

# Activities of the International Committee of the Red Cross in Cuba 1958-1962

by **Françoise Perret**

On 26 July 1953, a group opposing the regime of General Fulgencio Batista, led by Fidel Castro, made an abortive attempt to storm the Montecada barracks at Santiago de Cuba. Castro was captured and sentenced to 15 years in prison. In May 1955 he was released under a general amnesty; he left Cuba and emigrated to Mexico.

A year and a half later, on 2 December 1956, 82 armed men landed in Cuba. Government troops, however, surprised them: several men were killed, others arrested. Twelve rebels, including Fidel Castro, his brother Raúl and Che Guevara escaped and reached the Sierra Maestra. They managed to win the support of hundreds of partisans and by the end of 1957 were in control of part of the country. Gradually the conflict spread over the entire island, ending on 31 December 1958 with the victory of the rebels.

The new Cuban government set up a revolutionary regime in Havana, focusing its efforts on land reform. From 1960, Cuba moved closer to the communist bloc and its relations with the United States deteriorated. The Cuban government nationalized the assets held by North American companies. The United States hit back, reducing the quota of Cuban sugar it

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Original: French

imported and then, on 10 October 1960, imposing a total embargo on all imports from and exports to Cuba. Cuba then received economic assistance from the Soviet Union and other East European countries, a source which was to dry up with the collapse of the communist regimes.

Opponents of the Castro regime found refuge in the United States, which helped them to attempt a landing in Cuba. On 14 April 1961 some 2,000 men landed at Playa Girón, better known as the “Bay of Pigs”. After three days of fighting they were crushed by the Cuban army, which took several thousand prisoners.

### *ICRC action*

On 10 April 1958, as rebels and government forces fought in Cuba, the ICRC Presidential Council discussed the developments on the island. It came to the conclusion that the situation did not justify an offer of services to the two parties to the conflict. However, it accepted the Directorate’s proposal to send a telegram to the Cuban Red Cross, inviting the National Society to provide aid to the victims of the events and to ensure that the parties to the conflict respected Article 3 common to the four Geneva Conventions of 1949, which is applicable in non-international armed conflicts.<sup>1</sup>

A telegram to this effect was sent to the Cuban Red Cross on 11 April 1958.

Three months later, on 3 July, the ICRC received the following telegram from Fidel Castro, sent via Caracas<sup>2</sup>:

After the latest battle in the Sierra Maestra, a great many wounded Batista soldiers remain in our hands. It has always been the rebels’ custom to care for enemy soldiers wounded in the fighting in our improvised hospitals, thereby saving the lives of many of them. This time, however, we cannot put our humanitarian principles fully into practice because there are too many casualties. For lack of beds, seriously wounded soldiers are lying on the ground, without even a blanket, and we are unable to provide them with the food which their condition requires. Medicines are in short supply because for a long

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<sup>1</sup> Record of the ICRC Presidential Council meeting of 10 April 1958, ICRC Archives.

<sup>2</sup> Telegram of 3 July 1958 from Fidel Castro to the ICRC, ICRC Archives — 200 (40). — Original Spanish: ICRC translation.

time now Batista's army has taken strict measures to prevent their coming into rebel territory; and most of the medicines we had have been used to care for wounded prisoners. We have publicly proposed that a commission of the Cuban Red Cross should come to fetch the wounded and have stated that we are ready to hand them over so that they can receive the treatment they need. We have not set any conditions in exchange for their release and transfer to the Red Cross. However, incredible as it may seem, 72 hours have elapsed and we still have no reply. It seems clear that the Red Cross has not yet received the necessary authorization. These wounded men cannot wait. This is inhuman. It is absurd that Batista should object. These are not wounded rebels, but wounded soldiers of his own army, and only a traitor and a man feeling no gratitude towards the men who serve him would refuse the Red Cross, a humanitarian institution not involved in the conflict, permission to give them care they need. We cherish the hope that your glorious organization, with all the weight of its worldwide prestige and the nobility of its aims, will take steps to obtain from Batista, with no further delay, the safe-conduct needed to perform this humanitarian service.

Respectfully,

Fidel Castro, Commander-in-Chief of the rebel army  
Sierra Maestra (Cuba), 3 July 1958

The ICRC communicated the content of this message the same day to the Cuban Red Cross, asking it what measures it intended to take and offering all necessary assistance. In particular, it suggested that a delegate should go to Cuba immediately. Not having any address at which to reach Fidel Castro, the ICRC broadcast a message on short-wave Swiss radio, telling Castro that it had forwarded his message to the Cuban Red Cross.

Castro confirmed his offer in a further telegram sent to the ICRC via Caracas on 6 July; the ICRC passed this information on to the Cuban Red Cross.<sup>3</sup>

On 9 July, the ICRC sent one of its delegates, Pierre Jequier, to Havana. His instructions were:

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<sup>3</sup>Telegram of 6 July 1958 from Fidel Castro to the ICRC, ICRC Archives — 200 (40).

- to contact the Cuban Red Cross and provide it with any assistance it might require to carry out its humanitarian tasks;
- to discuss with the Cuban Red Cross all humanitarian matters “falling within the traditional competence of the ICRC as a neutral intermediary providing assistance to victims of international or internal conflicts”;
- to draw the attention of his contacts to the provisions of Article 3 common to the four Geneva Conventions of 1949;
- to contact the rebel forces “so as to ascertain their needs and, if necessary, make all appropriate arrangements with the Cuban Red Cross for equitable distribution of any relief supplies which might be required”. In this connection, the ICRC referred to Resolution XIX of the 19th International Red Cross Conference (New Delhi, 1957).<sup>4</sup>

Pierre Jequier was received by the leaders of the Cuban Red Cross, and subsequently by the President of the Republic, Fulgencio Batista. The Cuban government then declared itself ready to give the necessary orders to enable the Cuban Red Cross to take charge, in the presence of the ICRC delegate, of the wounded prisoners whom Fidel Castro had offered to hand over unconditionally. The government proposed that the transfer should take place near Bayamo, a town situated in an area close to the territory controlled by Castro's men.

Pierre Jequier cabled this information to the ICRC on 12 July with the request that it be passed on to the leaders of the “rebel army”, as he himself had not been able to make direct contact with them. Castro was in fact communicating with the outside world through a radio transmitter in the Sierra

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<sup>4</sup> Instructions dated 9 July 1958 from Roger Gallopin, Executive Director of the ICRC, to Pierre Jequier for his mission to Cuba, ICRC Archives — 200 (4).

Resolution XIX, relating to relief in the event of internal disturbances, states:

“The XIXth International Red Cross Conference,

*considering* it necessary to ensure maximum efficiency and equity in the distribution of relief supplies in the event of internal disturbances,

*declares* that relief supplies of all types must be distributed equitably among the victims by the National Red Cross Society, without hindrance on the part of the local authorities,

*considers* that, in the event of the National Red Cross Society being unable to come to the assistance of the victims, or whenever it may be deemed necessary or urgent, the International Committee of the Red Cross should take the initiative for the distribution of relief supplies, in agreement with the authorities concerned,

*requests* authorities to grant the Red Cross every facility in carrying out relief actions.”

Maestra, whose broadcasts were relayed by a radio station set up in Caracas. The ICRC thus served as an intermediary between Castro and the Cuban government by forwarding their messages via Geneva and Caracas.

On 14 July, Fidel Castro informed the ICRC via Caracas that he accepted the proposal passed on by Jequier, but that the wounded soldiers could not be taken to the Bayamo area since that would mean a four-day march through the mountains. He suggested another meeting-point, but this proved to be difficult of access from the Sierra Maestra.

Castro also made the following appeal to the soldiers of the regular Cuban army, which were surrounded by his troops:<sup>5</sup>

Sierra Maestra, 16 July 1958

Soldiers,

The rebel army, convinced that resistance is useless and would only lead to greater bloodshed — with this battle which has already lasted for five days, and because this is a fight between Cubans —, offers you surrender on the following terms:

1. Only arms will be taken. All other personnel possessions will be respected.
2. The wounded will be handed over to the Red Cross, as is currently the case for the wounded soldiers taken prisoner during the battle of Santo Domingo.
3. All prisoners — soldiers, rank and file, officers — will be freed within 15 days.
4. Until handed over to the Red Cross, the wounded will be cared for in our hospitals by competent doctors and surgeons.
5. All members of this troop under siege will immediately receive cigars, food and everything they need.
6. No prisoner will be interrogated, maltreated or humiliated, by word or by deed; [on the contrary, every captured soldier] will receive the

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<sup>5</sup> Appeal of 16 July 1958 from the Sierra Maestra: Fidel Castro presented a photocopy of the handwritten appeal to ICRC President Cornelio Sommaruga during the latter's official visit to Cuba on 13 September 1988. — Original Spanish: ICRC translation.

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Soldados:

Al ejército rebel-  
 de, seguro de  
 que toda resis-  
 tencia es inútil  
 y solo conduciría  
 a mayores derro-  
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 gre en esta bata-  
 lla que dure ya  
 5 días, ~~o por~~  
<sup>y por</sup> ~~que~~ se trata  
 de una guerra

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~~de~~ ni saber, la  
suerte que pue-  
den correr. Los  
P: Lo ~~gan~~ ~~de~~  
~~sumar~~.

~~Fidel Castro~~  
~~Comandante Jefe~~  
~~de la fuerza Rebelde~~  
Si se aceptan estas  
condiciones, envíen  
un hombre con bar-  
ra de hierro y diciendo  
su voz alta. Parlamento,  
Parlamento. <sup>Fidel Castro</sup>  
C. Jefe <sup>de la fuerza</sup>

generous and humane treatment which we have always afforded to soldiers taken prisoner.

7. We shall immediately inform by radio the wife, mother, father and other members of the family of each one of you — all those who are at this moment weeping, in despair at having no news of you and not knowing what has become of you.

8. If you accept these conditions, send a man carrying a white flag and saying out loud that he wishes to parley.

Fidel Castro

Commander-in-Chief of the rebel forces

On 15 July, Pierre Jequier travelled with staff from the Cuban Red Cross to Bayamo, where he talked to the head of military operations in the region. With the latter's agreement, he proposed a new plan for evacuating the wounded prisoners. The ICRC, which had sent a second delegate, Pierre Schoenholzer, to Cuba, passed on this proposal to Fidel Castro. On 20 July Castro sent the following counter-proposal: the wounded men would be transported by his men bearing a white flag to the nearest and most accessible point, where they would be handed over to the ICRC delegates. On receiving this proposal, the delegates forwarded it to the Cuban Red Cross and the authorities, which accepted it.<sup>6</sup>

A truce was thus declared on 23 and 24 July. The ICRC delegates travelled to the meeting-place proposed by Castro, an advance post of the Cuban army. There, they watched as a woman bearing a white flag approached on horseback. The woman told them that 50 wounded prisoners were nearby. She was then joined by Che Guevara, who told the delegates that 200 more prisoners were a bit further away, to the rear. The Cuban army agreed to accept all these prisoners and they arrived in small groups, the most seriously wounded being carried by their comrades. They were immediately given first aid by three Cuban Red Cross doctors and then transported in an army helicopter. In this operation 253 wounded and sick men were handed over to the Cuban Red Cross and the Cuban army, under the auspices of the ICRC.

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<sup>6</sup> Note of 12 July 1958 from Pierre Jequier to the ICRC, ICRC Archives — 200 (40). Radiogram of 15 July 1958 from Ernesto Capo (Caracas) to the ICRC, ICRC Archives — 200 (40). Internal note of 20 April 1958 from Pierre Jequier to Pierre Vibert, ICRC Archives - 200 (40).



On 24 July Che Guevara sent a note signed in his hand to the ICRC delegates. Its aim was to seek the ICRC's "recognition of a delegation of our Revolutionary Movement in the Republic of Venezuela" so that the said delegation could give the ICRC a list of the medicines urgently needed by Castro's army. In fact, the ICRC was already in contact with the representative of Castro in Caracas who was transmitting messages between Geneva and the Sierra Maestra. In response to the request for medicines, the ICRC delegates gave the Cuban Red Cross 2,000 US dollars<sup>7</sup> to buy them locally and send them to its contacts with the revolutionary army.<sup>8</sup>

In the belief that its two delegates had concluded their mission in Cuba, the ICRC recalled them to headquarters on 28 July.<sup>9</sup>

### *Second ICRC mission to Cuba*

The Cuban Civic Revolutionary Front in exile (*Frente Cívico Revolucionario*), made up of all the parties opposed to the Batista government, sent an official representative to the ICRC on 13 August 1958. This was Professor Roberto Agramonte, who had taught at the University of Havana and would be appointed Minister for Foreign Affairs in the new Cuban government after Castro's victory. He handed over a detailed report on the situation in Cuba and requested that ICRC delegates visit Cuban prisoners held by the government forces on one side and by the revolutionary forces on the other.<sup>10</sup>

The ICRC now decided to send another delegate, Maurice Thudichum, to Cuba. He arrived in Havana on 9 September 1958 and made a number of approaches to the Batista government with a view to undertaking protection and assistance activities for all the victims of the conflict. However, he was rebuffed and returned to Geneva on 10 October.

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<sup>7</sup> The dollar was worth much more then than it is now.

<sup>8</sup> Note of 24 July 1958 from Che Guevara, ICRC Archives — 200 (40). Telegram of 26 July 1958 from Pierre Jequier to the ICRC, ICRC Archives — 202 (40). Record of the meeting of the Presidential Council of 14 August 1958, ICRC Archives. See *Revue internationale de la Croix-Rouge (RICR)*, No. 476, August 1958, pp. 413-414, and "Le Comité international de la Croix-Rouge et le conflit de Cuba", *RICR*, No. 485, May 1959, pp. 227-236.

<sup>9</sup> Telephone call of 28 July 1958 from Pierre Jequier to Roger Gallopin, ICRC Archives — 251 (45).

<sup>10</sup> Professor Agramonte's report to the ICRC of 13 August 1958, ICRC Archives — 200 (40).

The ICRC continued its efforts to persuade the representatives of General Batista to allow further action in Cuba. These efforts resulted in failure.<sup>11</sup>

On 30 December 1958, on the eve of the collapse of the Batista regime, the ICRC launched an appeal to the two parties by cable and radio, urging them to respect the spirit of the 1949 Geneva Conventions (ratified by Cuba on 15 April 1954) and to apply all the provisions of common Article 3.<sup>12</sup>

*The ICRC's return to Cuba after Fidel Castro's victory*

On 1 January 1959, the ICRC received a call from the new leaders of the Cuban Red Cross and decided to send an envoy to Cuba. Pierre Jequier left on 3 January. His instructions for this mission were to assist the Cuban Red Cross and "to carry out the ICRC's traditional activities for all victims of the events", in accordance with the ICRC's humanitarian principles and Article 3 common to the four Geneva Conventions.

On his arrival, Pierre Jequier was welcomed by the Cuban Red Cross. On 10 January he was received by the new President of the Republic, Dr Manuel Urrutia, who promised to respect the provisions of the Geneva Conventions relating to the treatment of "military prisoners".<sup>13</sup> The next day, Pierre Jequier visited an internment camp in which about 400 officers and soldiers, as well as policemen and civilians, were being held.<sup>14</sup>

The ICRC delegate also met Fidel Castro. On 30 January 1959 he had a meeting with Foreign Minister Roberto Agramonte, who expressed his disappointment on hearing that the ICRC had been unable to take any action to protect civilians who had fallen into the hands of the Batista police. In his view, the ICRC enjoyed great moral standing but had not used it to exert pressure on the former government. Pierre Jequier

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<sup>11</sup> Record of the meeting of 14 August of the Presidential Council, ICRC Archives. Note of 14 September 1998 from Maurice Thudichum to the ICRC, ICRC Archives — 200 (40). Record of the meetings of 13 November and 11 December 1958 of the Presidential Council, ICRC Archives, *RICR*, No. 485, May 1959, pp. 232-234.

<sup>12</sup> ICRC's message of 30 December 1958, ICRC Archives — 200 (40). *RICR*, No. 485, May 1959, p. 234.

<sup>13</sup> ICRC press release of 9 January 1959, ICRC Archives — 200 (40). Mission report of 14 January 1959 by Pierre Jequier, ICRC Archives — 200 (40).

<sup>14</sup> Mission report of 18 January 1959 by Pierre Jequier, ICRC Archives — 200 (40).

explained that the ICRC's inability to help civilian victims of the regime had been due to the fact that in a situation of conflict within a State it could act only with the consent of the government in power, and that in this case all its approaches had been rebuffed. He requested permission to continue his visits to detainees, but the Minister reserved his decision.<sup>15</sup>

At its meeting of 12 February 1959, the ICRC Presidential Council discussed the organization's attitude during the Cuban conflict. Some members of the Council expressed regret that the ICRC had not "followed a firmer and better-defined line" and had not "devoted a little more attention at the time to the appeals made by the rebels". They also regretted the fact that the three delegates sent to Cuba had not stayed there longer, but noted that, although they had been "impotent witnesses to acts which were totally unacceptable in humanitarian terms", the delegates might have given the impression that the ICRC was endorsing those acts by its presence. The Council further wondered, in general, whether the ICRC should publicly denounce facts of which it was aware. It noted that all those questions of principle had already been discussed several times within the ICRC, without any final conclusion emerging, and it asked the Directorate to consider them again as a matter of urgency.<sup>16</sup> The working group set up for this purpose met on 25 February and the following day proposed to the Presidential Council that the ICRC should convene, on 1 October 1959 (after the meeting of the Board of Governors of the League,<sup>17</sup> due to take place in Athens on 30 September), a commission of experts with special competence in the sphere of conflict situations within a State. The Council accepted this proposal, recalling that the ICRC had already convened two expert commissions in 1953 and 1955 to examine the question of aid to political detainees.<sup>18</sup>

However, on 20 February Pierre Jequier received Foreign Minister Agramonte's permission to resume visits to political detainees. On 9 March, he visited the country's main prison, La Cabaña, where a thousand prisoners were being held.<sup>19</sup>

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<sup>15</sup> Note of 30 January 1959 from Pierre Jequier to the ICRC, ICRC Archives — 202 (40). *RICR*, No. 485, May 1959, p. 235.

<sup>16</sup> Record of the meeting of the Presidential Council of 12 February 1959, ICRC Archives.

<sup>17</sup> Now the International Federation of Red Cross and Red Crescent Societies.

<sup>18</sup> Record of the meeting of the Presidential Council of 26 February 1959.

<sup>19</sup> Mission report of 19 March 1959 by Pierre Jequier. ICRC Archives — 200 (40).

Pierre Jequier returned to Geneva on 14 March to report to the ICRC. He left again for Cuba on 26 April with another delegate, Pierre Claude Delarue. On their arrival they approached the Cuban authorities and Red Cross with a view to drawing up a comprehensive plan of visits to places of detention throughout the country.

The first visits started on 7 February 1959: without giving any advance warning of their arrival, the delegates visited El Castillo del Principe, a large municipal prison in Havana where 600 political detainees were being held at the time. They moved freely through the premises and talked without witnesses to any detainees they wished. They also visited, for the second time, the fortress of La Cabaña, where they noted that conditions of detention had improved considerably.

On 12 May 1959 the delegates visited the Cuban national penitentiary on the Isle of Pines, where almost 600 political prisoners were being held. The visit proceeded in the same conditions as in the other prisons. Next, they visited the women's penitentiary at Guanajay, near Havana. At the end of each visit, the delegates sent a report to the authorities and to the Cuban Red Cross, which took part in the visits.

The delegates subsequently extended their visits to all Cuban prisons and were not required to give any advance notice.<sup>20</sup> Having completed their tour, they left Cuba in July.

During the meeting of the League Board of Governors held in Athens on 30 September 1959, the ICRC raised the question of "ICRC action in aid of victims of civil wars and internal disturbances" in a paper presented by its Executive Director, Roger Gallopin. The situation in Cuba was described as follows:

Attempts, mostly unsuccessful, were made in the course of last year and under the former regime to come to the assistance of all victims of the Cuban conflict.

The difficulties encountered by the ICRC were outlined at the last meeting of the Executive Committee of the League. If the delegation of the Cuban Red Cross had been present, it would doubtless have

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<sup>20</sup> Record of the meeting of 23 July 1959 of the Presidential Council, ICRC Archives, *RICR*, No. 488, August 1959, pp. 392-394. *Le CICR et le conflit de Cuba 1958-1959*, Geneva, 1963, pp. 16-19.

described its experiences itself. Suffice it to say that, immediately following the establishment of the new regime in Cuba, the ICRC delegates drew up a comprehensive plan of visits to places of detention throughout Cuba, in cooperation with the Cuban Red Cross and authorities.

The ICRC in fact cancelled a meeting on Red Cross action in the event of civil war, scheduled to take place in Geneva on 1 October 1959, because too few participants had registered. The meeting was not in fact held until October 1962.<sup>21</sup>

#### *Unsuccessful approaches in Havana*

The year 1960 was marked by a serious deterioration in US-Cuban relations. The Cuban government, which had gravitated closer to the communist bloc since the end of 1959, began to nationalize American companies in the summer of 1960. The United States responded on 10 October 1960 by imposing a total ban on imports from and exports to Cuba. In addition, the United States government gave its support to opponents of the Castro regime who had fled to the United States, and this led to the landing at the "Bay of Pigs" on 14 April 1961.

The Cubans in exile, however, appealed to the ICRC for help because, they said, the conditions of detention in Cuban prisons were deteriorating daily.

In a letter of 11 February 1960 addressed to the Cuban Red Cross, the ICRC mentioned its earlier action in Cuba and suggested that ICRC delegates might carry out a further series of visits in the country. The President of the Cuban Red Cross replied to the ICRC President on 6 April, stating that his National Society had visited the main Cuban prisons and that although they were indeed overcrowded work was under way to enlarge them. He also said that his Society was in contact with the families of detainees, but that in some cases the Cuban authorities had had to suspend family visits because there had been uprisings in the prisons where they had taken place. The letter contained no reference to the ICRC's proposal to send a delegate to Cuba.

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<sup>21</sup> "Action du CICR en faveur des victimes de guerres civiles et troubles intérieurs", *RICR*, No. 491, November 1959, pp. 571-578. "Humanitarian aid to the victims of internal conflicts", *International Review of the Red Cross*, No. 23, February 1963, pp. 79-91. Record of the meeting of the Presidential Council of 15 October 1959, ICRC Archives.

On 29 April the ICRC President again proposed to the President of the Cuban Red Cross that an ICRC delegate be sent to Cuba.<sup>22</sup> The reply was negative. The ICRC nevertheless continued its representations, and on 18 July the Executive Board decided that Pierre Jequier would carry out a general mission to several Latin American countries, including Cuba, in September. In Cuba, he would endeavour to obtain permission to visit places of detention.

When the ICRC informed the Cuban Red Cross of Pierre Jequier's forthcoming mission, however, the President of the National Society replied that the presence of an ICRC delegate in Cuba was unnecessary and that when the Cuban Red Cross felt that such a visit was timely it would immediately inform the Committee.<sup>23</sup>

Subsequently, the ICRC continued to receive appeals for help from Cubans in exile. It informed them that it could not send a mission to Cuba because the government would not permit it to do so. Finally, on 20 February 1961, when United States-Cuban relations were very strained, the ICRC tried one last approach to the authorities in Havana. ICRC President Léopold Boissier sent Fidel Castro a letter in which he mentioned the visits carried out by the ICRC in Cuba and other countries to assist political detainees; he proposed dispatching another mission to Havana so that its delegates could visit persons arrested and deprived of their freedom for political reasons.<sup>24</sup> The ICRC received no reply to this letter and renewed its offer in vain in a telegram dated 24 April 1961, or 10 days after the "Bay of Pigs" landing.

In July 1961, the Executive Director of the ICRC asked Pierre Jequier, then on mission in Latin America, to do everything possible to go to

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<sup>22</sup> Letter of 11 February 1960 from Roger Gallopin, ICRC Executive Director, to Gilberto Cervantez Núñez, President of the Cuban Red Cross, ICRC Archives — 225 (40). Record of the meeting of 25 February 1960 of the Presidential Council, ICRC Archives. Letter of 6 April 1960 from Gilberto Cervantez Núñez, President of the Cuban Red Cross, to Léopold Boissier, President of the ICRC, ICRC Archives — 225 (40). Letter of 29 April 1960 from Léopold Boissier to Gilberto Cervantez Núñez, ICRC Archives — 225 (40).

<sup>23</sup> Letter of 6 June 1960 from Gilberto Cervantez Núñez, President of the Cuban Red Cross, to Léopold Boissier, President of the ICRC, ICRC Archives — 225 (40). Record of the meeting of 28 July 1960 of the President's Council, ICRC Archives. Letter of 4 August 1960 from Roger Gallopin, Executive Director of the ICRC, to Gilberto Cervantez Núñez, ICRC Archives — 225 (40). Letter of 22 August 1960 from Gilberto Cervantez Núñez to Roger Gallopin, ICRC Archives — 225 (40).

<sup>24</sup> Letter of 20 February 1961 from Léopold Boissier, President of the ICRC, to Fidel Castro, Prime Minister, ICRC Archives — 225 (40).

Havana and meet Cuban Red Cross leaders in order to obtain permission to visit political detainees. However, as the President of the Cuban Red Cross had informed Jequier that he could not receive him, Jequier had to abandon his plans to visit Cuba.

In October 1961 the Council of Delegates (made up of delegations from National Societies, the ICRC and the League of Red Cross Societies) met in Prague; there, Pierre Jequier met representatives of the Cuban Red Cross, including its President, Gilberto Cervantez Núñez, to whom he repeated the ICRC's proposal to send a mission to Cuba.<sup>25</sup> Following this contact, the ICRC Executive Director, Roger Gallopin, proposed to the Cuban Minister for Foreign Affairs, Raúl Roa, that Pierre Jequier should go to Havana to observe the work being done by the Cuban Red Cross and, perhaps, to assist it in its new activities. Mr Roa replied to the ICRC on 18 January 1962 that the delegate's mission was not advisable.

On 23 March, when the fighters captured during the "Bay of Pigs" landing were about to be tried, the ICRC sent the following telegram to Fidel Castro:

Cuban Government — Havana

Informed by families trial 29 March next of fighters captured Playa Girón April 61 stop If this information correct presume that provisions Article 3 Geneva Conventions ratified by Cuban Government will be fully applied stop Remind you our earlier offers of services and renew them in hope that as is customary these prisoners will be able receive visit by ICRC delegate for strictly humanitarian assistance stop Highest consideration President International Committee Red Cross = intercroixrouge A6070.<sup>26</sup>

On 6 April 1962, the Federal Political Department (the Swiss Ministry of Foreign Affairs) communicated to the ICRC the contents of a letter

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<sup>25</sup>Telegram of 24 April 1961 from the ICRC to Fidel Castro, ICRC Archives — 225 (40). Note of 12 July 1961 from Roger Gallopin to Pierre Jequier, ICRC Archives — 225 (40). Telegram of 19 July 1961 from Pierre Jequier to the ICRC, ICRC Archives — 225 (40). Note of 9 October 1961 from Pierre Jequier to the ICRC, ICRC Archives — 225 (40).

<sup>26</sup>Telegram of 23 March 1962 from the ICRC to Fidel Castro, ICRC Archives — 225 (40). See also letter of 3 November 1961 from Roger Gallopin, ICRC Executive Director, to Raúl Roa, Minister for Foreign Affairs, ICRC Archives — 225 (40), and letter of 18 January 1962 from Raúl Roa to Roger Gallopin, ICRC Archives — 225 (40).

which it had just received from the Swiss ambassador to Cuba concerning the trial of 1,179 prisoners captured during the attempted invasion of Cuba in April 1961. The Swiss diplomat stated that, during an audience with ambassadors to Cuba held at the house of the Minister for Foreign Affairs, Raúl Roa, the latter had asked him whether he had any request to make in connection with the trial. The ambassador had reminded Mr Roa of the offer of services made in a telegram from the ICRC to Fidel Castro, and Mr Roa had said that he would immediately contact the Head of State on the matter. The ambassador concluded: "In my view, depending on the way the trial turns out, it is by no means certain that a specific intervention by the ICRC in this matter would be unwelcome to the Cuban Government."

In the next few weeks Ambassador Stadelhofer continued his approaches to the Cuban authorities, but did not achieve any tangible result.<sup>27</sup>

On 6 June, Roger Gallopin and Pierre Jequier went to the Cuban embassy in Bern, where they met Ambassador José Ruiz Velasco. They informed him of the recent representations made by the ICRC to the Cuban authorities and of the contacts in Cuba between the Swiss ambassador and Mr Roa. They repeated the proposal to send an ICRC delegate to Cuba and the ambassador agreed to pass the proposal on to his country's authorities.<sup>28</sup>

Ambassador Stadelhofer pursued his contacts with Mr Roa and the President of the Cuban Red Cross over the next few months, but to no avail. The doors were closed to the ICRC, which did not obtain permission to send delegates to Cuba for many years to come.

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<sup>27</sup> Letter of 6 April 1962 from the (Swiss) Federal Political Department to the ICRC, ICRC Archives — 225 (40).

<sup>28</sup> Record of the conversation of 6 June 1962, ICRC Archives — 225 (40).



# The new International Criminal Court

## A preliminary assessment

by Marie-Claude Roberge

After years of relentless effort and five weeks of intense and difficult negotiations, the Statute of the International Criminal Court (ICC) was adopted and opened for signature in Rome on 17 July 1998. This historic event represents a major step forward in the battle against impunity and towards better respect for international humanitarian law. For too long it has been possible to commit atrocities with total impunity, a situation which has given perpetrators *carte blanche* to continue such practices. The system of repression established by international law clearly has its shortcomings, and the time has come to adopt new rules and set up new institutions to ensure the effective prosecution of international crimes. A criminal court, whether at the national or international level, does not put a stop to crime, but it may serve as a deterrent and, consequently, may help reduce the number of victims. The results achieved in Rome should thus be welcomed, in the hope that the new Court will be able to discharge its mandate to the full.

The purpose of this article is to offer a preliminary assessment of the outcome of the Rome Conference in the light of existing international humanitarian law and the ICRC's activities in behalf of war victims.

The ICRC is, of course, intensively involved in conducting relief and protection operations in the midst of armed conflicts. Moreover, it has a

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This article reflects the views of the author and not necessarily those of the ICRC.

mandate conferred on it by the States party to the 1949 Geneva Conventions to work towards greater respect for international humanitarian law on the part of all those under an obligation to comply with it, and to encourage its development. Accordingly, the ICRC welcomes all steps taken with a view to meeting the obligations arising under humanitarian law, whether preventive activities such as education and training or measures of repression. Through its Advisory Service the ICRC provides States with technical assistance for the adoption of legislation necessary for the investigation and prosecution of suspected war criminals, as required by the Geneva Conventions.

For this reason, representatives of the ICRC took an active part in the negotiations conducted in New York and Rome on the establishment of an international criminal court. They made statements before the Preparatory Committee (PrepCom), the United Nations General Assembly and the Rome Diplomatic Conference on matters directly linked to the ICRC's mandate to act as guardian of international humanitarian law, and submitted a working paper at the February 1997 meeting of the PrepCom listing the war crimes the ICRC considered should come under the jurisdiction of the Court. Subsequently, a written commentary was prepared to explain and substantiate the structure and content of this working paper. The ICRC also prepared a document entitled "State consent regime vs. universal jurisdiction"<sup>1</sup>, which set out in point form the precedents and developments which led to recognition of the principle of universal jurisdiction over war crimes, crimes against humanity and genocide, thus making a concrete contribution to the negotiations.

### **A first assessment of the Statute adopted by the Rome Conference**

At first glance, the results of the Rome Conference are positive. There can be no doubt that the adoption of the Statute of the International Criminal Court is a milestone in the history of international humanitarian law and makes a decisive contribution to its implementation. However, it is important to look beyond this overall assessment and to examine more closely the results obtained in Rome in the light of the concerns expressed in the ICRC's position paper, since not all of these were addressed.<sup>2</sup> Accordingly, the present assessment of the Statute will concentrate on the

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<sup>1</sup> These working documents can be found on the ICRC Website. [www.icrc.org](http://www.icrc.org).

<sup>2</sup> See *supra*, note 1.

definition of war crimes, including the proposal to establish a threshold in that respect, the ICC's automatic jurisdiction, and the role of its Prosecutor.

*Jurisdiction of the ICC over war crimes committed in both international and non-international armed conflicts*

Although not all serious violations of international humanitarian law appear on the list of war crimes given in Article 8, it does contain a large number of offences.<sup>3</sup> The major accomplishment in this regard is certainly the inclusion — despite some resistance — of a paragraph on war crimes committed during non-international armed conflicts.

As regards particular offences, it is worth noting that the Statute specifies rape, sexual slavery, enforced prostitution, forced pregnancy and enforced sterilization as war crimes. Conscripting or enlisting children under the age of fifteen years into national armed forces (or, in the case of internal armed conflicts, into armed groups) or using them to participate actively in hostilities is also recognized as a war crime falling within the jurisdiction of the Court.

- (a) The exclusion of some war crimes from the list adopted in Rome is regrettable.<sup>4</sup> To mention but a few examples, there are no provisions on unjustifiable delay in the repatriation of prisoners of war or civilians or on the launching of indiscriminate attacks affecting the civilian population or civilian objects. The provision on the use of particularly cruel weapons was kept to a minimum as it proved difficult to reach a consensus, largely because of the desire expressed by some States to see nuclear weapons included on the list of prohibited weapons and the resistance of others to such a move. Accordingly, nuclear, biological and blinding laser weapons, as well as anti-personnel mines, were omitted. The ICRC favoured the inclusion of a generic clause stating the long-standing rule regarding the prohibition of means and methods of warfare of a nature to cause superfluous injury or unnecessary suffering, or which are inherently indiscriminate. It is hoped that the list of prohibited weapons will be extended at the first Review Conference.

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<sup>3</sup>For the complete list of war crimes see Article 8 of the Statute (Annex 1).

<sup>4</sup>See Article 8, para. 2 (b) (xx) in Annex 1.

- (b) As regards war crimes committed during non-international armed conflicts, the Statute sadly fails to include a ban on intentionally starving the civilian population, using certain weapons or wilfully causing widespread, long-term and severe damage to the natural environment. We believe that a greater effort should be made to complete the list of war crimes during the Review Conference due to take place seven years after the Statute comes into force. This should be possible, as the number of States party to 1977 Protocols I and II additional to the Geneva Conventions (to date 151 and 143 respectively) has continued to grow and these States should have less difficulty in accepting a more comprehensive list of war crimes.<sup>5</sup>
- (c) The question as to whether the Court should have jurisdiction only over war crimes committed on a large scale or also over single criminal acts was the subject of protracted negotiations. The Statute at present provides that the Court shall have jurisdiction in respect of war crimes "in particular" when committed as part of a plan or policy or on a large scale. In other words, a threshold was introduced, but not an exclusive one. The Court still has the authority to investigate individual criminal acts — a commendable solution.
- (d) The most serious disappointment lies in a provision relating specifically to war crimes. Article 124 of the Statute provides that on becoming party to the Statute a State may declare that it does not accept the jurisdiction of the Court for a period of seven years after the entry into force of the Statute with respect to war crimes alleged to have been committed by its nationals or on its territory. This, in fact, creates a regime for war crimes which is different from that relating to other crimes within the jurisdiction of the Court, and appears to send out the message that war crimes are not as serious as the other core crimes mentioned in the Statute. However, international law already recognizes the obligation of States to prosecute war criminals, irrespective of their nationality or the place where the crime was committed. States should be encouraged not to make the above declaration and the provision should ultimately be removed by the Review Conference.

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<sup>5</sup>The effect of the exclusion of some war crimes from the list, or the departure from texts agreed upon in the 1977 Protocols, may, however, be limited. Article 10 of the Statute provides specifically that "[n]othing in this Part [which includes the definition of war crimes] shall be interpreted as limiting or prejudicing in any way existing or developing rules of international law for purposes other than this Statute."

*Automatic jurisdiction over the four core crimes*

After intense debate, States finally agreed to accept the principle that when a State becomes party to the Statute it accepts the jurisdiction of the Court over the four core crimes: genocide, crimes against humanity, war crimes and acts of aggression. Thus the Court may exercise its jurisdiction if the State on whose territory the act or omission in question occurred, or the State of which the person being investigated or prosecuted is a national, is bound by the Statute or has accepted the jurisdiction of the Court. If, in view of the above conditions, the consent of a State which is not a party to the Statute is necessary, that State may make a declaration to the effect that it accepts the jurisdiction of the Court with respect to a particular crime.

No consent is required from a State when the Security Council refers a situation to the Prosecutor under Chapter VII of the Charter of the United Nations. The Security Council may also require that no investigation or prosecution commence or proceed for a renewable period of 12 months. This can only be done once a resolution to that effect is adopted under Chapter VII of the Charter.

It is regrettable that the proposal to give the Court automatic jurisdiction if the custodial State is bound by the Statute was not accepted. In practice, custodial States can play an important role in the prosecution of war criminals. This may be illustrated by the following imaginary scenario. A person who is suspected of having committed a war crime during an internal armed conflict on the territory of State X, and who is a national of that same country, has fled to State Y. State X is not party to the Statute and refuses to accept the ICC's jurisdiction over the suspect. In the absence of automatic jurisdiction, the Court would not be able to take action and prosecution would be possible only if the Security Council referred the situation to the Prosecutor or if State Y were willing and able to bring the suspect before its own courts.<sup>6</sup> Once again, only broad acceptance of the Statute by States would break the deadlock.

The issue of jurisdiction was certainly among the most difficult and important questions to be resolved. Although the outcome is positive it will not have any clear, practical impact until a large number of States

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<sup>6</sup>This would imply that the domestic legislation of State Y allows for the prosecution of a foreign national for crimes committed in a foreign country before its own courts. To date, only a limited number of States has adopted such legislation.

has ratified the treaty, thus allowing the Court to exercise its jurisdiction whenever necessary.

### *An independent Prosecutor*

Agreement was reached in Rome to give the Prosecutor the power to initiate *proprio motu* (on his/her own initiative) an investigation with respect to the four core crimes. Once the Prosecutor decides that there is a reasonable basis for proceeding with an investigation, he or she must submit a request to the Pre-Trial Chamber for authorization. If the Pre-Trial Chamber authorizes an investigation the Prosecutor has to notify all States Parties and States concerned. Within one month of receipt of notification a State may inform the Prosecutor that it is investigating or prosecuting the case at the national level and that the Prosecutor should therefore defer the proceedings to the State's authority. The Prosecutor may, however, decide to seek a ruling of the Court on a question of jurisdiction or admissibility.

The solution found in Rome with regard to the power of the Prosecutor to initiate proceedings reflects a compromise between States that feared having an overburdened and "politicized" Prosecutor and those that hoped an independent Prosecutor would guarantee a non-political and efficient Court. Only time will tell whether or not the supervisory role played by the Pre-Trial Chamber will permit speedy investigations.

### **The ICRC's role after Rome**

Now that the Statute of the International Criminal Court has been adopted, a vast amount of work remains to be done before the Court will be fully established and operational, as some issues remain to be resolved. One of the tasks still to be accomplished is the drafting of an Annex to the Statute outlining the elements of the various crimes, to assist the Court in the interpretation and application of Articles 6, 7 and 8 relating to genocide, crimes against humanity and war crimes.<sup>7</sup> ICRC jurists will take an active part in this process, in particular with respect to the elements of war crimes.

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<sup>7</sup> A proposal containing the elements of these crimes will be prepared by a Preparatory Commission comprising representatives of States having signed the Final Act of the Conference and of other specially invited States. A draft text is to be finalized before June 2000.

Clearly, for the Court to be truly effective a large number of States must ratify the Statute, and the ICRC will no doubt play an important role in encouraging governments to do so. National Red Cross and Red Crescent Societies have also been invited to promote ratification of the Statute by their respective governments.

Furthermore, in the light of the principle of complementarity between the ICC and national criminal courts, efforts must be intensified to develop national legislation implementing the universal obligation to prosecute suspected war criminals wherever they may be. Despite the establishment of the ICC, States will continue to have a duty to exercise their criminal jurisdiction over persons alleged to have committed international crimes, as the Court has jurisdiction only when a suspected criminal has not been tried in a national court. This is likely to encourage States to put in place national implementation measures. In this context, the ICRC Advisory Service will continue to offer its technical assistance to States in adopting legislation necessary for the investigation and prosecution of suspected war criminals.

### **Concluding remarks**

It is to be hoped that the new Court will make a significant contribution to improving respect for international humanitarian law and hence will help reduce the number of victims. States are invited to become party to the Statute of the International Criminal Court and to take all necessary steps to ensure that the Court will have a successful start and will function effectively.

## Statute of the International Criminal Court

Adopted by the United Nations Diplomatic Conference  
of Plenipotentiaries on the Establishment  
of an International Criminal Court on 17 July 1998

(extract)

### *Article 8 — War crimes*

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as a part of a plan or policy or as part of a large-scale commission of such crimes.
2. For the purpose of this Statute, “war crimes” means:
  - (a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:
    - (i) Wilful killing;
    - (ii) Torture or inhuman treatment, including biological experiments;
    - (iii) Wilfully causing great suffering, or serious injury to body or health;
    - (iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
    - (v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;
    - (vi) Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
    - (vii) Unlawful deportation or transfer or unlawful confinement;
    - (viii) Taking of hostages.
  - (b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:
    - (i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
    - (ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;



- (iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
- (iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
- (v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;
- (vi) Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;
- (vii) Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;
- (viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
- (ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- (x) Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
- (xi) Killing or wounding treacherously individuals belonging to the hostile nation or army;
- (xii) Declaring that no quarter will be given;
- (xiii) Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;

- (xiv) Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;
- (xv) Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;
- (xvi) Pillaging a town or place, even when taken by assault;
- (xvii) Employing poison or poisoned weapons;
- (xviii) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
- (xix) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;
- (xx) Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition and are included in an annex to this Statute, by an amendment in accordance with the relevant provisions set forth in articles 121 and 123;
- (xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
- (xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;
- (xxiii) Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;
- (xxiv) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
- (xxv) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;
- (xxvi) Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.

- (c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:
  - (i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
  - (ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
  - (iii) Taking of hostages;
  - (iv) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.
- (d) Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.
- (e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:
  - (i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
  - (ii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
  - (iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the law of armed conflict;
  - (iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
  - (v) Pillaging a town or place, even when taken by assault;

- (vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;
  - (vii) Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;
  - (viii) Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;
  - (ix) Killing or wounding treacherously a combatant adversary;
  - (x) Declaring that no quarter will be given;
  - (xi) Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
  - (xii) Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;
- (f) Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.
3. Nothing in paragraphs 2 (c) and (d) shall affect the responsibility of a Government to maintain or re-establish law and order in the State or to defend the unity and territorial integrity of the State, by all legitimate means.

(The text adopted on 17 July 1998 may be slightly amended.)

## International criminal court: A reality at last

On 17 July, after years of relentless effort and five weeks of intense and sometimes arduous negotiations, the Statute of the permanent International Criminal Court was finally adopted.

The ICRC welcomes this historic event. It sincerely hopes that the Statute will allow the Court to take effective action against criminals who defy the international community and whose impunity is an invitation to crime.

It should be emphasized, however, that the Statute's substantial rules can be further improved. It is regrettable, for instance, that States becoming party to it will have the possibility to opt out, for a period of seven years, from the Court's jurisdiction over war crimes. Furthermore, war criminals who have committed crimes on the territory of States that do not adhere to the Statute or who are nationals of those States cannot be prosecuted by the Court.

It is therefore essential that a very large number of States sign and ratify this treaty, and that the Court be provided with adequate funding and high-quality staff.

The road ahead of us is still long, and war criminals must be swiftly and relentlessly prosecuted so as to ensure that the law does have a deterrent effect for the benefit of all potential victims of massacres, looting, rape and torture.

International Committee of the Red Cross  
Press Release 98/27 of 18 July 1998