

22. ICC-INDIA'S PRESS STATEMENT, 12 JULY 2002

ICC-INDIA: THE INDIAN CAMPAIGN ON INTERNATIONAL CRIMINAL COURT

PRESS STATEMENT, 12 July 2002

SHOCKING MOVE BY THE INDIAN GOVERNMENT

While the ICC Statute has come into force with effect from 1st July 2002, after reaching sixty ratifications within an overwhelmingly short period of time, the United States has been involved in an attempt to exempt all peacekeepers involved in peacekeeping operations of the United Nations from the jurisdiction of the ICC undermine the ICC.

In its latest attempt to seek such an exemption, through an open debate in the Security Council on 10th July 2002, it was supported by a single country – India. Though India has not signed the ICC Treaty, and is not yet convinced of the urgent need for an ICC, it was expected to do so with a passage of time. At the very least, it was not expected to hamper the effectiveness of the ICC, which has receiving overwhelming international support.

The Rome Statute of the ICC provides jurisdiction over some of the most serious crimes of concern to the international community. These crimes are so serious that the drafters of the Rome Statute consciously excluded immunities, even for Head of State or official acts. This basic and important principle should then not be corrupted in practice with respect to UN peacekeepers. Such an exemption would seriously undermine the legitimacy and credibility of the future Court, and its effectiveness in investigating heinous crimes that would otherwise be within its jurisdiction.

The United States is the only country that has been making several attempts to exclude its own peacekeepers from the jurisdiction of the ICC. Despite signing the Treaty last year, the US government recently sent a letter to the UN to indicate it will not become a party to the ICC treaty and considers that it no longer has obligations arising from the Statute. It has also attempted passing a strong anti-ICC legislation in its Senate, and threatened to cut off military aid to countries that ratify the ICC treaty and would prohibit US cooperation even in a case of international terrorism. Given this recent history of the United States in its engagement with the ICC, it is appalling and shameful that India, which apparently stands for justice and rule of law, would join hands with it and be its sole supporter in undermining the efficacy of the ICC.

India's shocking support to the US weakens the ability of the ICC to truly make a difference in preventing the commission of horrific crimes and providing justice in a fair and impartial manner when crimes do occur. ICC-India strongly condemns the act of the Indian government. Further it hopes that India will rethink further support for such a

move, which would undoubtedly alienate it from the global community and question its commitment to human rights.