

June 11, 2010

The Honourable Lawrence Cannon  
Minister of Foreign Affairs

By fax: 613 996-8968

Re: International Criminal Court Review Conference Negotiations

Dear Minister Cannon,

We are writing to express urgent concern about the direction of the negotiations at the first Review Conference of the Rome Statute, due to conclude in Kampala this week. Important choices are pending regarding possible revision of the Statute with respect to the crime of aggression.

Given Canada's longstanding support for the Court, we hope that the Canadian delegation will recommit to safeguarding and strengthening the international justice framework established in 1998. Canada has long opposed undue influence by the UN Security Council over the functions of the Court. Canada should continue this approach at the Kampala conference.

In the discussions over the crime of aggression, we oppose any solution whereby the Court could not proceed with an investigation unless the United Nations Security Council (UNSC) has determined that an act of aggression was committed. In circumstances where the Security Council has not exercised its Charter obligations and determined the existence of an act of aggression, then it should subsequently be possible for the ICC Prosecutor to initiate an investigation.

We urge that Canada support ONLY those treaty revisions for the crime of aggression that allow for independent investigations by the ICC Prosecutor with respect to crimes of aggression, as is currently possible with respect to all other ICC crimes. If a determination of an act of aggression is necessary, then it should be carried out by a body internal to the Court, such as the Pre-Trial Chamber

We further believe that the ICC should have jurisdiction over crimes of aggression committed on the territory of any state party. This would be consistent with the rules currently determining the jurisdiction of the Court over war crimes, crimes against humanity and genocide.

Thank you for your attention to these recommendations.

Signed,

Alex Neve, Amnesty International  
Jayne Stoyles, Canadian Centre for International Justice  
Jillian Siskind, Canadian Lawyers Association for International Human Rights  
Hon. Warren Allmand, World Federalist Movement – Canada  
Dr. Bruce Broomhall, Professor of Law, Université du Québec à Montréal  
Dr. Errol Mendes, Professor of Law, University of Ottawa