

Four Latin Americans to Serve on International Criminal Court

"The struggle for justice is part of the struggle for peace," said Bolivian judge René Blattmann as he was sworn in on March 11 to serve on the first International Criminal Court (ICC).

The tribunal will include 18 judges (11 men and seven women), including four from Latin America and the Caribbean. Blattmann, who served as minister of justice of his country, is credited with abolishing debtors' prisons and introducing a system of provisional freedom based on personal guarantees. Under this law, more than 3,000 Bolivians who were unjustly imprisoned regained their freedom.

Elizabeth Odio Benítez of Costa Rica was chosen to be one of two vice presidents of the tribunal, along with Akua Kuenyehenia of Ghana. Odio Benítez is well known abroad for her human rights work and for her role in passing the optional protocol to the International Convention Against Torture in 2002.

Karl Hudson Phillips of Trinidad and Tobago is an expert in criminal law and procedure as well as constitutional issues. As president of his country's Law Association, he worked to improve the administration of justice and uphold ethical conduct among attorneys. His candidacy to the ICC was supported by the nations of CARICOM.

Finally, Sylvia H. de Figueiredo Steiner of Brazil is a member of the São Paulo Prison Council and a former federal appeals court judge. She represented Brazil on the ICC's Preparatory Commission in recognition of her expertise in human rights and international criminal law.

The ICC, based at The Hague, was approved by the Treaty of Rome in 1998. It is intended to handle cases of genocide, aggression, war crimes and crimes against humanity committed by both state and non-state actors, from heads of state to ordinary citizens. Crimes committed after the creation of the court (July 1, 2002) will have no statute of limitations. Unlike the International Court of Justice, the ICC will be independent of the UN and will decide disputes among individuals, not states.

To date, more than 200 complaints of massacres, human rights violations and other crimes against humanity committed in different parts of the world have petitioned to be heard by the new court. The chief prosecutor, once he or she is chosen, will decide which cases to accept.

The swearing-in ceremony for the new justices was attended by government leaders, presidents and foreign ministers from around the world, with the notable exception of the United States.

"The current US leaders seem to have forgotten the lessons that we tried to give the world half a century ago," lamented Benjamin Ferencz, a US attorney who was one of the prosecutors at the Nuremberg Trials and who attended the ICC ceremony as a special guest.

The Bush administration has opposed the court's creation and has signed 22 bilateral accords with countries that have agreed to grant US citizens immunity from ICC jurisdiction. In addition, the US Congress has given the president the authority to use "all means necessary" to free Americans who fall into the court's custody.

Supporters of the tribunal describe it as an example of the globalization of justice, in counterpart to the economic globalization that has brought negative consequences for the world's most vulnerable populations. The president of the organization of member states, Prince Zeid Al-Hussein of Jordan, affirmed that the court will apply the law fairly, and he attempted to dispel concerns that it will serve as "a crucible for revenge."

Instead, UN Secretary General Kofi Annan suggested, "in an international court lies the promise of universal justice." The ICC represents an important step in the international arena to combat impunity and punish atrocities.

For more on the International Criminal Court, see www.un.org/law/icc.