

THE SECURITY COUNCIL AND THE INTERNATIONAL CRIMINAL COURT

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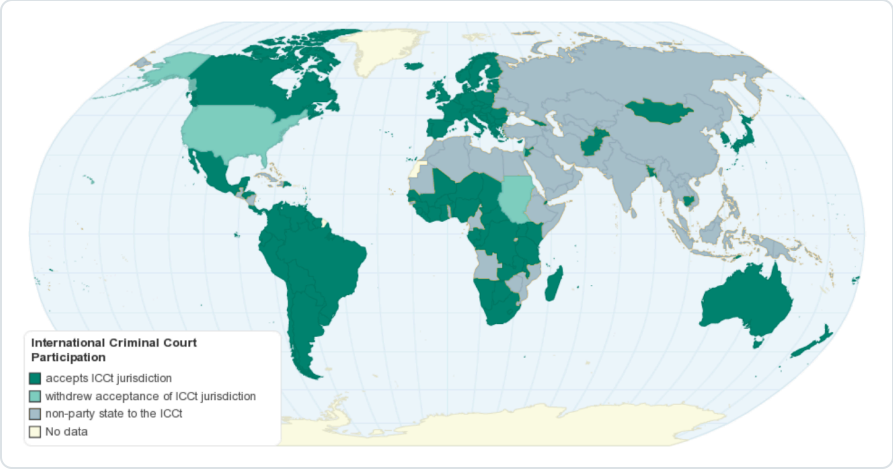
Although it is not much discussed in the media and its anniversary is scarcely commemorated, the International Criminal Court's (ICC) creation just over twenty years ago is a significant moment in global relations and the furtherance of human rights. Even though it is admittedly going through – and will likely continue to go through for a period of time – growing pains, the court did truly mark the first clear move towards international justice that would be difficult to pin as winner's justice as it is charged with investigating crimes perpetrated by those that signed the Rome Statute – the statute that governed the creation of the ICC or those referred to it by the Security Council of the United Nations.

The most recent governing document of the ICC expanded the role of ICC to cover aggression. They defined aggression as planning or participating in some forms of the use of force by one sovereignty against another. In addition to aggression, the ICC has jurisdiction over crimes against humanity, genocide, and war crimes. Additionally, it must be noted, under the updated statute, there were tense negotiations over how to properly integrate the Security Council into referring cases for investigation and possible prosecution to the ICC. There were three main results from the negotiations: a Security Council referral is not necessary for the Court to exercise jurisdiction over a case, a Security Council decision on whether or not aggression has occurred will not prejudice a case, and, for countries that explicitly do not accept the jurisdiction of the ICC, the court can exercise jurisdiction if a referral to the Security Council has been made. Another unique prerogative of the Security Council is that it can, through a resolution, defer prosecution or an investigation for a year if doing so is done to maintain peace and security.

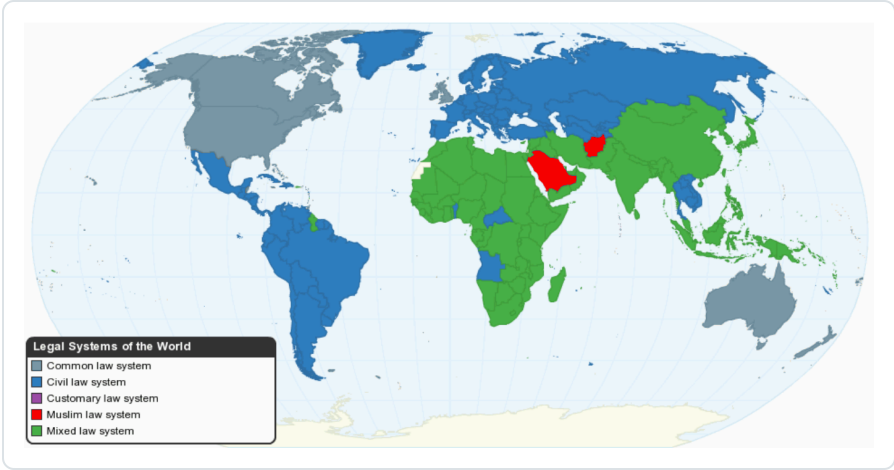
The Security Council, for some background, is the United Nations organ that is responsible for the maintenance of peace and security; it meets whenever there is a need – i.e., when peace is threatened or there is a request to meet to address an issue. The Council is comprised of permanent and temporary members and the five permanent members – the United States, United Kingdom, France, China, and Russia – gave themselves – when the Council was created – a veto that they could exercise over Council decisions. This is controversial from a political perspective and from the perspective of the ICC as that veto can be used when decisions need to be made regarding whether to refer a case to the ICC or to defer investigation or prosecution on a case.

The ICC has, however, incurred some controversy in its relatively young existence. There has been significant pushback from African countries – Burundi, for example, left the ICC – because it is believed by many African countries that the ICC targets Africa. Examples given include the investigations into Kenyan politicians and Sudan's Omar al-Bashir; indeed, the ICC held the Middle Eastern nation of Jordan in contempt for ignoring an arrest warrant for al-Bashir.

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The ICC is still young, however, its creation and existence demonstrates a willingness by many in the international community to further enforce human rights and peace worldwide; nevertheless, the organization will continue to be challenged, and it will be interesting to see how Security Council reform, if it occurs, will impact the Security Council's operations.

JUDGES OF THE INTERNATIONAL CRIMINAL COURT

NAME	COUNTRY	TOOK OFFICE	TERM END	DIVISION	REMARK
Joyce Aluoch	Kenya	2009	2018	Trial	First Vice President
Chung Chang-ho	South Korea	2015	2024	Pre-Trial	
Chile Eboe-Osuji	Nigeria	2012	2021	Trial	
Silvia Fernández de Gurmendi	Argentina	2009	2018	Appeals	President
Robert Fremr	Czechia	2012	2021	Trial	
Geoffrey A. Henderson	Trinidad and Tobago	2013	2021	Trial	
Olga Venecia Herrera Carbuccia	Dominican Republic	2012	2021	Trial	

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JUDGES OF THE INTERNATIONAL CRIMINAL COURT (CONTINUED)

NAME	COUNTRY	TOOK OFFICE	TERM END	DIVISION	REMARK
Piotr Hofmański	Poland	2015	2024	Appeals	
Péter Kovács	Hungary	2015	2024	Pre-Trial	
Antoine Kesia-Mbe Mindua	Democratic Republic of the Congo	2015	2024	Pre-Trial	
Sanji Mmasenono Monageng	Botswana	2009	2018	Appeals	
Howard Morrison	United Kingdom	2012	2021	Appeals	
Kuniko Ozaki	Japan	2009	2018	Trial	Second Vice President
Raul Cano Pangalangan	Philippines	2015	2021	Pre-Trial	
Marc Perrin de Brichambaut	France	2015	2024	Pre-Trial	
Bertram Schmitt	Germany	2015	2024	Trial	
Sylvia Steiner	Brazil	2003	2012	Trial	Ad litem judge
Cuno Tarfusser	Italy	2009	2018	Pre-Trial	
Christine van den Wyngaert	Belgium	2009	2018		

Source: https://en.wikipedia.org/wiki/Judges_of_the_International_Criminal_Court

Soundbite analytics

- In North Sinai, in August 2017, over 300 individuals were killed during an attack in the North Sinai governorate of Egypt.
- More than 10 million individuals visited Mexico during the first quarter of 2018.
- Cancun, one of the most popular destinations for Americans, 14 people were killed in less than 36 hours.
- More than one-fifth of Americans surveyed intended to travel to Mexico or the Dominican Republic for their overseas vacations.

SOURCES

1 https://chroniclelive.co.uk/news/north-east-news/how-safe-2018-holiday-destination-11548165

2 https://www.express.co.uk/travel/articles/971531/safe-holiday-summer-2018-europe-terrorism-fco-travel-advice

3 https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/mexico-travel-advisory.html

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