isolated war crimes and accidents are not part of the ICC’s mandate.

“when national courts are destroyed or unable to handle the case, or are deliberately shielding the accused from justice”

This refers to what the ICC’s statute calls the principle of complementarity: The ICC is prohibited from moving forward with a case if any country with jurisdiction promises and actually undertakes a good faith effort to investigate, and – if necessary – prosecute the crimes in question and asks the ICC not to move forward. However, the term “complementarity,” which indicates the intent

“I might wonder whether the issue of whether a state can’t or won’t, whether that would be fairly applied. I do have some doubts about that.”

-- Interview Respondent

that the ICC complement, not supersede, national court systems, is a technical term that has little meaning to ordinary people. Many ICC advocates use the term “when

national court systems cannot or will not” prosecute. However, our research found that this phrase was also ambiguous and raises concern about the Court abusing its authority. Some respondents (particularly those who were concerned about politically motivated prosecutions) felt that this determination of when national courts are unable or unwilling to prosecute lies at the crux of concerns regarding the ICC. Therefore, how that decision is made should be clarified, and examples should be given to demonstrate that the Court operates within a specific and limited jurisdiction, but must have a way to determine when it is being lied to.

Clarifying “complementarity”

Complementarity refers to the principle that if there is a national or local court system that can handle a specific case of atrocities, the case should be handled there and not at the ICC. At the ICC, this principle is reflected in a safeguard built into the system that allows a country or local court system (that has jurisdiction over the case and is able to investigate and prosecute if necessary) to ask the ICC to halt its investigations or prosecutions in favor of the local prosecution. The country or locality can ask a three-judge panel at the ICC to order the ICC’s prosecutor to halt investigations or prosecutions. If the judges disagree with the country’s claim that it is handling the cases in question within its own judicial system, the country can appeal to a separate three-judge panel for another ruling.

The Prosecutor may not take up a matter that has been fairly investigated by national authorities *even if they ultimately decide that no charges are warranted and decline to prosecute.*

It is important to understand that this mechanism does not mean the ICC must immediately halt any investigation or prosecution because a national government says so – oftentimes, it is these very governments that are carrying out the atrocities against their own people. Therefore, it’s important to have a way of evaluating the credibility of claims that there is a good faith effort to bring justice, which is why a three-judge panel hears the claim.

Furthermore, it is not enough for a country to set up a special tribunal that will look at the entire situation; the ICC is obligated to assess whether the judicial system is looking into justice for the same crimes that the ICC is investigating or prosecuting.

Ideas and arguments to help you communicate this message:

- The ICC is the logical development of *ad hoc* courts and tribunals, starting with the Nuremberg Trials, when the world first came together to condemn genocide.
- It is the global safety net that ensures that future Saddams and Hitlers don't slip through the cracks between national judicial systems.

"The triumph of Nuremberg was not only that individuals were held accountable for their crimes, but that they were tried in a court of law supported by the community of nations."
-- Elie Wiesel

- A permanent court is better than setting up a new *ad hoc* tribunal each time atrocities occur and are not being dealt with at the national level.
 - Setting up new *ad hoc* tribunals often takes years of negotiations and preparation, undermining their deterrent effects. First, the Security Council members have to agree on the structure and organization of the tribunal, including what crimes can be prosecuted, how those crimes are defined, qualifications and election procedures for judges, location and funding. Once initial administrative staff is in place, they need to build or secure a specialized judicial facility and hire and train personnel. By contrast, the ICC is already up and running, and only has to organize a new prosecutorial team when a new situation arises.
 - Each new *ad hoc* tribunal is very expensive to set up. The start-up costs alone, for construction of facilities and training of personnel, could cost tens of millions of dollars.
 - Once established, the international community then has to be ready to contribute funds each year of the tribunal's operation. The countries willing to do so would bear a heavy burden. For example, the International Criminal Tribunal for the Former Yugoslavia will cost more than \$270 million to run during 2004 and 2005.
- Creating new *ad hoc* tribunals for each new situation would be, essentially, reinventing the wheel. This is what the ICC was set up to avoid.
- The ICC is an independent judicial organ, and is not part of the United Nations system. Cases can, however, be referred by the UN Security Council, and the Council can ask that the ICC not proceed on any given case for renewable periods of one year if the international community believes that it is in the interest of international peace to halt the proceedings.
- The ICC has very specific and limited jurisdiction. It applies only to acts of extreme, systematic and large-scale brutality, as demonstrated by the first cases it is investigating.
- Remind listeners of the gravity and heinousness of the crimes the Court is investigating:
 - Up to 400,000 have been killed in the genocide in Darfur.
 - It is estimated that at least 5,000 children have been abducted to serve as child soldiers and sex slaves in Uganda since the Court's jurisdiction began.
 - In Congo, militias are raping and pillaging their way through a countryside devastated by war, with more than 4 million lives lost since 1998. This is the largest war toll since World War II, and most of the victims have been civilians.
- It's important to judge the ICC on its record so far:
 - The first situations it is investigating are not only cases of extreme brutality, but are also situations in which either the national governments were struggling to try the cases and *asked* the ICC to step in, or – as in the situation in Darfur – the Security Council voted to send the case to the ICC, recognizing that the Sudanese government was implicated in the

crimes and there is no credible, national process for pursuing justice for those crimes.

- o The Prosecutor has already refused to move forward with allegations made by outside groups against the U.K. with respect to torture accusations in Iraq. Noting that the ICC is meant to step in only when national court systems fail, he stressed that the people who filed the complaint did not submit any evidence that the national court system in the U.K. was not handling the situation.

Important Information about the ICC's Jurisdiction

- The ICC only has jurisdiction over crimes committed since July 1, 2002.
- The ICC has jurisdiction over individuals, not states.
- The ICC complements domestic courts: it always defers to national courts.
- If all the other requirements are met, the ICC may investigate and prosecute an individual if:
 - o The accused is a citizen of an ICC member state, or
 - o The alleged crime took place on the territory of an ICC member state, or
 - o The UN Security Council asks the ICC to open an investigation, or
 - o A country voluntarily accepts ICC jurisdiction.
- The Security Council can vote to block any investigation or prosecution for a year at a time.

The ICC's jurisdiction is limited to the two most traditional forms of jurisdiction under international law: territoriality and nationality. That is, without the consent of the state in question or a referral by the Security Council, the Court may only proceed with cases that were committed on the territory of, or by nationals of, countries that have joined the ICC by ratifying its Rome Treaty. The ICC could only proceed with a case against someone from a country that has not ratified the treaty if he or she committed a crime on the territory of a state that had joined the Court. In this case, that state would have the first right under standing international law to try the accused in its own courts anyway.

MESSAGE 2

The International Criminal Court embodies fundamental American values of accountability, equality and justice.

This message is intended to counter the fear that the Court threatens American values, rights and freedoms, by emphasizing that it is rooted in and implements basic American values that we share with the rest of the world.

Key concepts and things to keep in mind:

“embodies fundamental American values”

This language represents a balance between different ways of seeing the ICC. On the one hand, the ICC upholds universal human rights values and is an international institution supported by the majority of the world's countries. On the other, America has, for most of the twentieth century, been at the vanguard of promoting these universal values, and these are values that are particularly important to the American people.

Some audiences, like human rights groups or religious groups, may feel more comfortable with an emphasis that these are universal values; other groups may feel more comfortable if you talk about these as basic American values that the rest of the world shares.

“They are universal values of what should be justice and fairness and hopefully they are consistent with American values, but not the same thing. I think the particular phrasing somehow makes it sound as if we are talking about imposition of American values. It won't appeal to a lot of people both in America and outside of America.”

-- Interview Respondent

“I certainly think American judicial values are important and a good place to begin, but I think the ICC aspires to something larger than that.”

-- Interview Respondent

Ideas and arguments to help you communicate this message:

- The Court affirms basic human rights, peace and the rule of law.
- The ICC carries forward the U.S. mission to provide justice and recourse for victims of brutal oppression. After allied troops liberated the concentration camps, the U.S. led the Nuremberg trials to provide justice for Hitler's victims.
- It raises other nations to our standards. The ICC helps spread democracy, rule of law, human rights and justice by helping member nations to reform their laws and judicial systems to meet these standards.
 - Countries like Afghanistan and Colombia joined the ICC to strengthen or build the rule of law and democracy.
 - Many countries have updated their legal codes to meet international standards; e.g. rape, sex crimes and trafficking of women and children are now illegal in these countries.
- The ICC strengthens protections for victims of genocide and other atrocities, including a Victims Trust Fund to help provide them with restitution. This is the first time that an international court has included a mechanism to provide reparations, recognizing that survivors, like those of the Holocaust, need concrete means to start rebuilding their lives and regaining what was stolen from them.
- Polling shows that large majorities of Americans think that the U.S. should join the ICC (See Text Box on Page 9).

MESSAGE 3

The ICC abides by the highest standards of fairness and judicial process.

Many of the concerns people have about the ICC have to do with wanting to make sure that the Court has enough safeguards to protect citizens of the U.S. or its ally nations from politicized prosecution. This message

addresses these concerns, which, in essence, boil down to one question: *Is the ICC fair?*

Key concepts and things to keep in mind:

"fairness and judicial process"

The vast majority of the people we interviewed believed that the ICC is intended to embody the highest standards of fairness and that the Rome Statute reflects this intent. But many were wary of how well the Court would achieve this goal. They noted that only the actual working of the Court will show whether it lives up to this intention.

Judicial process in this message is different from the concept of justice in Message 2. Fairness is an attribute of the process and functioning of the Court, while justice is a matter of how the outcome is perceived. In the long run, promising a fair process may be more meaningful to some audiences than guaranteeing that the outcomes will be perceived as just.

"Judicial process is more specific than justice. Who determines what justice is? Is it justice of the American terms or justice in the Saddam Hussein Iraqi terms? Government has to develop a level of legitimacy. Baseball fans and football fans will tolerate an unfair call by a referee."

-- Interview Respondent

There are some fundamental differences between the U.S. judicial process and that of the ICC. Because the ICC is a blend of different types of accepted judicial systems, there are some basic differences between the ICC and our U.S. system, most notably that the ICC does not provide for trial by jury or allow the death penalty. It's important to communicate that, taken as a whole, the ICC system does provide for recognized standards of fairness and due process, even if it is not exactly the same as the American system.

Ideas and arguments to help you communicate this message:

- The ICC enforces established international law, like the Geneva Conventions and the Genocide Convention. The definitions of the crimes it enforces conform to the American Uniform Code of Military Justice.
 - In fact, U.S. military officers were actively involved in developing definitions of crimes and the rules and procedures for the ICC.
- It ensures a fair trial through many checks and balances among judges, the prosecutor, member states, and defendants involved in a given case, and many built-in safeguards to rule out frivolous cases:
 - Judges and the prosecutor are elected and held to high standards, accountable to the member states and subject to removal for misconduct.
 - The ICC's prosecutor and 18 judges all hail from free, democratic countries that are friends of the U.S. and are top international jurists.
 - ICC member countries are overwhelmingly democracies.
 - If the Security Council feels that a case should be halted, it has the authority to vote to stop any investigation or prosecution of the ICC for renewable one-year periods.
- The United States routinely extradites Americans for trial in other countries whose trial proceedings are quite different from ours, so long as they are fundamentally fair.
- The ICC respects the highest standards of due process and protects the rights of defendants:
 - Colonel (ret.) Robinson O. Everett, former Chief Judge and current member of the U.S. Court of Military Appeals, stated that the Rome Statute for the ICC "assures a fair trial."
 - Specific rights include no trials in absentia, provision of defense counsel, presumption of innocence, right to cross examine witnesses, protection against double jeopardy, and guarantee of speedy trial, among others.
- Monroe Leigh, former President of the American Society of International Law and former State Department Legal Advisor to Henry Kissinger, said "The list of due-process rights guaranteed by the Rome Statute are, if anything, more detailed and comprehensive than those in the American Bill of Rights."
- The ICC has a price of admission: ICC member countries (who exercise oversight over the ICC) have to accept the rule of law and the Court's jurisdiction over their own leaders, so this is a court of democracies. These are not countries that are interested in seeking political trials.
 - Two thirds of the countries that have joined the Court are rated totally "free" by the nonprofit organization Freedom House. As of August 2005, 95 percent of the countries that have ratified the ICC treaty are rated "free" or "partly free."
 - Most of the signatories are U.S. friends and allies, including all but two members of NATO and many of our major non-NATO allies, including South Korea, Jordan, Argentina and Australia. The countries that have NOT signed include Libya and Syria, i.e. countries that do not want to be held accountable to the basic standards of human rights that ICC membership requires.
- These protections have already been shown to work in practice. The ICC Prosecutor has declined to look at allegations against the U.S., U.K. or Israel and has instead concentrated on the horrific atrocities in Darfur, Uganda and the Democratic Republic of Congo.

MESSAGE 4

Participation in the ICC is essential to American leadership and credibility.

This message is intended to answer the question: *Why should the U.S. support the ICC?*

Key concepts and things to keep in mind:

“American leadership and credibility”

Most respondents believed that U.S. non-participation in the ICC has damaged the U.S.’s credibility and leadership position as a defender of human rights and the rule of law. Respondents observed that the U.S. has traditionally led the development of international institutions and its opposition to the ICC is a reversal of that tradition.

“[Supporting the ICC] would return us to a position of rational leadership that balances the interest of a lot of different people that are concerned with major issues and at the same time, it would help us convince the world that we want to be part of the world as opposed to being standoffish and arrogant individuals.”

-- Interview Respondent

“The Americans since Tokyo and Nuremberg have always been leaders in international justice despite the fact that it took us over 40 years on the Genocide Convention. We certainly have given up that leadership. Is it essential to us? I think in the long run it is.... And what it looks like now to everyone and it looks like this to me that international justice is fine as long as Americans can’t be touched. It shows us as being hypocrites. That really destroys our credibility.”

-- Interview Respondent

Ideas and arguments to help you communicate this message:

- The U.S. will be a more effective world leader if we practice what we preach. U.S. opposition to the ICC undermines our credibility and effectiveness when we call for other countries to follow the rule of law and protect human rights.
- The U.S. has a history of leadership in protecting human rights and bringing perpetrators of crimes against humanity to justice. We need to participate in the Court to preserve this position of leadership because this is the international community’s joint response to the need for

promoting justice and protecting basic human rights.

- Since Nuremberg, the U.S. has been at the forefront of efforts to ensure justice for genocide. By turning our back on the ICC instead of supporting and improving it, we are betraying the legacy of U.S. leadership and our values.
- The Security Council most likely will not be creating further *ad hoc* tribunals for atrocities committed after July 1, 2002 – if the U.S. wants to help bring to justice future perpetrators of genocide, it will need to support the ICC and help it carry out its mandate.
- It allows the U.S. to share the burden of policing the world with the international community.
- It is another tool/option we can use to prevent war.
 - For example, the indictment of Milosevic was credited by many in Serbia as critical to his downfall, as it emboldened pro-democracy forces to rise up nonviolently against his rule.
 - International indictments also delegitimize rogue regimes on the international level, making it harder for them to be taken seriously by other governments.
- The Administration’s war on the ICC, seeking exemptions from laws that other countries and their leaders have agreed to obey, and imposing sanctions on allies that do not grant those exemptions, has increased resentment of America by reinforcing perceptions that America sees itself as above the law.
 - It is burning up diplomatic capital and hurting U.S. credibility and leadership on this and other issues.

"I think it is important that the United States not sit back and be a passive observer of this, but that it steps in and plays a leadership role in helping organize and build support and build constituencies. It is better to be inside the tent rather than outside the tent."

-- Interview Respondent

Note:

In the version that we tested, this message stated that participation in the ICC is important to American *security, credibility and leadership*, but this statement was not seen as credible by some interview respondents. Some felt that the ICC does not make a meaningful contribution to our security, and others argued that our own security is not the most important reason for the U.S. to support the ICC. Thus, the idea that the ICC is important for America's security was dropped from the final message.

MESSAGE 5

The United States should move toward constructive engagement with the ICC, assisting the Court's efforts to bring to justice the world's worst criminals while monitoring and guiding its development from "inside the tent."

Ideas and arguments to help you communicate this message:

- The United States should be at the vanguard of providing moral and financial support for efforts to bring to justice individuals who commit genocide, crimes against humanity and atrocious war crimes. It does not have to ratify the ICC statute and accept its jurisdiction to work effectively with the Court to achieve common goals:
 - The U.S. can provide information from diplomatic or unclassified intelligence sources to help the Court's Prosecutor build cases against mass murderers.
 - The U.S. can refer cases that it wants to see investigated and prosecuted to the ICC through the Security Council.

- By helping the ICC when its actions are in the genuine pursuit of justice, as in Darfur, the Democratic Republic of Congo and Uganda, the U.S. will reaffirm our credibility as an opponent of atrocious crimes and heal resentments among our allies. It will win us prestige and friends and serve our national interests in these cases.
- The U.S. should participate as an observer in the Court's governing and oversight body, the Assembly of States Parties (ASP). It should closely monitor the Court's development, working with other countries to support positive developments and to make improvements.
 - Refusing to monitor or comment on the ICC's actions means that the U.S. has no say in the Court's development at all -- the worst kind of unilateral diplomatic disarmament. Active engagement with the Court will increase our leverage over the Court's development and actions without any risk whatsoever to the U.S.
- By participating in the ASP, the U.S. can also lead the direction and development of the Court to support U.S. security interests.
 - For example, the U.S. should participate in and influence ongoing negotiations about the definition of the crime of aggression, which the Court cannot yet prosecute but could be added to its jurisdiction during the 2009 review conference.



Advice for Specific Audiences

We believe that the messaging advice in this guide will be helpful for your communications with most U.S. audiences, and we know that it is always more effective if we are all speaking from the same page in terms of common messages. Of course, in any advocacy initiative, particularly in strategic communications, it is important to think about *who* you are trying to influence to take *what* actions.

Part of the cooperative process that led to this guide was a strategic analysis of the audiences that – if they heard and believed our core messages – were most likely to help move the U.S. debate on the ICC towards a more positive dialogue. We identified three key constituencies whose support will be important for the ICC: foreign policy “opinion leaders,” Jewish organizations, and the military.

Foreign Policy “Opinion Leaders”

Policymakers and the media pay a lot of attention to a small number of well-known individuals in think tanks, associations, and universities, as well as other policymakers. Our research and experiences inside the beltway demonstrate that these “opinion leaders” currently believe that the U.S. debate on the ICC is either “dead” or too “toxic” to address. While the debate has opened significantly with the Darfur referral, as policymakers are asking what the U.S. policy should be on cooperation with the Darfur investigation, there continues to be many misperceptions or deliberate misrepresentations about the ICC even in this context. We believe that it will be critical to educate opinion leaders about the work of the Court and develop unexpected, credible spokespersons for the ICC.

Jewish Organizations

Many of America’s leading Jewish organizations have a proud history of helping to build international institutions for peace and justice, and the legacy of the Holocaust and the Nuremberg tribunals holds great importance for this community. Indeed, many

of the leading U.S. Jewish organizations have endorsed the ICC.

However, some people in the Jewish community and a few Congressional leaders are afraid that the ICC could be used unfairly against some Israeli leaders and believe that this is one of the reasons that the U.S. should oppose the ICC.

Jewish organizations, therefore, can play an important balancing role in the national debate on the ICC by serving as sources of credible information about the ICC and Israel and connecting the work of the ICC to the historical effort to build a system of international justice after Nuremberg. We think it is important to help Jewish organizations that support the ICC educate their constituencies about the Court and its importance.

U.S. Military

The majority of the objections raised in the U.S. political debate about the ICC center around the theoretical possibility that a U.S. soldier could be tried by the ICC. Indeed, during the negotiations on the ICC treaty, it was the Department of Defense that raised objections to the ICC. However, much of the debate about the military has been ill-informed with respect to the actual capacity of the ICC and the respect that it shows for national judicial proceedings, provided they are fair and genuine. Many military lawyers who understand the ICC have said that it poses no threat to the United States, but few people know this. Furthermore, there has been little discussion of the benefits that a strong system of international accountability might have for the military. We believe that the U.S. will never fully embrace the ICC until the U.S. military is comfortable with it, and this will require that credible and respected military figures view the ICC as something that can help U.S. soldiers rather than hurt them.

Based on this analysis, we developed an interview guide to test the key messages with each of these audiences. We identified

individuals from each target audience and conducted in-depth, long-form interviews to better understand how each of these core groups thinks about the ICC and its relationship with the U.S.

Our research revealed that each of these groups has special concerns about the ICC, which must be taken into consideration when crafting communication. Although the main messages to be communicated are the same for all groups, the arguments, ideas and language used to communicate these messages should be tailored to each group's special concerns and priorities. In this section, we describe some of these concerns and make research-based recommendations for communicating with these audiences.

FOREIGN POLICY “OPINION LEADERS”

The “global system” mindset

Research by the Frameworks Institute suggests that policymakers tend to approach international relations through a competitive and political mindset. In this frame, governments of the world are seen to be involved in a power struggle to maximize their economic and military advantage. Every treaty or international negotiation is therefore viewed as an opportunity to maximize U.S. gains or accumulate bargaining chips for future negotiations.

An alternative to this mindset is the global system frame, where the entire world is seen as an interconnected system. In this frame, national borders seem less important than solving shared problems for the benefit of all people. This frame is gradually gaining currency, particularly in the context of health, environment and global trade issues.

Not surprisingly, the global system frame lends itself more easily to a discussion of international treaties, particularly those that are geared toward securing human rights for everyone. The ICC has significant implications for how we want to shape our world. This larger perspective and the idea that the kind of world we build will affect us and future generations of Americans is important for communicating the benefits of the ICC to policymakers.

- Evoke the Global System frame. When lawmakers think of the international community as an interlinked and interdependent system, then national borders seem less important than the global good. In this frame of mind, lawmakers are less likely to view global treaties as “yielding to foreign forces,” instead allowing them to see the value of international standards that make the world better for everyone and deals from which all sides benefit. You may even want to evoke the well-known picture of the earth from space.
- The global system frame also helps move people away from the idea that the U.S. should control and determine every aspect of the treaty, or that everything should be guaranteed and risk-free before we sign on. The focus here is on a worldwide problem and a possible solution, which may need to be refined as we go but is much better than having no solution at all. When thinking of global systems, it is easier to accept that every action has many consequences and that there are no certainties or guarantees.

Acknowledge political realities

Lawmakers' public positions are influenced both by their understanding of an issue and by political concerns. The foreign policy experts that we interviewed gave many reasons why there is little or no support for the ICC in the House and Senate. One is that supporting the ICC is seen as a hopeless cause because the Administration is so adamantly opposed to it; thus few lawmakers are willing to expend political capital by espousing a lost cause. This attitude is compounded by the fact that lawmakers see no pressing constituent support for the issue. And finally, some Senate observers admitted that part of the Senate's apathy to the ICC stems from the fact that the Clinton Administration did not take the time to educate Congress and build support for this issue before signing the treaty on behalf of the country. Senators who might have been logical champions for this issue thus felt slighted and have withdrawn their support.

The Court needs a few high-profile champions who will re-start a debate on the issue in Congress to enable a realistic assessment of its risks and benefits. Congress must start the debate now to be able to make a decision in 2009. Our research shows that most major policy issues must “percolate” in Congress for a while before sufficient momentum and urgency builds for Congress to take action.

- Advocate for supporting the Court rather than joining it. This offers policymakers the opportunity to take leadership on a humanitarian issue that carries very little risk (in that the U.S. is not subject to the Court yet). Minimizing the risk associated with this decision will allow lawmakers to support the smaller decisions that could build momentum for complete ratification by 2009.
- Our policies must take into account that the Court is now in full operation and clearly sustainable and viable. The question is no longer whether we should have an ICC, but what kind of relations the U.S. should have with an institution that is here to stay.

Acknowledge the drawbacks of the treaty

Although most policymakers are surprisingly uninformed about the ICC, some staffers and Members understand the details of the treaty and have legitimate concerns about the differences between U.S. law and the Rome Statute.

- Remind lawmakers that treaties do not have to be perfect to be useful. The ultimate test of a treaty’s value is not that the U.S. gets everything it wants, but that, in sum, the U.S. and the world is better off with that treaty than without it.
- Emphasize that U.S. concerns with the Statute can be addressed only if it participates in the treaty. In fact, the U.S. must participate in this treaty if only to maintain its stature and credibility on human rights issues and preserve its interests.

“...the problem with the treaty itself is that it is neither as good as the proponents argue nor as bad as the detractors say.”

--Interview Respondent

JEWISH GROUPS

Concern for Israel

Although Jewish Americans are staunch and active supporters of international human rights, they are increasingly skeptical of international organizations that are linked to the United Nations. Many believe that the UN is easily manipulated by a caucus of nations biased against Israel and that could place some Israeli leaders under unfairly harsh scrutiny and take actions that impinge on its sovereignty. These groups bristle at the thought of dictatorial and tyrannical regimes criticizing Israel for human rights abuses.

The recent ruling by the International Court of Justice (ICJ) in the matter of Israel’s proposal to erect a security fence was seen as a clear example of a UN agency overstepping its authority and submitting to political influence. Many Jewish Americans fear that the ICC will do the same. In fact, it was clear from our interviews that many of them do not distinguish between the ICC and the ICJ.

“There is just a firm conviction I think in the mainstream Jewish community that Israel will not be dealt with fairly. So, to create another body that is going to beat so to speak on Israel as opposed to doing what it was created to do seems to be against our best interests.”

--Interview Respondent

The following facts can help to mitigate these concerns, but make sure to use them as supporting information for communications “framed” in a more positive way:

- Many important Jewish organizations in the U.S. support the ICC. These include the American Jewish Committee’s Jacob Blaustein Institute and the Religious Action Center for Reform Judaism.
- Do not link the ICC to the UN. The ICC is an independent, treaty-based court. Although the UN hosted the negotiations that led to the ICC treaty, the ICC is not part of the UN system.
- Distinguish the ICC clearly from the International Court of Justice.

- Emphasize that the ICC has a price of admission. It is not dominated by tyrannical or anti-Israel governments, but by Western-style democracies that have agreed to hold their own leaders to certain standards of morality and decency. These are not countries that are interested in diverting attention from their own political systems by bringing frivolous cases against others.

Facts about the ICC's jurisdiction and Israel:

- The International Criminal Court is unable to try *any* crimes committed before July 1, 2002, when the Rome Statute creating the Court came into force.
- Until Israel ratifies the Rome Statute, the ICC does not have jurisdiction over Israeli territory or Israeli citizens unless the Security Council refers a case (which would require US consent), they commit a crime on the territory of a country that has ratified the Rome Statute, or Israel consents to the process.
- The ICC will *always* be barred from proceeding with a case against any Israeli once Israel conducts its own bona fide investigation of the charges – even if Israel declines to prosecute.
- If Israel ratifies the treaty it would have the right to “opt out” of the Court’s jurisdiction over war crimes for seven years.
- These protections have already worked in practice: The ICC Prosecutor has already publicly refused to consider requests that he take up investigations of Israeli actions in the occupied territories.

Personal Commitment to Justice

Many Jewish Americans are strongly committed to working for peace, justice, and human rights. In particular, the concept of justice for victims of violent crimes resonates strongly with this audience. Therefore, we recommend:

- Highlight the connection between the ICC and the Nuremberg trials, and call upon this community to make the ICC part of their mission to ensure that no other community suffers like the Jews did during the Holocaust. The quotes below use powerful language to make that link:

Elie Wiesel commented on legislation that prohibited U.S. cooperation with the ICC: *“Fifty years ago, the United States led the world in the prosecution of Nazi leaders for the atrocities of World War II. The triumph of Nuremberg was not only that individuals were held accountable for their crimes, but that they were tried in a court of law supported by the community of nations. Before you today in committee is a bill that would erase this legacy of U.S. leadership by ensuring that the U.S. will never again join the community of nations to hold accountable those who commit war crimes and genocide.”*

The **Commission on Social Action of Reform Judaism** called upon the President and Congress to support and ratify the ICC, stating, *“How well we understand, from our own tragedies as a people, the awesome price human beings pay for indifference and silence. We, above all others, must be alert to suffering and injustice any place in the world and be proactive in deterring the perpetuation of evil. We cannot allow notorious criminals to escape justice.”*

- This is the first time that an international court has included the option of reparations – recognizing that survivors, like those of the Holocaust, need concrete means to start rebuilding their lives and regaining what was stolen from them.

MILITARY GROUPS

Mitigating fears of wrongful prosecutions

To many, the ICC raises the prospect of U.S. citizens, particularly U.S. servicemen, being indicted and tried under a “foreign” judicial system that might not preserve basic defendants’ rights. Many servicemen have also been led to believe that, if the U.S. were to

“Many of my friends who are Judge Advocate General types, both retired and active duty, think that this court is not anything to fear...The rank and file doesn’t know anything about it and they hear this stuff from the Bush Administration and obviously it has got to be a bad thing.”

--Interview Respondent

ratify the ICC, they could be prosecuted simply for doing their jobs. While most of the senior military experts we interviewed realized that these fears are unjustified, they also noted that they are very real to military families. To mitigate these fears, communication with the military should emphasize the following:

- The Court only goes after the worst violations of the laws of war—crimes that are already illegal under the military’s Uniform Code of Military Justice. It is designed for countries in which widespread and systematic violence against civilians is not being punished, not for countries that hold their own accountable.
- The ICC only steps in when a country’s own judicial system fails. This has been proven to work in practice. The Prosecutor has already declined to investigate accusations made against the U.S. and U.K. with reference to the war in Iraq because both countries have a functioning judicial system that can investigate and prosecute any genuine charges.
- The Court’s definitions of crimes conform to the Uniform Code of Military Justice. U.S. military lawyers were actively involved in drafting the statute. While there are a few differences in judicial procedures, most military lawyers believe that the ICC provides a fair trial by U.S. standards.
 - Monroe Leigh, former President of the American Society of International Law and former State Department Legal Advisor to Henry Kissinger, said, “The list of due-process rights guaranteed by the Rome Statute are, if anything, more detailed and comprehensive than those in the American Bill of Rights....”
 - Colonel (ret.) Robinson O. Everett, former Chief Judge and current member of the U.S. Court of Military Appeals, stated that the Rome Statute for the ICC “assures a fair trial.”
- The member countries of the ICC, who oversee the Court’s management and staff, are overwhelmingly democracies and U.S. allies – including all but two members of NATO and many of our major non-NATO allies, including South Korea, Jordan, Argentina and Australia, to name a few.

This is a court of democracies and the rule of law. In fact, the countries that haven’t signed are those like China, Burma (Myanmar) and Sudan that do not wish for basic human standards to be applied to them.

Why military men and women should support the ICC

Apart from mitigating fears, we can also make a strong case that the ICC, like other treaties that define international standards of conduct, can protect our service men and women.

- U.S. citizens and service members are subject to the laws of whatever country they travel to. Not only does the ICC potentially provide a more neutral forum than another country’s court system, but under the principle of complementarity, the U.S. would have the right to investigate and try a U.S. citizen before the ICC could proceed. That individual would have to be sent back to the U.S. for investigation and, if necessary, a trial.
- The ICC is a tool that can reduce the burden on U.S. armed forces, since it provides an alternative to military intervention and reduces the cycles of violence that cause conflict and state collapse.

“I think also in some ways the ICC provides a protection to Americans...Let’s say an American was taken into custody and might be tried by a national court overseas. Instead, if he/she were tried at the ICC, they would get a trial with more rights and probably less possibility of prejudice.”

--Interview Respondent

AND KEEP IN MIND...

Some message ideas may help to persuade some audiences, but they undermine the core messages and frames that you are trying to communicate. The potential risks of some message ideas are presented below.

Emphasizing the Court's American-ness

While some advocates and interview respondents felt that emphasizing the “American-ness” of the Court will appeal to certain audiences, others cautioned that the Court is not simply American and should not be presented as such. Instead, communication should note that the Court stands for basic human rights and values, which are consistent with the rights and values enshrined in the U.S. Constitution. Co-opting the Court as an American project undermines its larger purpose and appeal. The argument is also weakened by the fact that the U.S. is among the few democratic nations that have not ratified the Rome Statute.

These concerns do not preclude calling attention to the fact that the ICC stands for the same values that America holds dear. In that sense, the ICC is as American as apple pie — not exclusive to Americans and originally from Europe, but something that Americans have whole-heartedly adopted as their own.

Linking the ICC to fighting terrorism

Some policy experts argued that security concerns, particularly terrorism, currently dominate all discussions of foreign policy. Therefore, they suggested that the only way to get attention for the ICC is to tie it to the fight against terrorism, for example, by suggesting that the ICC may provide a neutral forum for legitimately trying and punishing prominent terrorists. While the ICC does not contain a definition of terrorism, many of the kinds of crimes terrorists routinely commit are among the crimes that the ICC can prosecute.

This is a difficult argument to make, however, because terrorism itself is not among the crimes considered in the Rome Statute and this causes listeners to doubt the efficacy of the ICC in addressing terrorism. Moreover, terrorism is difficult to define—determinations of terrorist activities are inextricably linked to political power. Thus, presenting the Court as a tool to fight terrorism can backfire by politicizing the discussion and drawing attention away from the universally condemned crimes it aims to address.

Evoking the concept of justice

“Justice” is a powerful word. While this word resonated strongly with religious audiences (specifically representatives of Jewish groups), policy experts and military officers were uncomfortable with its emotional and religious connotations. They felt that justice is a culturally determined and highly subjective concept—different people may have different ideas on what would be a just punishment for a particular crime. Furthermore, justice implies vengeance and has been used as a pretext for much violence and bloodshed over the years. Finally, one respondent noted, justice is an attribute of an *outcome*, whereas the Court is about having a fair and impartial *process* to prosecute certain crimes. For these and other reasons, these interview respondents preferred to use concepts like accountability and fairness over justice.

Invoking the “rule of law”

To many supporters, the ICC represents the ideas that no person is above the rule of law and that all people will be held accountable for their actions in a lawful way. Previous focus group research has revealed that this idea of the *rule of law* can, however, play into the public’s fears of a totalitarian society where more and more actions are governed by cumbersome and complex laws. Most people simply do not understand what the phrase *rule of law* means. Thus, this phrase should be used sparingly and with some consideration for how your specific target audience will interpret it.

Deterrence

We also drafted and tested the argument that the ICC may deter future dictators and tyrants from using mass violence to subjugate people. This argument was not credible with our interview respondents. They felt that fear of indictment by an international court is unlikely to deter a tyrant from using violence on his/her people.

Interview respondents were also somewhat skeptical of a related argument—that by holding member countries’ judiciaries to certain standards, the Court raises judicial

standards in the whole world. Respondents liked this concept but thought it unrealistic. They pointed out that many treaties purport to hold signatories to certain standards, but most fail at this task because there is no way to hold members accountable if they don't meet those standards. Even though the ICC has a built-in enforcement mechanism – that member countries accept the ICC's jurisdiction over their own leaders when they ratify – this argument does not resonate strongly with the target audiences.

Joining the International Community

One potential argument for joining the ICC is that all other major democracies are members and the U.S. is isolated from its allies because of its opposition to the Court. While this argument works well for a certain section of internationalist policymakers, it can backfire with the public and with a large proportion of lawmakers who see the U.S. as a force for good (in its own right), and take pride in its ability to challenge the entire world as needed. In fact this argument, when framed as a weak-minded “me too” policy, could actually provide fodder for opponents of the Court.



Tough Questions (And How to Deal With Them)

Q1. The U.S. already has the best judicial system in the world. Why should we participate in an international system that's not as good?

Because Americans want victims throughout the world to have access to the same quality of justice that we enjoy at home. U.S. courts can't – and shouldn't – try all the worst abusers of human rights. The ICC affords to others the same high standards and due process protections we expect here.

We all want the world to be better and safer for everybody. We know that the better job we do of holding individuals accountable for protecting basic human rights around the world, the closer we come to creating a peaceful and stable world.

Q2. Why should we put our military men and women at risk?

This Court deals with only the very worst cases of genocide, war crimes and crimes against humanity. U.S. military men and women are already held to the highest standards of conduct and punished in our own system if they violate these standards. The ICC doesn't demand any more of them than our laws currently do; it merely reflects these standards and holds others accountable to them.

Q3. How can you guarantee that the ICC won't be used to hurt the U.S. and its allies?

We need to judge the ICC by how the Court is acting, not on spun-out-theories of unlikely situations. The Prosecutor recently refused to investigate allegations leveled against British troops in Iraq, citing the fact that the U.K. has a functioning judicial system. The British are now looking into these crimes in their own court system. The ICC is behaving exactly as its supporters said it would – focusing on horrible violations like the genocide in Darfur – and not getting involved in the kind of political actions that would harm law-respecting countries.

There are no guarantees in life, other than death and taxes. The best we can do is make rational choices based on the evidence at hand, and the evidence at hand shows that the ICC is going to do what it was meant to do. The world needs a place to punish vicious war criminals – therefore we should work to make the ICC the best it can be -- from inside the tent, using our power and influence to make the world a safer and better place for everyone.

We all know that all organizations should include protections to prevent misuse – that's why the ICC founders, particularly the United States, included so many checks and balances against abuse. These safeguards are the reason why so many of our democratic allies - like the United Kingdom - have joined the ICC and feel secure accepting its jurisdiction over their own troops and officials. (See Message 3 for examples of the checks and balances.)

Q4. How can we support the Court when it goes against our basic idea of trial by jury (or other principle of the U.S. judicial system)?

Because so many Americans, including military lawyers, helped create the Court, the ICC embodies fundamental American values of accountability, equality and justice. That's why former Republican State Department Legal Adviser Monroe Leigh said, "The list of due-process rights guaranteed by the Rome Statute are, if anything, more detailed and comprehensive than those in the American Bill of Rights...." Including a trial by jury simply wasn't a practical option for an international court that deals with horrific crimes like genocide: How exactly do you

empanel a jury of “peers” for someone like Pol Pot or the leaders of the Sudanese genocide? Who would be on that panel; where would they come from? International tribunals that are looking into the very complicated issue of proving the “intent” to commit genocide or the existence of a “plan or policy” to commit mass atrocities have successfully relied on panels of highly-qualified, expert judges to not only afford victims a fair hearing, but also to protect the rights of defendants. It’s simply not practical to have a trial by jury for international courts like this.

Q5. How can the Court say it delivers justice when it won’t allow the death penalty for these horrible crimes?

Reframe to focus on delivering justice: The ICC delivers justice to victims by holding accountable, in a court of law, those who bear the greatest responsibility for planning and carrying out horrific, massive crimes against innocent people. It also offers groundbreaking protections for the victims – offering them a safe place to tell their story – and the possibility of reparations through its innovative Victims Trust Fund, which will help rebuild lives and communities shattered by unimaginable violence. Legal redress will never be enough to make up for everything that has happened to the victims of these crimes, but the very fact of hearing the truth in a court of law and putting the criminals in jail can be an important part of a healing process.

(Note: Sometimes, it’s better to ignore the question and reframe. The death penalty is one of these issues – Most of your audience probably won’t agree that the lack of death penalty is a “deal breaker,” so it makes more sense to focus on how the ICC does deliver justice.)

Q6. If the Court is as good as you say, then why is the government against it?

This Administration’s rejection of the ICC stands in stark contrast to the legacy of American leadership on the ICC and way back to the Nuremberg tribunals. From Nuremberg to the Rwanda and Yugoslavia tribunals, America has a proud history of bringing nations together to secure justice for the victims of atrocities. The ICC is part of this important legacy because it ensures that horrific acts such as genocide and war crimes never go unpunished, anywhere in the world.

It’s become increasingly clear that in today’s interdependent world, there are some issues – like justice for genocide – that can’t be solved by one country alone, not even by the U.S. The record of the current Administration demonstrates that they’d rather go it alone most of the time, that they are hostile to international cooperation and international law in general. We disagree, and so do most Americans – in poll after poll, two-thirds of Americans think that the U.S. should join the ICC.

Q7. What if a U.S. soldier or spy kills some civilians? Will he/she be tried before that Court?

No, because the Court is only interested in widespread, intentional and systematic crimes, like the genocide in Darfur and the widespread use of child soldiers in Uganda and the Congo. Also, if there is wrongful killing of civilians, the ICC would not be involved so long as we enforce the laws we already have for our soldiers and spies. The U.S. judicial system will surely investigate that crime, which removes it from the jurisdiction of the ICC.

Q8. How can we make sure that no U.S. civilians or military personnel will be tried at the ICC?

By fairly enforcing the laws we already have on the books. If we hold our own people accountable for any alleged crimes in a fair and impartial process, the ICC can’t proceed with cases against them – even if ultimately our investigation demonstrates that there is no reason to bring charges.

Q9. Isn't the ICC unconstitutional? How can the U.S. government let another country try U.S. citizens? Wouldn't that violate their constitutional rights?

No. The U.S. Constitution provides that when we choose to ratify a treaty, that treaty becomes the highest law of the land, so choosing to join the ICC would be fully constitutional.

Besides, even if the U.S. does not become a member of the ICC, U.S. nationals could come before the ICC if they committed crimes on the territory of a country that has chosen to join the ICC. The U.S. Constitution doesn't travel abroad when we do. When you travel to another country, you are subject to the laws of that country and not to our laws and Constitution. The ICC actually protects U.S. citizens by ensuring that the U.S. would have the right to investigate charges against them.

Q10. Our values and our ideas of justice are very different from the rest of the world. How is it even possible to create an international judicial system that balances all these ideas of justice?

There are certain values that we all agree are universal. Nobody has the right to commit genocide or mass atrocities against innocent civilians. The ICC does not aim to set up a complete code of laws and regulations; it simply deals with crimes against humanity, genocide and war crimes that we can all agree are heinous. Regardless of legalities, we all, as humans, share some common ideas about what is right and wrong, and what is fair process to deal with criminals. Those shared values and beliefs are what the ICC is built on.

Q11. The ICC is made up of a bunch of extremist people who have set up this Court simply to try President Bush for the invasion of Iraq and try to bring America down. Why should we tolerate that?

In fact, the idea of the ICC was originally supported by America and is now led by some of our closest allies, like the United Kingdom. This is a court that was set up with the backing of the U.S. and other world democracies; countries that are in it respect the rule of law and choose to accept the Court's jurisdiction over their own citizens and officials.

Q12. I don't see why we should let other governments, who don't allow basic human rights in their own countries, stand in judgment over our democratically elected government or U.S. citizens.

The ICC is an international legal system that countries choose to join because they want to hold *their own leaders as well as those of other countries* accountable for the most egregious and horrific crimes. Countries that are party to the ICC make the commitment to subject their own leaders and citizens to the terms of the treaty. In fact, many have raised their own judicial codes to the standard demanded by the ICC, e.g. by designating acts such as rape as punishable crimes. That's why the ICC has become a "court of democracies." Ninety-five percent of the countries that have joined the ICC are rated as free or almost free by the independent nonprofit organization Freedom House.

Q13. Why are all the cases from Africa? Is this about the North unfairly targeting the South?

More countries from Africa have joined the Court than from any other continent. In fact, in two out of the first three cases, it was the African governments that asked the ICC to step in because their judicial systems couldn't handle the cases. Sadly, Africa is a continent that has more than its fair share of these sorts of crimes, and many of the African countries – like South Africa – joined because they know the toll that these crimes take on their people and wanted to ensure that future leaders were put on notice that they could be held accountable.



Fact Sheet

International Criminal Court: At a Glance

Rome Statute

- The International Criminal Court (ICC) was created by a treaty called the Rome Statute, which was finalized at an international conference in July 1998, entered into force on July 1, 2002.
- By November 2005, 100 countries had ratified the Rome Statute and joined the ICC. Most of the democracies of the world are members of the ICC, including Great Britain, Canada, Australia, Germany, France, and many others.
- The ICC only prosecutes the worst of the worst crimes:
 - Genocide;
 - War Crimes; and,
 - Crimes Against Humanity.

Governance

- The ICC is an independent institution located in the Netherlands. It is not part of the United Nations.
- The ICC is overseen by the Assembly of States Parties, made up of representatives of every country that has ratified the Rome Statute.
- The Assembly of States Parties, among other duties:
 - Elects the judges and the prosecutor (and can remove them if they fail to uphold their duties);
 - Debates and votes on any amendments to the Rome Statute; and,
 - Approves the budget of the ICC and levies dues to pay for it.

People

- The ICC has 18 judges who serve nine-year, non-renewable terms.
- The first 18 judges were elected in February 2003. Canadian Philippe Kirsch was selected as the first President, or Chief Judge.
- The first Prosecutor, Argentine Luis Moreno Ocampo, was elected in April 2003.
- The Registrar, Bruno Cathala of France, who will oversee the administration of the Court, was elected June 24, 2003, for a term of five years.

Jurisdiction

- The ICC only has jurisdiction over crimes committed since July 1, 2002.
- The ICC complements domestic courts: it will always defer to national courts. The ICC will only act when national court systems are unwilling or unable to do so.
- If all the other requirements are met, the ICC may investigate and prosecute an individual if:
 - The accused is a citizen of an ICC member state, or
 - The alleged crime took place on the territory of an ICC member state, or
 - The UN Security Council asks the ICC to open an investigation, or
 - A country voluntarily accepts ICC jurisdiction.
- The Security Council can vote to block any investigation or prosecution for a year at a time.

Crimes

Genocide

The Rome Statute defines genocide as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group:

- Killing members of the group;
- Inflicting serious harm on members of the group (including torture and rape);
- Deliberately inflicting conditions calculated to bring about the group's destruction (such as withholding food or medicine); or,
- Preventing births within the group or forcibly transferring children of the group to another group.

Crimes Against Humanity

Drawing on existing agreements, like the Convention against Torture, the Rome Statute defines crimes against humanity as any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population:

- Murder, Torture, or Enslavement (including trafficking of women and children);
- Extermination (including withholding food and medicine);
- Deportation or forcible transfer of population (ethnic cleansing);
- Imprisonment or confinement in violation of fundamental rules of international law;
- Rape, sexual slavery, enforced prostitution, forced pregnancy, or enforced sterilization;
- Persecution against any identifiable group based on gender, political affiliation, race, nationality, ethnicity, culture, or religion; or,
- Enforced disappearance of persons.

War Crimes

The Court has jurisdiction over war crimes that are committed as part of a plan or policy or as part of a large-scale commission of such crimes. Based on the Geneva Conventions, the Rome Statute includes the following war crimes (not a complete list):

- Conscripting or enlisting children under age 15 into armed forces;
- Taking hostages;
- Intentionally directing attacks against civilians not participating in hostilities;
- Intentionally directing attacks against peacekeepers and humanitarian aid workers;
- Deliberately impeding relief supplies;
- Use of poison gas; or,
- Rape, sexual slavery, enforced prostitution, forced pregnancy or enforced sterilization.

Fact Sheet

ICC: The Court Of Democracies

The ICC embodies the values and laws of democracy: human rights, due process, judicial transparency, accountability, and the protection of victims. As a result, ICC member states are overwhelmingly democracies and allies of the U.S.

95 Percent of ICC Member Countries Are Free or Partly Free

The non-profit organization Freedom House annually assesses every country in the world as "Free," "Partly Free," or "Not Free," based on their level of political rights and civil liberties. 66 percent of ICC members are "Free" and another 29 percent ranked as "Partly Free," with some form of democracy and respect for human rights. In fact, of the 100 countries that have ratified the Rome Statute, only six are "Not Free." For these six countries, ICC membership is a step towards democracy and the rule of law.

More than 70 percent of All Free Countries Are Already ICC Members

Currently, 89 countries are "Free" according to Freedom House's 2005 rankings. 66 of them (74 percent) are already full members of the ICC. The percentage is higher if you include democracies that have said they will become ICC members.

Democratic Countries Control the ICC's Administration

Each ICC member gets one vote in the Assembly of States Parties, a democratic forum that makes all important decisions about the Court, including the election and removal of judges and prosecutors, approval of the budget and any amendments to the ICC treaty. Because of this democratic and transparent process, no country or group of countries can hijack the Court for political purposes.

The ICC Judges Hail from U.S. Allies

In early February 2003, the Assembly of States Parties elected the ICC's first 18 judges. Every one of these judges represents a country that is a U.S. ally. The judges come from Bolivia, Brazil, Canada, Costa Rica, Cyprus, Finland, France, Germany, Ghana, Ireland, Italy, Latvia, Mali, Samoa, South Africa, South Korea, Trinidad and Tobago and the United Kingdom.

U.S. Democratic Allies Strongly Support the ICC

Key U.S. allies are members and strong supporters of the Court, including the United Kingdom, Canada, Australia, France, Germany, New Zealand, Italy, South Korea, Argentina, Jordan and South Africa. Japan and Russia, while not yet full members of the ICC, are also vocal supporters of the Court and its work.

Emerging Democracies Have Joined the ICC to Secure the Rule of Law

New democracies in Eastern Europe, Latin America and Africa are among the ICC's strongest supporters. For these countries, joining the ICC helps build the rule of law and respect for human rights within their own borders, protecting against a return to tyranny and strengthening their democratic traditions.

Fact Sheet

Children and the ICC

Children are too often the targets or witnesses of genocide, war crimes and crimes against humanity: they are enslaved, raped, starved, taken from their families, forcibly recruited into armed forces and made to commit violent acts within their own communities. They may have to watch their family and friends be murdered, tortured or sexually assaulted. Especially for children, justice is incomplete if it simply ends with the punishment of a criminal. Justice for children requires the counseling and protection of child victims and witnesses, the opportunity for children to understand that they are not to blame for what happened to them and their society, and the financial means to ensure their psychological, medical, social and educational rehabilitation.

Prosecuting Crimes against Children

The ICC can prosecute those who recruit and use child soldiers.

- Children under the age of 15 cannot be recruited into armed forces, whether a national army or a rebel group. The ban applies to both international and domestic conflicts.
- This ban is not limited to children who actually bear arms, but also protects children used as scouts, porters, cooks, sex slaves, or in any other capacity, by an armed group.

The ICC will also prosecute criminals who traffic and enslave children on a widespread or systematic basis.

During conflict, children are particularly vulnerable to violence and instability. The ICC details protections for civilians during conflicts that will hold perpetrators accountable for the unnecessary deaths and suffering of children.

- Starvation cannot be used as a military tactic, and relief supplies cannot be purposefully blocked.
- Peacekeepers and relief workers helping children cannot be attacked.
- Children cannot be used as a human shield, and families cannot be forcefully deported or displaced from their homes.
- Places where children might seek haven (such as schools, religious buildings, and hospitals) cannot be intentionally targeted for destruction.

Protecting Children at the ICC

To avoid re-traumatizing child survivors, the ICC will carefully protect children who testify in court.

- It is the explicit responsibility of all branches of the Court to ensure the safety, psychological health and confidentiality of child witnesses.
- The Court will make special arrangements before, during and after the trial to ensure the safety of children and their families.
- Judges and staff members will include experts on traumatized children, and judges are charged with preventing lawyers from harassing or intimidating children on the stand.
- Children can have legal representatives, a Court-appointed support person and the presence of a psychologist or family member during testimony.
- To protect their confidentiality and to avoid further frightening experiences, children can testify in closed hearings, through video or by other means.
- Children will not have to testify in front of their assailant, and their voice and image can be altered to protect their identity from being known to the public. Defendants will at all times, however, be able to observe the testimony of witness against them.

Fact Sheet

Women and the ICC

The ICC sets important new precedents: it explicitly defines many forms of gender violence as atrocities, and it carefully takes into account the special needs of survivors of sexual violence.

Wartime Rape and Other Sexual Crimes Under the ICC

Sexual violence is known to be a tactic of war and intimidation, but only now are these crimes explicitly, permanently and enforceably outlawed.

- The definitions of war crimes and crimes against humanity explicitly outlaw many acts of systematic sexual violence: rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and other acts of similar gravity.
- Rape and sexual violence can also be prosecuted as acts of genocide, as can preventing women in a certain group from having children.
- The ICC can also be used to fight the trafficking of women, which is explicitly included as a crime against humanity.

Protections for Women Under the ICC

Victims of sexual violence have suffered enough already, so the ICC includes extensive provisions to avoid re-traumatizing victims and witnesses who take the difficult step of seeking justice.

- Victims and witnesses of sexual violence may testify in closed hearings or through special means to protect their privacy.
- They can also have a special helper (such as a psychologist or family member) present while giving testimony.
- The Victims and Witnesses Unit will include experts on trauma related to sexual violence. These experts will be available to counsel victims and advocate appropriate treatment in the courtroom.

Victims of sexual violence will not be "put on trial" when they give testimony, and their privacy will be protected.

- The confidentiality of victims and witnesses will be protected throughout the proceedings and in published Court documents.
- Victims do not need corroboration to prove crimes of sexual violence, and their personal sexual conduct cannot be considered as evidence.
- The definition of "consent" in cases of sexual violence is strictly limited to protect victims.
- Judges must prevent the harassment or intimidation of victims and witnesses during questioning, particularly in cases of sexual violence.

Gender and Staffing at the ICC

To ensure that gender crimes are not ignored, the Office of the Prosecutor will include legal experts on sexual violence. Some of the judges have experience prosecuting gender crimes, and the Victims and Witnesses Unit will include counselors and support staff with expertise in crimes of sexual violence.

The ICC has more female judges than any prior international court: seven of the first 18 judges are women. The Prosecutor and the Registrar must strive for gender balance as they hire their staff.

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Victims' Rights and the ICC

Past international trials have focused on prosecution: proving the guilt of the accused and specifying punishment. The ICC takes justice further by considering the needs of the victims. To restore dignity and hope to survivors of atrocities, the ICC empowers them to hold their persecutors accountable for their crimes, protects those that testify from further trauma or harassment, and enables the rebuilding of lives and communities through reparations. The ICC incorporates these victims' rights without compromising the rights of the accused, creating an unprecedented combination of retributive and reparative justice.

Empowering Victims

With the ICC, victims are no longer mere passive witnesses or uninformed bystanders. For the first time in history, survivors of atrocities can actively participate in bringing their persecutors to justice.

- Victims can submit evidence and personal testimony directly to the Court and are notified of Court proceedings and decisions.
- Victims are empowered to present their views and concerns at many stages in the proceedings, including trial, sentencing, appeal, and reparations hearings.
- To ensure that the best interests of victims are always taken into consideration, the ICC actively encourages and assists victims to have their own legal representatives.

Protecting Victims

The ICC recognizes that victims have not only survived traumatic hardships, but that many of them also testify despite the threat of retaliation. It thus includes explicit protections for "the safety, physical and psychological well-being, dignity and privacy of victims and witnesses."

- The ICC's Victims and Witnesses Unit ensures that victims are safe, receive support and counseling, and are appropriately treated in the courtroom.
- Staff in all branches of the Court will include experts on trauma and will be trained to care for the special needs of victims.
- Witnesses can have a helper (like a family member) present during testimony, and the judges must prevent their harassment or intimidation during questioning.
- At all stages of a trial, the Court will protect the confidentiality and safety of victims, witnesses, their families, and others endangered by their testimony, including relocation if necessary.

Reparations

The ICC is the first international court to enable reparations to victims recovering from atrocities. The funds provided through reparations are about more than just money: they are a vital tool for rebuilding lives and communities.

- The ICC can order those found guilty of crimes under the jurisdiction of the Court to pay reparations directly to the individuals whose lives they shattered.
- Governments, organizations and individuals can also donate to the revolutionary Victims Trust Fund of the ICC, which will help victims of crimes under the ICC's jurisdiction.
- These funds can help pay for restitution of property, medical and psychological support, care and education of orphans, community rehabilitation and other basic needs of survivors of these horrendous crimes.

Fact sheet

Religion and the ICC

Most of the worst atrocities of the 20th century were committed against religious groups: the genocide of Armenian Christians during World War I, the Nazi Holocaust of the Jewish people during World War II, the slaying of religious leaders under Pol Pot and the "cleansing" of Muslims in the Balkans. Even though religious freedom is universally considered a fundamental human right, enshrined in the UN Declaration of Human Rights and other international covenants, the world has repeatedly been unable to protect many religious groups from systematic persecution and murder. Now the ICC can enforce what the world has long demanded: that perpetrators of religious persecution be held accountable for their crimes.

Prosecuting Genocide

The ICC will prosecute criminals who attempt to destroy, even in part, any religious group through:

- Systematic murder;
- Serious bodily or mental harm (including torture and rape);
- Expulsion from their homes;
- The withholding of food or medical services;
- The prevention of births; and,
- The forceful removal of their children.

Because the ICC will consider initial attacks that are part of an emerging pattern as acts of genocide, the world may never again have to witness the near complete destruction of a religious group before it can hold the perpetrators accountable.

Fact Sheet

Comparison: The U.S. Constitution and the Rome Statute of the International Criminal Court

The following chart was prepared by Monroe Leigh, former President of the American Society of International Law and former State Department Legal Advisor to Henry Kissinger. Leigh stated in testimony to the House International Relations Committee (July 25, 2000), "it cannot be denied that **the Treaty of Rome contains the most comprehensive list of due process protections which has so far been promulgated.**"

	Treaty of Rome	U.S. Constitution
Presumption of Innocence	"Everyone shall be presumed to be innocent until proven guilty before the Court . . ." (Art. 66)	"The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law." <i>Coffin v. United States</i> , 156 U.S. 432, 453 (1895)
Speedy & Public Trial	". . .the accused shall be entitled to a public hearing . . ." "the accused shall be entitled . . . to be tried without undue delay . . ." (Arts. 67(1), 67(1)(c))	"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial . . ." (Amendment VI)
Assistance of Counsel	"...the accused shall be entitled...to communicate freely with counsel of accused's choosing..." "...the accused shall be entitled... to have legal assistance assigned by the Court where the interests of justice so require, and without payment if he accused lacks sufficient means to pay for it..." (Arts. 67(1)(b), (d))	"In all criminal prosecutions, the accused shall enjoy the right...to have the Assistance of Counsel for his defense." (Amendment VI)
Right to Remain Silent	"...the accused shall be entitled...not to be compelled to testify or to confess guilt and to remain silent, without such silence being a consideration in the determination of guilt or innocence..." (Art. 67(1)(g))	"No person...shall be compelled in any criminal case to be a witness against himself..." (Amendment V)
Privilege Against Self-Incrimination	"...the accused shall be entitled...not to be compelled to testify or to confess guilt..." (Arts. 54(1)(a), 67(1)(g))	"No person...shall be compelled in any criminal case to be a witness against himself..." (Amendment V)
Right to Written Statement of Charges	"...the person shall be provided with a copy of the...charges..." (Art. 61(3))	"In all criminal prosecutions, the accused shall enjoy the right...to be informed of the nature and cause of the accusation..." (Amendment VI)
Right to Examine or Have Examined Adverse Witnesses	"...the accused shall be entitled...to examine, or to have examined...the witnesses against him or her..." (Art. 67(1)(e))	"In all criminal prosecutions, the accused shall enjoy the right...to be confronted with the witnesses against him..." (Amendment VI)

Right to Compulsory Process to Obtain Witnesses	"...the accused shall be entitled...to obtain the attendance and examination of witnesses on his or her behalf..." (Art. 67(1)(e))	"In all criminal prosecutions, the accused shall enjoy the right...to have compulsory process for obtaining witnesses in his favor..." (Amendment VI)
Prohibition against Ex-Post Facto Crimes	"A person shall not be criminally responsible...unless the conduct in question constitutes, at the time it takes place, a crime within the jurisdiction of the Court." (Art. 22)	"No Bill of Attainder of ex post facto law shall be passed." (Art. I, sec. 9, cl. 3)
Protection against Double Jeopardy	"No person who has been tried by another court...shall be tried by the Court with respect to the same conduct..." (Art. 20)	"...nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb..." (Amendment V)
Freedom from Warrantless Arrest & Searches	"...the Pre-Trial Chamber may...issue...warrants as may be required..." "...if it [the Pre-Trial Chamber] is satisfied that there are reasonable grounds to believe that the person has committed a crime...and the arrest of the person appears necessary..." (Arts. 57 bis (3),(58))	"[N]o Warrants shall issue, but upon probable cause..." (Amendment IV)
Right to be Present at Trial	"The accused shall be present during the trial." (Art. 63)	"one of the most basic of the rights guaranteed by the Confrontation Clause is the accused's right to be present in the courtroom at every stage of his trial." <i>Illinois v. Allen</i> , 397 U.S. 337,338 (1970) (Citing <i>Lewis v. United States</i> , 146 U.S. 370 (1892))
Exclusion of Illegally Obtained Evidence	"Evidence obtained by means of a violation of this Statute or internationally recognized human rights shall not be admissible..." (Art. 69(7))	When evidence is obtained in violation of the Fourth Amendment, the judicially developed exclusionary rule usually precludes its use in a criminal proceeding against the victim of the illegal search and seizure. <i>Illinois v. Krull</i> , 480 U.S. 340, 347 (1987) (Citing <i>Weeks v. United States</i> , 232 U.S. 383 (1914); <i>Mapp v. Ohio</i> , 367 U.S. 643 (1961))
Prohibition against Trials in absentia	"The accused shall be present during the trial." (Art. 63)	When defendant knowingly absents himself from court during trial, court may "proceed with trial in like manner and with like effect as if he were present." <i>Diaz v. United States</i> , 223 U.S. 442, 455 (1912) The language, history, and logic of Rule 43 support a straightforward interpretation that prohibits the trial in absentia of a defendant who is not present at the beginning of trial. <i>Crosby v. United States</i> , 506 U.S. 255, 262 (1993)

American Organizations Supporting The International Criminal Court

A

Advocates for Survivors of Torture and Trauma

American Bar Association

American Humanist Association

American Jewish Committee

American NGO Coalition for the ICC

American Red Cross

American Veterans Committee

Amnesty International USA

B

Bahai's of the United States

C

Church World Service

Citizens for Global Solutions

Coalition for International Justice

Committee on Social Action of Reform

Judaism

Cooperative Baptist Fellowship

D

DePaul University College of Law International

Human Rights Law Institute

E

Evangelical Lutheran Church in America

F

Fellowship of Reconciliation

Feminist Majority Organization

Friends Committee on National Legislation

G

Genocide Watch

H

Human Rights First

Human Rights Watch

I

Independent Student Coalition

Institute on Religion and Public Policy

International Committee on Offensive

Microwave Weapons

International Federation of Women Lawyers

International Non-Governmental

Organizations Coalition for an International Criminal Court

J

Jewish Council on Public Affairs

L

Lawyers Committee on Nuclear Policy

League of Women Voters

Lutheran Office for Governmental Affairs

M

Maryknoll Fathers, Brother, Sisters and Lay Missioners

N

National Association of Criminal Defense Lawyers

National Council of the Churches of Christ

National Service Conference of the American Ethical Union

Network of Solidarity with the People of Guatemala

Nuremberg Legacy Project

P

Philadelphia Bar Association

Presbyterian Church

R

Rainbow Push Coalition

Religious Action Center for Reform Judaism

U

Unitarian Universalist Association

United Church of Christ

United Methodist Church

United Nations Association -USA

US Catholic Conference

US Fund for UNICEF

United States Holocaust Memorial Museum

V

Veterans for Peace, Inc.

Vietnam Veterans of America Foundation

W

W.E.A.R.E. for Human Rights

Women's Alliance for Peace and Human Rights

Women's Alliance for Peace and Human Rights in Afghanistan

Women's Bar Association

Women's International League for Peace and Freedom US Section

Women's Initiative for Gender Justice

World Organization Against Torture

World Veterans' Federation

Get Involved!

Resources for Further Information and Advocacy

International Criminal Court Website

<http://www.icc-cpi.int>

The ICC's own website contains basic information about the court, news updates, press releases and other official documents, as well as policy papers prepared by the Office of the Prosecutor and external experts.

USA for ICC

<http://www.usaforicc.org>

This "portal site," created by Citizens for Global Solutions with the support of Amnesty International-USA, the Feminist Majority Foundation, Human Rights First, Human Rights Watch, Independent Student Coalition for the ICC, United Methodist Church - General Board of Church and Society and United Nations Association-USA, contains links to many organizations' fact sheets, latest news and ways you can work for justice. It also serves as the home for the ICC Communications Guide and a resource center with video clips of experts talking about the ICC that can be used by radio and television journalists, filmmakers and others.

Citizens for Global Solutions

<http://www.globalsolutions.org>

Citizens for Global Solutions coordinates the activities of the Washington (D.C.) Working Group on the International Criminal Court (WICC) and serves as a clearinghouse for U.S. advocacy on the ICC. The web site features latest news about the ICC, fact sheets and reports, developments from The Hague, and comprehensive resources on U.S. policy in the ICC, including congressional legislation and information about bilateral immunity agreements (so-called Article 98 agreements). Their e-advocacy list keeps advocates up-to-date on the latest action to support the ICC and build a better world.

American NGO Coalition for the ICC

<http://www.amicc.org>

A program of the United Nations Association of the USA, the New York-based American NGO Coalition for the ICC is committed to achieving, through education, information, promotion and an aroused public opinion, full United States support for the International Criminal Court (ICC) and the earliest possible US ratification of the Court's Rome Statute. AMICC's web site serves as a comprehensive repository of information about the United States and the International Criminal Court and provides opportunities for ICC supporters to engage in local, Congressional, and federal administration-oriented advocacy efforts. As a coalition, AMICC includes national organizations that advocate for the ICC and supports the development of local ICC alliances in communities around the U.S.

Amnesty International USA

<http://www.amnestyusa.org/icc/index.do>

As the American arm of Amnesty International, New York-based Amnesty International USA is committed to strengthening the International Criminal Court as the only permanent, independent judicial body vested with the authority to bring perpetrators of genocide, war crimes and crimes against humanity to justice and provide redress to victims when states are unable or unwilling to do so. Amnesty International USA's web site provides fact sheets, updates and alerts, and activists can sign up to receive alerts from their International Justice list.

Coalition for the International Criminal Court

<http://www.iccnw.org>

The New York-based Coalition for the International Criminal Court is a network of more than 2,000 non-governmental organizations worldwide advocating for a fair, effective and independent International Criminal Court (ICC). As part of its commitment to strengthening the ICC, the Coalition engages in a broad range of activities - from participating in expert consultations on ICC-related matters to advocating for broader national support for and cooperation with the Court to disseminating accurate and timely information about the Court. Through its web site, the Coalition provides ratification and implementation, NGO and public information toolkits for ICC supporters to use in their efforts. The organization also acts as a clearinghouse for information about developments at the Court, new ICC member states, and other related news.

Human Rights First

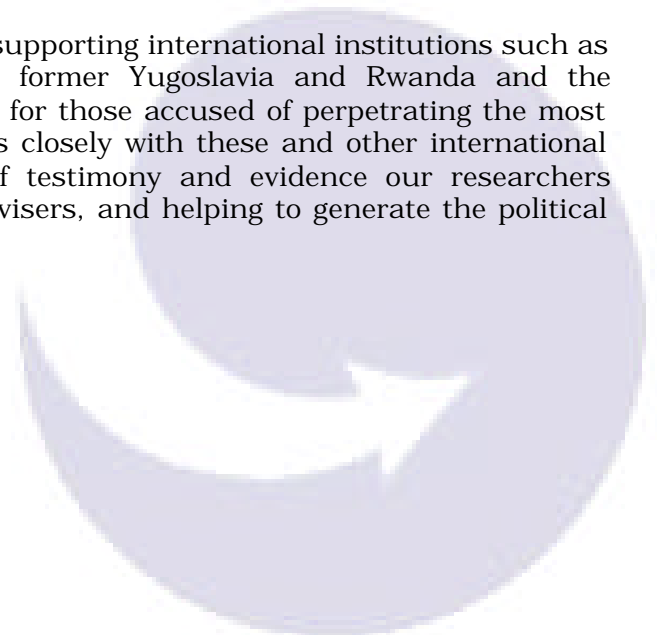
http://www.humanrightsfirst.org/international_justice/icc/icc.htm

Human Rights First (formerly The Lawyers Committee for Human Rights) is a leading human rights advocacy organization based in New York City and Washington, DC. The organization works in the United States and abroad to create a secure and humane world by advancing justice, human dignity, and respect for the rule of law. Their web site provides fact sheets, alerts, reports and updates on the ICC.

Human Rights Watch

<http://www.hrw.org/campaigns/icc/>

Human Rights Watch (HRW) is committed to supporting international institutions such as the international criminal tribunals for the former Yugoslavia and Rwanda and the International Criminal Court to end impunity for those accused of perpetrating the most heinous human rights violations. HRW works closely with these and other international judicial bodies by delivering the volumes of testimony and evidence our researchers collected, serving as expert witnesses and advisers, and helping to generate the political pressure necessary for the arrest of suspects.





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