

D3: INTERNATIONAL COURTS

LEARNING OBJECTIVES

- You will find out about the key institutions of international law and their roles.



SUBJECT VOCABULARY

International Criminal Court (ICC) a permanent, international court that judges criminals who might have committed crimes against the international community

LET'S GET THINKING

THE VANDAL OF KATHMANDU



▲ Ahmad Al Faqi Al-Mahdi at his trial

In 2016, Ahmad Al Faqi Al-Mahdi pleaded guilty (said that he was responsible) in the **International Criminal Court (ICC)** for the war crime of attacking religious and historical buildings in the city of Timbuktu in Mali. Al-Mahdi was the first person convicted by the ICC for such a crime. He was sentenced to nine years in prison. The monuments have since been restored but around 4,000 ancient manuscripts were lost, stolen or burned during the events.

The chief prosecutor said:

'Let us be clear: what is at stake is not just walls and stones. The destroyed mausoleums were important, from a religious point of view, from an historical point of view, and from an identity point of view.'

1. Why were these buildings important?
2. Why would someone want to destroy them?
3. Why should Al-Mahdi be tried at the International Criminal Court rather than locally?

SUBJECT VOCABULARY

genocide a deliberate attempt to kill or destroy a group of people based on their nationality, ethnicity, religion or race

THE INTERNATIONAL CRIMINAL COURT

The International Criminal Court (ICC) started work in 2002. Its objective is to deter (make somebody decide not to do something) potential criminals from committing the worst crimes against the international community. It offers justice to victims of atrocities (violent acts), including **genocide**, crimes against humanity, war crimes and the crime of aggression. The Rome Statute Treaty (1998) serves as the guiding legal document on crimes and procedures.

The ICC is only used when national courts are unwilling or unable to prosecute criminals or when the United Nations Security Council or a national government refers a case to the court.

There has been opposition to the court: for example, the USA did not sign the Rome Statute Treaty. It did not want the ICC to have the power to put American citizens on trial for crimes they committed in the USA. This was a threat to the US courts' power. Other countries have considered the court to be biased against them and undermining their sovereignty. South Africa and Burundi have decided to withdraw due to pressures from the ICC to arrest their leaders, which could lead to unrest and changes to their regimes.

THE INTERNATIONAL COURT OF JUSTICE**SUBJECT VOCABULARY**

International Court of Justice (ICJ) the main legal court of the UN. It settles disagreements between countries and is sometimes called the World Court

The **International Court of Justice (ICJ)** is the main court of the United Nations, and is sometimes known as the World Court. It is based in the Netherlands. It decides on disputes between countries. If states agree to take part, they must accept the court's decision.

The court has the power to settle disputes between countries regarding issues such as territory and nationality. These disputes are settled in accordance with international law and judges will declare their verdict in court. The ICJ also offers advice on legal opinions such as admissions to the UN and it has often been granted the power over decisions by treaties or conventions.

SUBJECT VOCABULARY

Council of Europe a body of 47 member states that aims to protect human rights and democracy in Europe

European Court of Human Rights the court of the Council of Europe. It deals with people of countries that do not respect the European Convention on Human Rights

European Court of Justice (ECJ) a court that judges people and organisations who may have broken European law

THE EUROPEAN COURTS

The **European Court of Human Rights** is the court of law of the **Council of Europe**. It is based in Strasbourg, France. There are 47 member countries, which each elect a judge.

The court ensures that member countries of the Council of Europe respect the European Convention on Human Rights (ECHR). It examines complaints about violations of human rights. They can be made by individuals or member states.

When the court finds that a member state has broken the rules of the convention, it explains why in a written judgement. Judgements are binding and the countries concerned must accept them.

The **European Court of Justice (ECJ)** is an EU organisation. A judge is appointed by each of the EU's member countries. It considers disputes about people or organisations who have broken EU law.

CHECK YOUR UNDERSTANDING

1. Why is there a need for international courts?
2. Why do you think some countries are opposed to the courts?
3. Create a fact file explaining the work and responsibilities of each court. Be careful. It is easy to confuse them!
4. In pairs, discuss whether you think international courts are always effective. Why or why not?

ACTION LINKS

Find out if the country where you live (or a country of your choice) has been involved in any of the international courts.

- Include examples of any cases that have occurred.
- What was the outcome of the case(s)?
- Did it receive global attention?

OTHER POINTS OF VIEW

'We only need one court to sort out the world's problems.'

How far do you agree with this view?

Give reasons for your opinion, showing you have considered different points of view.