

THE INTERNATIONAL CRIMINAL COURT

Canada played a leading role at the 47th Session of the UN General Assembly on a resolution calling on the International Law Commission (ILC) to give priority to establishing an International Criminal Court (ICC).

In 1993, an International Meeting of Experts on this subject took place in Vancouver. The work done at that meeting contributed substantially to the ICC draft statute, as well as to the statute for the International War Crimes Tribunal for the former Yugoslavia.

In 1994, the ILC forwarded a draft ICC statute to the UN General Assembly (UNGA) for consideration. That fall, UNGA established an ad hoc Committee to review the major issues arising out of the draft statute.

During its two sessions in April and August 1995, the Committee made significant progress, both substantively and procedurally, towards the development of an ICC statute. The Canadian delegation, which was comprised of officials from the Departments of Foreign Affairs and International Trade, Justice and National Defence, was active in the discussions.

As currently conceived, the Statute of the Court would oblige all States Parties to prosecute or extradite to the ICC those accused of serious international crimes, such as genocide, war crimes and crimes against humanity. However, there remain a number of substantive issues to be resolved, including the exact relationship with the UN, the role of the Security Council, the crimes over which the Court will have jurisdiction, the criminal procedure to be followed by the Court, and the primacy of the Court vis-à-vis national courts.

In its final report, the Committee recommended that States begin drafting a consolidated text of a Statute for consideration by a future Diplomatic Conference. Specific decisions on the precise nature and name of the new negotiating forum, next sessions and its program of work will be taken by the UN Sixth Committee in the fall.

Canada strongly supports the establishment of an international criminal court and will continue to participate actively in the UN's deliberations on this subject during the upcoming session of the UN General Assembly.