The International Crimial Court Essay, Research Paper

The United Nations first recognized the need to establish an international criminal court over 50 years ago. An international criminal court would be just that. It would try criminals charged for international crimes such as genocide and other crimes of similar weight. The goal of the UN has always been to “secure universal respect for human rights and fundamental freedoms of individuals throughout the world.” The establishment of an international criminal court is seen as a major step in the accomplishment of this goal.

An international criminal court would be vital to the end of impunity. Unfortunately, many times acts of genocide and other blatant violations of human rights go unpunished. The former UN High Commissioner for human rights has even been quoted as saying, “A person stands a better chance of being tried and judged for killing one human being than for killing 100,000.” In fact, there have been many times in which no particular individuals have been held responsible for acts such as crimes against humanity and war crimes. Examples include 2 million people who were killed by the Khmer Rouge in Cambodia in the 1970’s; large losses of life in countries such as Mozambique, Liberia, and El Salvador during armed conflicts; and slaughter of innocent civilians in the Great Lakes region of Africa and Algeria. It had been established after the Nuremberg trials that individuals were responsible for crimes against international law and should be prosecuted for doing so. Still, however, individuals committing international crimes such as the ones earlier mentioned and others often go unpunished. One purpose of an international criminal court would be to put an end to this.

Another purpose of an international criminal court would be to help end conflicts. Often, as in situations of ethnic conflict, violence leads to further violence, resulting in a gruesome chain of bloodshed. One of the possible ways to lessen the hideous effects of such a conflict is to put war criminals on trial. This not only directly can reduce war crimes, but more importantly serves as an example to possible future perpetrators, hopefully acting as a deterrent to criminal intentions. Although international law sometimes issues ad hoc tribunals to try to accomplish this task, the issuance of these tribunals is not always consistent. For example, ad hoc tribunals were issued in Yugoslavia and Rwanda in hopes of aiding the reduction of violence, but they were not issued to aid the situation of “killing fields” in Cambodia. An international criminal court would be more consistent in prosecuting war criminals and therefore would be a larger deterrent to future war criminals.

Another purpose of an international court would be to “take over when national criminal justice institutions are unwilling or unable to act.” Often, during times of conflict within a country, the country is unable to provide adequate justice through national justice institutions. This is sometimes due to the unwillingness to prosecute its own citizens, as is what occurred in the former Yugoslavia; or is due to the collapse of the justice institution itself, as is what occurred in Rwanda. An international criminal court would take over when situations such as these would arise, ensuring justice.

The prospect of an international criminal court is under serious consideration by the UN. In fact, in July of 1998, the General Assembly decided to convene “to finalize and adopt a convention on the establishment of an international criminal court.” However, there are still many debates and concerns over the establishment of this court. For example, there are questions regarding which crimes would be under the court’s jurisdiction, what the international criminal court’s relationship would be with national courts, and what the penalties would be. Also, there is a debate concerning whether such a court would “disserve American interests.”

Argentina would most likely be in favor of an international court. The country has already shown beliefs similar to those which have comprised the proposal of the international court. For example, Argentina recently signed a pact with the US, Germany and Israel to track down war criminals. In addition, Argentina has even joined forces with the US in the battle against terrorism.

Bibliography

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