

# No Peace Without Justice Activities Update





July 18, 1998, Piazza del Campidoglio, Rome. Gianfranco Dell'Alba, MEP, European Commissioner Emma Bonino, UN Secretary-General Kofi Annan, NPWJ President Sergio Stanzani, the Mayor of Rome Francesco Rutelli celebrate with joy the adoption of the ICC Rome Statute.

# No Peace Without Justice Activities Update



**Y**ou see where the realists have gotten us in this world. Do you like the world that they have given you? If you like it, fine, become a realist, and continue the killing and the murder and the genocide and the mass rape. If you do not like it, remain a dreamer, remain an idealist. Be true to the ideals of your youth, and one day you will see a better world”

(Benjamin Ferencz, 1st December 1997, UN Headquarters, NPWJ International Conference)

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# No Peace Without Justice

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## They have been Members of NPWJ Board of Directors:

*Giuliano Amato, former Italian*

*Prime Minister*

*Emma Bonino, European*

*Commissioner for Humanitarian Aid*

*Cherif Bassiouni, DePaul University*

*Furio Colombo, former President of*

*the Italian House of Columbia*

*University*

*Giovanni Conso, President of the*

*UN Diplomatic Conference*

*Aryeh Neier, Open Society Institute,  
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*Beverly Allen, Siracusa University*

*Sergio Augusto Stanzani Ghedini,*

*Senator*

*Olivier Dupuis, MEP*

*Gianfranco Dell'Alba, MEP*

## Honorary President

*Lord Ralph Dahrendorf*

# Introduction

**N**o Peace Without Justice (NPWJ) is an international committee of parliamentarians, mayors and citizens, whose objective is the establishment of an effective system of international justice. In particular, the goals of NPWJ are to contribute to the development and reform of existing international institutions, to support the mandate of the ad hoc Tribunals for Rwanda and the former Yugoslavia, to ensure that human rights are enforced in member States of the United Nations and to campaign for the establishment of an International Criminal Court (ICC).

No Peace Without Justice has played a fundamental role in the process at the United Nations for the establishment of the ICC. In collaboration with other NGOs, NPWJ has actively campaigned to mobilize public opinion, furthering an international consensus for the need to put an end to impunity. Since Nuremberg, an ICC has been envisaged. Moreover, due to the impasse of the Cold War, the initiative stalled repeatedly. Never in history has the time been so ripe for an ICC. Thus, the underlying spirit of the NPWJ international campaign has been to mobilize support in fixing a deadline for the establishment of the Court: "No excuses no alibis".

At the end of 1994, as a result of NGO pressure, with No Peace Without Justice among the most active, the UN General Assembly decided to create a Preparatory Committee

mandated to discuss the draft Statute of the Court, prepared by the International Law Commission as a basis for a Convention.

This was the first step towards convening a Diplomatic Treaty Conference.

In 1996, NPWJ launched its first International Appeal promoted by Emma Bonino and signed by more than thirty global leaders and over 600 parliamentarians from around the world. The Appeal was directed to all the States assembled at the United Nations and demanded that a Diplomatic Conference for the establishment of the ICC be held in 1998.

In view of the necessary resolution of the UN General Assembly to renew the mandate of the Preparatory Committee on the ICC, a NPWJ delegation officially presenting the signed Appeal was received by Ambassador Ibrahim Razali, President of the 51st General Assembly.

On 17 December 1996, the UN General Assembly adopted a resolution mandating the UN Preparatory Committee to finalize a draft Statute in time for a Diplomatic Conference of Plenipotentiaries establishing the Court, to be convened in 1998.



## The 1997/98 Campaign for the establishment of the **International Criminal Court**

**E**ncouraged by its earlier success, it was clear that there was an urgent need to increase momentum and awareness about the ICC. The Preparatory Committee negotiations were progressing exceedingly slowly, bogged down by an infinite number of legal and technical disparities. Of even more concern was the increasing number of exceptionally controversial issues emerging which loomed over the very possibility of ever drafting a consensus text.

Since its campaign launch in Paris, NPWJ organized, in association with other organizations, a series of Conferences, in Malta for the Mediterranean region; in Siracusa, organized by the International Institute of Higher Studies of Criminal Sciences (ISIS); and in Montevideo for Latin American countries.

Leading up to the opening of the UN General Assembly, on 1 December 1997, NPWJ organized further initiatives in Atlanta with the Carter Center, in Rome in the Senate of the Republic and in Brussels at the European Parliament.

In New York on December 1st, a distin-

guished delegation of NPWJ, headed by European Commissioner Emma Bonino, A.N.R. Robinson, President of Trinidad and Tobago, and Jacques Baudin, Senegalese Minister of Justice, handed the International Appeal to Kofi Annan, Secretary General of the United Nations.

The Appeal, signed by over 60 global leaders, was also published in a number of newspapers around the world on that day. The UN General Assembly finally adopted a strong and clear resolution setting the date and the place for the Diplomatic Conference, namely in Rome, June 15 to July 17, 1998.

These successes were encouraging, however, there were still a number of controversial issues to be resolved by the end of the Rome Conference, which put the success of the Diplomatic Conference in jeopardy. There were serious doubts as to whether a fair, effective and independent Court would emerge at the end of the five week Conference. In this respect, the NPWJ campaign continued mobilizing political support for an effective ICC in 1998 with a Pan African conference held in Senegal on 5-6 February 1998. Organized in conjunction with the Senegalese government, H.E. Adbou Diouf, President of the Republic of Senegal and the European Commissioner Emma Bonino chaired the Conference.

25 African States participated and proclaimed a Declaration demanding a fair, effective and independent ICC to be established in Rome in 1998. Finally, a series of seminars were held around Europe and in particular Italy, the host country of the Diplomatic Conference.



# The Paris Conference

**T**he 1997/98 No Peace Without Justice Campaign for the establishment of the ICC was officially launched at the Conference held in Paris on 19th and 20th of June 1997. This meeting was convened by Ms Emma Bonino and Senator Robert Badinter, former President of the French Constitutional Council.

As a result of this Conference, two public initiatives were announced:

1. the launching of a new International Appeal demanding the Court to be established in 1998 at the latest
2. the organization of a series of Regional Conferences to mobilize public opinion and global leaders in the greatest number of countries possible.

Participants included Laity Kama, President of the Ad Hoc Tribunal for Rwanda; Muhamd Sacirbey, Ambassador of Bosnia and Herzegovina to the United Nations; Adriaan Bos, Chairman of the UN Preparatory Committee on the establishment of the ICC; William Spencer, Bureau of Democracy, Human Rights and Labour, US Department of State; Boutros Boutros-Ghali, former Secretary General of the United Nations.

The Appeal was published on 1 December 1997 in the following newspapers: International Herald Tribune, Le Monde, Il Messaggero, L'Unità, La Repubblica, The Irish Times, El Pais, was signed by:

*Giuliano Amato, Oscar Arias Sanchez, Jean Bertrand Aristide, Robert Badinter, Raymond Barre, Carl Bildt, Emma Bonino, Boutros Boutros Ghali, Adriaan Bos, Lord James Callaghan, Jimmy*



*Carter, Antonio Cassese, Annibal Cavaco Silva, Carlo Azeglio Ciampi, H.H. the XIV Dalai Lama, Lord Ralph Dahrendorf, Gijs de Vries, Jacques Delors, Abdou Diouf, Mark Eyskens, Manuel Fraga Iribarne, Malcolm Fraser, Sonia Gandhi, Richard Goldstone, Felipe Gonzales, Pauline Green, Jean-François Hory, José Ramos-Horta, Alya Izetbegovic, Alfa Omar Konaré, Bernard Kouchner, Serguei Kovalev, Catherine Lalumière, Otto Lamsdorff, Tadeusz Mazowiecki, Rita Levi Montalcini, Graça Machel, Wilfried Martens, Pierre Mauroy, Rexhap Mejdani, Marie Claire Mendés France, Danielle Mitterrand, Queen Noor of Jordan, Lisbeth Palme, Marco Pannella, Shimon Peres, Alfonso Perez Esquivel, Alonso Puerta, Lea Rabin, A.N.R. Robinson, Mary Robinson, Michel Rocard, Joseph Rotblat, Claudia Roth, Alfred Sant, Helmut Schmidt, Mario Soares, George Soros, Adolfo Suarez, Leo Tindemans, Gaston Thorn, Ted Turner, Gore Vidal, Franz Vranitzky, Richard von Weizäcker, Elie Wiesel, Jody Williams.*

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**NO EXCUSES NO ALIBIS**  
**THE INTERNATIONAL CRIMINAL COURT**  
**MUST BE ESTABLISHED ON JULY 17, 1998!**

Only 7 days remain before the end of the Diplomatic Conference that started in Rome on June 15. Only 168 hours to achieve the establishment of an International Criminal Court to try War Crimes, Genocide and Crimes against Humanity. While key issues still remain unresolved, solutions are possible. It is only a question of political will.

50 years have passed since the Nuremberg Trial: in these 50 years the world has witnessed 250 conflicts with over 200 million deaths. Now, after years of preparation, it is clearly time to decide:

*Can we no longer avoid or postpone decision making. Objectives and motivations are clear and must be overcome. On the most important and controversial issues - the relationship between the Court and the UN Security Council - the powers of the Prosecutor, from the relationship between national and international jurisdiction to the financing of the Court - there are solutions that can be quickly refined. On these issues, which have long consideration several countries' positions and which*

do not hinder the establishment nor the effectiveness of the Tribunal, it is possible to gather a wide consensus. It is not only necessary, but also possible to finally resolve the international community with an essential part of its moral and political responsibilities. It is crucial to establish a universal criminal jurisdiction, to create a Tribunal able to act in an independent way to prosecute the most egregious crimes and put an end to impunity occurring, at the same time, the appropriate safeguards for the national, beginning with the exclusion of the death penalty.

At this juncture the world public opinion, more and more aware of goods it will not understand any further delays or hesitations.

We ask you to keep your word:

Bill Clinton before the 1997 UN General Assembly  
New York, September 22, 1997

“... and to punish those responsible for crimes against humanity – and to promote justice so that peace endures – we must maintain our strong support for the U.N.’s war crime tribunals and truth commissions. Before the century ends, we should establish a permanent international court to prosecute the most serious violations of humanitarian law ...”



NO PLACE WITHOUT JUSTICE  
INTERNATIONAL COMMITTEE

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TRANSNATIONAL  
RADICAL PARTY  
[www.radicalparty.org](http://www.radicalparty.org)

Over 1,000 participants from 70 countries endorsed a TEF appeal to establish the International Criminal Court at the Karme Diplomatic Conference on July 14, a fourth step which will take 100 signatures from the Comptroller to the UN and all the UN treaty conference



## The Rome Diplomatic Conference for the establishment of the International Criminal Court

In order to set the tone in Rome, NPWJ organized a three day Conference at the Campidoglio on 11-13 June, bringing together Lamberto Dini and Giovanni Maria Flick respectively Ministers of Foreign Affairs and Justice of Italy, Francesco Rutelli, Mayor of Rome; Giovanni Conso, Former Minister of Justice and President of the Diplomatic Conference; David Sheffer, Head of the US delegation in Rome; Jacques Baudin, Minister of Justice of Senegal; A.M. Omar, Minister of Justice of South Africa and many others.

The negotiations were polarized and slow for most of the five week Conference. To reinforce a determination to conclude the negotiations in Rome, NPWJ organized a number of initiatives including a public address by Romano Prodi, Prime Minister of Italy and others, which was followed by a candle-light march across Rome.

Other initiatives included the publication of the daily journal "Terra Viva", the publication of newspaper advertisements entitled "No excuses, No alibi" and a Judi-

cial Assistance Project providing legal expertise to a number of delegations.

In retrospect, the International Appeal for the establishment of the ICC in Rome in 1998 and the series of regional Conferences made a definite contribution to the successful adoption of the Statute: the need for a Court was now voiced around the world and this was decisive during the eleventh hour negotiations.

Considering the success of the International Campaign and the historic importance of the vote, with 120 States in favor, 7 against and 21 abstained, NPWJ envisages a ratification campaign to be pursued with the same vigor.



# International Conferences

Malta, 11-12 September 1997, with the University of Malta, with the participation of the most prominent academics of the Mediterranean region; under co-chairmanship of Emma Bonino and the Prime Minister of Malta, Alfred Sant.

Siracusa, 16-19 September 1997, in co-sponsorship with the Istituto Superiore Internazionale di Scienze Criminali (ISISC) presided by Prof. Cherif Bassiouni with the participation of the most active NGOs and 120 International Criminal Law experts representing 35 countries. Interventions by H.E. Arthur N.R. Robinson, President of Trinidad & Tobago, Hon. Marco Pannella and Faustin Nteziyayz, Minister of Justice of Rwanda.

Montevideo, 10-11 October 1997, Ministry of Foreign Affairs, Uruguay, co-organised with Inter Press Service, joint Chairmanship of the Ministry of Foreign Affairs of Uruguay Alvaro Ramos and Emma Bonino. Participants included parliamentarians and representatives of civil society from Latin America.

Atlanta, 13 November 1997, The Conference at the Carter Center, in partnership with former US President Jimmy Carter. Participants included David Scheffer, US Ambassador at large for war crimes, David Bederman, Professor, Emory University Law School; Morton Halperin, Senior Vice President, Twentieth Century Fund; Brian Mc Keon, Minority Counsel, Senate Foreign Relations Committee; Elspeth Revere, Associate Director, Conflict Resolution Program, John D. and Catherine T. Mac Arthur Foundation numerous members of the Congress and the Senate, the American media and CNN.

"An ICC will not be a panacea for all ills,

but it will be good for the United States and all nations. It marks the next essential step on the road to a more just, peaceful world, and the United States must lead the way" (Jimmy Carter).

Rome, 20-21 November 1997, at the Senate, with the participation of Nicola Mancino, President of the Italian Senate, Lamberto Dini, Minister of Foreign Affairs, Giovanni Maria Flick, Minister of Justice, Emma Bonino, European Commissioner, Giovanni Conso, former Minister of Justice.

New York, 1 December 1997, at the UN Headquarters, chaired by Emma Bonino; participants included Kofi Annan, UN Secretary General H.E. Arthur N.R. Robinson, President of Trinidad and Tobago; Bill Richardson, US Ambassador to the UN, Francesco Paolo Fulci, Italian Ambassador to the UN, Benjamin Gilman, President of the US Congressional Foreign Affairs and Benjamin Ferencz, Former Prosecutor at the Nuremberg Tribunal.

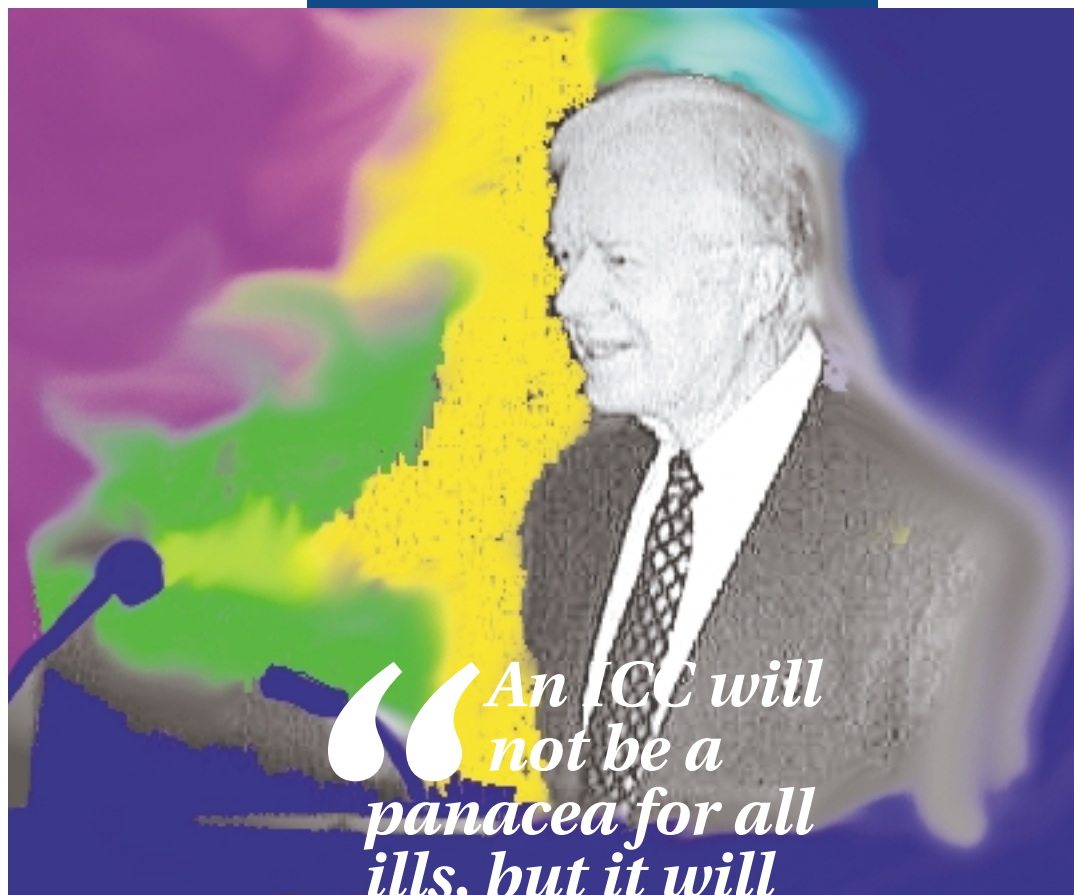
"You see where the realists have gotten us in this world. Do you like the world that they have given you? If you like it, fine, become a realist, and continue the killing and the murder and the genocide and the mass rape. If you do not like it, remain a dreamer, remain an idealist. Be true to the ideals of your youth, and one day you will see a better world" (Benjamin Ferencz).

Dakar, 5-6 February 1998, pan-African Conference on the ICC, jointly organized with the Government of Senegal. Co-chaired by H.E. President Abdou Diouf, Emma Bonino and the Chairman of the Open Society Institute George Soros. Participants included 25 African States, Louise Arbour, Chief Prose-

curator of the Tribunals for the former Yugoslavia and Rwanda, and Cherif Bassiouni, Vice-chairman of the UN Preparatory Committee.

Rome, 11-12-13 June 1998, at the Campidoglio, with the support of the Presidency of the Council of Ministers, the Ministry of Foreign Affairs, and of Rome City Council. Participants: Lamberto Dini, Minister of Foreign Affairs, Giovanni Maria Flick, Minister of Justice, Giovanni Conso, Chairman of the Diplomatic Conference, Staffan de Mistura, Director of the UN office for Italy, Robert Badinter, former French Minister of Justice, Francesco Rutelli, Mayor of Rome, Emma Bonino, David Scheffer, Bernard Kouchner, French Secretary of State for Health, Jacques Baudin, Minister of Justice of Senegal, A.M. Omar, Minister of Justice of South Africa.

Port of Spain, 15-16-17 March 1999, Inter-Governmental Caribbean Conference on the INTERNATIONAL CRIMINAL COURT, in collaboration with the Ministry of Attorney General of the Republic of Trinidad and Tobago. Participants: President A.N.R. Robinson, Prime Minister B. Panday, Attorney General R. L. Maharaj and other nine Attornies General of CARICOM Countries, ICTY Judge P. L. Robinson and Professor C. Bassiouni.



*“An ICC will not be a panacea for all ills, but it will be good for the United States and all nations. It marks the next essential step on the road to a more just, peaceful world, and the United States must lead the way”*



# NPWJ Seminars

Rome, 23 March 1996, Academic Seminar in collaboration with SIOI (Società Italiana per l'Organizzazione Internazionale), held at the University La Sapienza with Paolo Ungari, Professor, LUISS University.

Rome, 23 November 1997, in collaboration with ELSA International. Symposium of NGOs hosted by the Italian Ministry of Foreign Affairs.

New York, 10 April 1996, New York University School of Law, in collaboration with ELSA (European Law Students' Association), "avenue" to the effective enforcement of International Law. Discussion with Silvia Fernandez de Gurmendi, Vice Chairperson of the UN Preparatory Committee on the establishment of the ICC, Maurice Biggar (Ireland) and Rolf Einar Fife (Norway).

New York, 29 October 1996, Columbia Law School, panel discussion on the establishment of the INTERNATIONAL CRIMINAL COURT. Including Adriaan Bos, Legal Adviser of the Minister of Foreign Affairs of the Netherlands and the Prof. Lori Fislaer Damrosch, Columbia University.

Palermo, 16 February 1998, at the Palazzo delle Aquile, in collaboration with ELSA Palermo. Interventions of the Dean of the Faculty of Law, the President of the Municipality, the President of the provincial section of the Italian Red Cross.

Cagliari, 23 February 1998, University of Cagliari, in collaboration with ELSA Cagliari. Interventions of the Mayor of Cagliari, the Dean of the University of Cagliari; Luigi Concas, Prof. of Criminal Law, University of Cagliari.





Bruxelles, 26 February 1998, Université Libre Bruxelles (ULB) in collaboration with ELSA International, held by Prof. Eric David, Director of the ULB Centre of International Law.

Naples, 27 February 1998, Istituto per gli Studi Filosofici. Interventions included: Vincenzo Caianiello, Honorary President of the Constitutional Court, ELSA, Amnesty International.

Catania, 28 February 1998, University of Catania in collaboration with ELSA Catania. Interventions of Prof. Enrico Rizzarelli, Dean of the University of Catania, the Mayor of Catania, Giovanni Grasso, Prof. of Criminal Law, Amnesty International.

Imola, 7 March 1998, Open University. Interventions: Italian Red Cross, the Advanced Emergency Medicine, Marco Balboni, Prof. of E.C. Law, University of Bologna.

Padova, 10 March 1998, University of Padova, in collaboration with CESDUP. Avenue on the establishment of the INTERNATIONAL CRIMINAL COURT held by Antonio Papisca, Prof. of International Law and Prof. Paolo De Stefani, Expert in International Institutions and Human Rights, with the intervention of Amnesty International.

Rome, 5 May 1998, Italo-French Institute, in collaboration with the University of "Roma III" and with support of the UN Italy. Interventions of the Dean of University "Roma III", Staffan de Mistura, Director of the UN office for Italy and the Italian Red Cross.

Naples, 5 May 1998, University of Naples Federico II, in collaboration with the Circolo de Il Duemila, Amnesty International and with the support of the University of Naples.

Salamanca, 1 June 1998, University of Salamanca, opening by the Dean of the University. Interventions: the Secretary of State for Foreign Affairs, Ramon de Miguel; the High Rep. for the former Yugoslavia, Carlos Westendorp; Emma Bonino; Josè Maria Mendiluce, MEP; Juan Yanez, Head of the Spanish Delegation to the Diplomatic Conference; Amnesty International Spain.

New York, 1 October 1998, United Nations. Launch of the "Ratification Now!" International Campaign, with the participation of Ambassador Philippe Kirsch.

Strasbourg, 19-20 November 1998, Paneuropean forum of Parliamentarians and NGOs for the European launching of the "Ratification Now!" Campaign.

# NPWJ Publications

“Non c'è pace senza giustizia” Newsletters in English, French, Spanish and Italian: 25 March 1996, 17 October 1996, 10 January 1997, 5 March 1997, 18 November 1997, 28 February 1998; 22 April 1998; 18 August 1998, 28 December 1998, 2 June 1999, 28 September 1999.

Nouvelles Etudes Pénales, vol. 13 “THE INTERNATIONAL CRIMINAL COURT: Observations and Issues before the 1997-98 Preparatory Committee and Administrative and Financial Implications”, published in January 1997, in collaboration with International Association of Penal Law, International Human Rights Law Institute, DePaul University, ISISC, International Law Association, American Branch, Committee on ICC.

Paris Conference proceedings “Pour l'Institution de la Cour Pénale Internationale en 1998”, published in July 1997.

Rome Conference proceedings “Per l'istituzione del Tribunale Penale Internazionale Permanente nel 1998”, published in February 1998.

Malta Conference proceedings “Towards the Establishment of a Permanent International Criminal Court”, published in March 1998.

Siracusa Conference proceedings “Reining in Impunity for International Crimes and Serious Violations of Fundamental Human Rights”, published in March 1998, in collaboration with ISISC.

New York Conference proceedings “For the Establishment of the International Criminal Court in 1998”, published in March 1998.

Atlanta Conference proceedings, “For the International Criminal Court in 1998”, published in March 1998, in collaboration with the Carter Center.

Montevideo Conference proceedings, “Conferencia en America Latina por la Creacion de un Tribunal Penal Internacional en 1998”, published in March 1998, in collaboration with IPS (Inter Press Service).

Nouvelles Etudes Pénales, Vol. 13bis, “Observations on the Consolidated ICC Text before the final session of the Preparatory Committee”, published in French, Italian and Arabic in June 1998.

“International Criminal Court Compilation of United Nations Documents and Draft ICC Statute before the Diplomatic Conference”, published in June 1998 in collaboration with International Criminal Justice and Weapons Control Center, DePaul University, International Institute of Higher Studies in Criminal Sciences, Association Internationale de Droit Pénal. Available on CD-Rom.

Nouvelle Etudes Pénales, Vol. 13 ter, “Model Draft Statute for the International Criminal Court based on the Preparatory Committee's text to the Diplomatic Conference, Rome, June 15 - July 17 1998”, published in June 1998 in collaboration with International Criminal Justice and Weapons Control Center, DePaul University, International Institute of Higher Studies in Criminal Sciences, International Association of Penal Law.



# Ratification NOW

The "Ratification NOW"

Campaign is aimed to support the establishment of an effective international criminal justice system, through the entry into force of the Rome Statute of the ICC and the strengthening of the existing *ad hoc* Tribunals.

To achieve this goal, the Campaign identifies three primary objectives: the earliest possible signature and ratification of the Rome Statute; the completion of the UN negotiations on the Rules of Procedure and Evidence and the Elements of Crime by June 2000; the reinforcement of the role of the International Criminal Tribunals.

The method of operation, based on NPWJ experience gained over the last six years in this specific field, will comprise regional conferences, participation in the UN negotiations, publications, the provision of *pro bono* legal advisers to Government delegations, and the creation of parliamentary and grass-root networks to raise public and political awareness on the establishment of an effective criminal justice system.



