A TIMELINE of the ESTABLISHMENT of the INTERNATIONAL CRIMINAL COURT

In July 1998 – at a United Nations conference in Rome, Italy – governments overwhelmingly approved a statute to establish a permanent and independent International Criminal Court (“ICC” or “Court”). Four years later, during a UN treaty event on April 11, 2002, the Rome Statute of the ICC received the 60th ratification required to trigger its entry into force. On July 1, 2002, the ICC began its jurisdiction over genocide, crimes against humanity and war crimes.

The “road to Rome” was a long and often contentious one. While efforts to create a global criminal court can be traced back to the early 19th century, the story began in earnest in 1872 with Gustav Moynier – one of the founders of the International Committee of the Red Cross – who proposed a permanent court in response to the crimes of the Franco-Prussian War. The next serious call for an internationalized system of justice came from the drafters of the 1919 Treaty of Versailles, who envisaged an *ad hoc* international court to try the Kaiser and German war criminals of World War I.

Following World War II, the Allies set up the Nuremberg and Tokyo tribunals to try Axis war criminals. The world, reflecting on the Holocaust, cried “Never again!” The call for an international institution to try individuals responsible for the most heinous crimes resonated throughout the world, and many thought the founding of the United Nations would bring the world closer to a permanent Court. Yet more than 50 years would pass before the world’s leaders would meet to prepare a treaty establishing a permanent International Criminal Court.

Here are some highlights from the road to Rome … and the establishment of the ICC.

- **October 1946** Soon after the Nuremberg Judgment, an international congress meets in Paris and calls for the adoption of an international criminal code prohibiting crimes against humanity, and for the prompt establishment of an international criminal court (ICC).

- **December 9, 1948** The United Nations General Assembly (UN GA) adopts the *Convention on the Prevention and Punishment of the Crime of Genocide*. It calls for criminals to be tried “by such international penal
tribunals as may have jurisdiction.” Separately, members ask the International Law Commission (ILC) to study the possibility of establishing an ICC.

- **December 10, 1948** The UN GA adopts the Universal Declaration of Human Rights, detailing human rights and fundamental freedoms.

- **1949 – 1954** The ILC drafts statutes for an ICC, but opposition from powerful states on both sides of the Cold War stymies the effort and the UN GA effectively abandons the effort pending agreement on a definition of the crime of aggression and an international Code of Crimes.

- **1974** The UN GA agrees on a definition of aggression.

- **1989** The end of the Cold War brings a dramatic increase in the number of UN peace-keeping operations in the world, lending an increased viability to the notion of establishing an ICC.

- **June 1989** Motivated in part by an effort to combat drug trafficking, Trinidad and Tobago resurrects a pre-existing proposal for the establishment of an ICC. The UN GA asks the ILC to prepare a draft statute.

- **1991-19992** Wars in Bosnia-Herzegovina and Croatia, including clear violations of the Genocide and Geneva Conventions, lead the UN Security Council to establish a temporary ad hoc tribunal for the former Yugoslavia (in 1993) and strengthen discussions for a permanent ICC.

- **1994** The ILC submits a draft statute for an ICC to the UN GA.

The war in Rwanda leads the UN Security Council to establish a second ad hoc UN war crimes tribunal for Rwanda. The ILC presents a final draft statute on an ICC to the UN GA and recommends that a conference of plenipotentiaries be convened to negotiate a treaty to enact the Statute. The UN GA establishes an ad hoc committee on an ICC to review the draft statute.

- **1995** The NGO Coalition for the ICC is formed to coordinate the efforts of human rights organizations such as Amnesty International, Asociación Pro Derechos Humanos, Fédération Internationale des Ligues des Droits de l’Homme, Human Rights Watch, Lawyers Committee for Human Rights, No Peace Without Justice, Parliamentarians for Global Action, Rights & Democracy and the Women’s Caucus for Gender Justice. Mr. William Pace, Executive Director of the World Federalist Movement-Institute for Global Policy, is appointed Convenor.

The ad hoc committee holds two 2-week meetings at UN headquarters. In December 1995, the UN GA establishes a three year Preparatory Committee (PrepCom) from March 1996 until April 1998, to finalize a text to be presented at a conference of plenipotentiaries.
June 15 – July 17, 1998  160 countries participate in the UN Diplomatic Conference of Plenipotentiaries on the establishment of an International Criminal Court in Rome, Italy.

July 17, 1998  Member states overwhelmingly vote in favor of the Rome Statute of the ICC, creating the treaty establishing the first permanent international court capable of trying individuals accused of genocide, war crimes and crimes against humanity.

February 2, 1999  Senegal becomes the first State Party to ratify the Rome Statute.

May 13, 1999  The Coalition for the ICC launches a campaign from The Hague calling for the world-wide ratification of the ICC Statute.


September 2000  During the Millennium Summit, UN Secretary General Kofi Annan calls on all member states of the United Nations to ratify the Rome Statute as quickly as possible.

December 31, 2000  Deadline for signature of the Rome Statute. The United States of America joins Iran and Israel as the last states to sign the treaty, bringing the total number of signatures to 139.

April 30, 2001  Half-way mark toward the 60 ratifications or accessions required to trigger entry into force of the Rome Statute reached when Andorra becomes the 30th state to ratify the Rome Statute.

April 11, 2002  The 60th ratification necessary to trigger the entry into force of the Rome Statute is deposited during a special ceremony at UN headquarters. Countries to deposit their treaty instruments during this ceremony are: Bosnia & Herzegovina, Bulgaria, Cambodia, Democratic Republic of Congo, Ireland, Jordan, Mongolia, Niger, Romania and Slovakia.

May 6, 2002  The US government under the Bush Administration formally announces to the United Nations its intention not to ratify the Rome Statute, and its view that it is no longer bound by the terms of the treaty, implied by its signature under the Clinton Administration in December 2001.

July 1, 2002  Following the formula set out in the Rome Statute, the treaty enters into force, becoming binding for all countries that have ratified or acceded to the Statute and for which it had entered into force by that date.
July 12, 2002  On this day, after intense US pressure and threats to shut down the UN peacekeeping mission in Bosnia-Herzegovina, the UN Security Council adopted Resolution 1422, granting UN peacekeepers immunity from the jurisdiction of the ICC, retroactively effective as of July 1, 2002 for a renewable one-year period.

September 3-10, 2002  The historic first meeting of the Assembly of States Parties (ASP), the body composed of ratifying countries that provides administrative and other support to the Court, is held at UN headquarters in New York. The ASP adopts the five years of work of the Preparatory Commission as well as procedures to facilitate the election of qualified and representative judges to the Court.

September 9, 2002  The nomination period for the judges and Prosecutor of the Court is officially opened, with a closing date of November 30, 2002.

September 16, 2002  Samoa becomes the 80th State Party to the Rome Statute.

November 30, 2002  Deadline for the nomination of candidates for the posts of 18 judges and the Prosecutor to the ICC is reached. Only countries to have deposited their instrument of ratification of or accession to the Rome Statute by this date are eligible to nominate an official or vote during the election of judges. Forty-five nominations were received by the established deadline, although two countries withdrew their candidates, leaving 43 candidates at election time. No candidate for Prosecutor was announced.

February 3 – 7, 2003  The first resumed session of the Assembly of States Parties (ASP) convenes at UN headquarters in New York to elect the first 18 judges to the Court. The President of the Assembly of States Parties, Jordanian Ambassador Prince Zeid Ra'ad Zeid Al-Hussein, announces that the nomination period for the position of Prosecutor will be re-opened from March 24 – April 4, 2003.

March 11, 2003  The first 18 judges of the ICC are sworn-in during a high-level ceremony in The Hague, the Netherlands.

April 21-23, 2003  The Second resumed session of the Assembly of States Parties elects Mr. Luis Moreno Ocampo of Argentina as the first chief Prosecutor of the ICC.

May 12, 2003  Lithuania becomes the 90th State Party to the Rome Statute of the ICC.

June 16, 2003  Mr. Luis Moreno Ocampo is sworn in as Prosecutor in a ceremony held in The Hague, the Netherlands.

July 3, 2003  Mr. Bruno Cathala from France is sworn in as Registrar of the Court, after being elected by the Judges to the ICC (in June). This marks the final appointment of the senior officials of the Court.
• **July 16, 2003**  
ICC Prosecutor Moreno Ocampo holds his first press briefing to discuss the nearly 500 communications to have been received by the Court. He names the situation in the Democratic Republic of Congo as the most urgent situation that his office will “follow closely.”

• **September 12, 2003**  
A meeting of the 92-member Assembly of States Parties at the UN in New York elects a Board of Directors to the Victims Trust Fund of the ICC, which will administer reparations to victims. The Directors come from each of the five UN regional groups and are: Her Majesty Queen Rania Al-Abdullah of Jordan; His Excellency Mr. Oscar Arias Sanchez, former President of Costa Rica and Nobel Peace Laureate; His Excellency Mr. Tadeusz Mazowiecki, former Prime Minister of Poland and former Special Rapporteur on the United Nations Commission on Human Rights on the Territory of the former Yugoslavia; Mme. Simone Veil, former Minister of Health of France and former President of the European Parliament; and Archbishop Desmond Tutu, former Chairman of the Truth and Reconciliation Commission of South Africa and Nobel Peace Laureate.

• **November 3, 2003**  
Deputy Prosecutor (Investigations) Serge Brammertz of Belgium is sworn in to office.

• **January 29, 2004**  
The Office of the Prosecutor announces that Uganda (an ICC State Party) has referred the situation in Northern Uganda to the Court. The Prosecutor announces that there is “sufficient basis” to start planning for the launch of a formal investigation.

• **April 19, 2004**  
The Office of the Prosecutor announces that the Democratic Republic of Congo (DRC), also a State Party to the Rome Statute, has referred the situation of crimes allegedly committed in DRC since entry into force of the Statute. The Prosecutor will now proceed to determine whether there is reasonable basis to initiate an investigation in the coming months.