

# CRIMINAL LAW

## 1. THE INTERNATIONAL CRIMINAL COURT

On July 17, 1998, the *Statute of the International Criminal Court* (ICC) was adopted by the Diplomatic Conference in Rome, Italy. The ICC Statute will enter into force once it has been ratified by 60 states. The ICC will be complementary to national courts and will exercise jurisdiction where national courts are unable or unwilling to bring transgressors to justice. The ICC will have jurisdiction over genocide, crimes against humanity and war crimes (as well as the crime of aggression once a suitable definition is adopted).

The ICC Statute has been signed by 86 states, and has been ratified by four (Senegal, Trinidad & Tobago, San Marino and Italy). Many other states are working to ratify as soon as practicable. A NGO campaign is pressing for sixty ratifications by December 2000.

Canada signed the ICC Statute on December 18, 1998. We expect to be among the first 60 states to ratify. We hope to introduce the necessary implementing legislation in Parliament this fall, and we expect to ratify once this legislation is in place.

A Preparatory Commission (PrepCom) is working out critical details of the Court's operation, such as elements of crimes and the rules of procedure. Philippe Kirsch, the Canadian Ambassador to Sweden, serves as the Chair of the PrepCom. The PrepCom met in February and July/August 1999 and will meet again in November/December 1999, with further meetings planned for 2000.

Canadian officials are working in many fora to encourage widespread signature and ratification of the ICC Statute so that the ICC may begin its essential work as soon as possible.

## 2. INTERNATIONAL CRIMINAL TRIBUNALS

### a) International Criminal Tribunal for the Former Yugoslavia

*Formation and Growth:* The International Criminal Tribunal for the former Yugoslavia (ICTY) was established by the UN Security Council in 1993 to prosecute individuals alleged to have committed serious violations of international humanitarian law, including war crimes, crimes against humanity, and genocide since 1991. Over the course of its lifespan, the Tribunal's workload has increased significantly. To cope, the Security Council has added a third "Trial Chamber" (panel of judges), the ICTY's staff has expanded (766 members, 14 seconded personnel, and 24 interns), and its budget has increased to over US\$94 million.

*Leadership:* US judge Gabrielle Kirk McDonald, who serves as the Tribunal's President, has indicated her intent to resign on November 17, 1999. Her seat on the court will be taken by Judge Patricia M. Wald (US) who will serve the remainder of Judge McDonald's term (two years). The Presidency of the Tribunal will be determined by a vote of its judges in November 1999. Madame Justice Louise Arbour served as Chief Prosecutor until September 15, 1999, when she