

Resolution on

U.S. SUPPORT FOR THE INTERNATIONAL CRIMINAL COURT

Adopted by the Commission on Social Action of Reform Judaism

Spring 2002

BACKGROUND

Fifty-six years have passed since the Nuremberg and Tokyo trials established that the world community can hold individuals accountable for committing crimes against humanity. However, these crimes continue to be committed. Furthermore, the perpetrators usually escape justice, in part because there is no permanent international court willing or able to judge and punish them.

In 1968, the UAHC adopted a resolution supporting international cooperation. Then, in 1979, the UAHC adopted a resolution to enforce the punishment of genocide. Finally, in 1997, the UAHC took the first steps toward the affirmation of the principles of international justice with its resolution "The Apprehension and Prosecution of War Criminals." Today, we need to take the next step: support for the International Criminal Court (ICC).

On April 11, 2002, the sixtieth nation deposited its formal ratification of the Rome Statute of the International Criminal Court, bringing the Court into existence. The International Criminal Court is a permanent Court that will investigate and bring to justice individuals, not countries, who commit the most serious crimes of concern to the international community, such as genocide, war crimes, and crimes against humanity—including widespread murder of civilians, torture and mass rape. The ICC will have international jurisdiction that complements national legal systems. Its process and procedures are enumerated in the Rome Statute of the International Criminal Court, promulgated by representatives of more than 130 governments, including the United States and Canada, from November 1998 to July 1999.

The Court offers real promise for justly dealing with the worst atrocities of war and increasing their deterrence. Coming at the end of a century that witnessed the Holocaust, and with the images of ethnic cleansing in Bosnia and genocide in Rwanda still fresh in our minds, the importance to humanity of the Court's promise is immense.

The ICC aims to ensure that victims of grave abuses, who face an ineffectual national judicial system or no judicial system at all, have a place to seek justice. We, as Jews,

believe in the process of forming and developing national and international standards of law and building institutional frameworks for their implementation. War crimes such as those committed in Cambodia, Iraq, Sierra Leone, Serbia, Sudan, and East Timor, to name but a few, must not be allowed to happen again without swift, comprehensive investigation and substantial justice. To achieve real peace and obtain the long-term interests of the international community, this Court should prosper.

Judaism teaches that we are not to carry grudges in our hearts. However, we cannot confuse this teaching with the urgent ethical obligation to bring criminals to the bench of justice. Our sages observed that a pattern of transgression brings in its wake further transgression. As it is written, “Run away from a transgression, for a commandment pulls along a commandment and a transgression pulls along a transgression” (*Pirke Avot* 4:2). Our tradition also teaches that there is no limit to the judgments for the wicked, and that we are not to stand idly by at the suffering of other human beings. Failure to apprehend and prosecute war criminals sends a message that such actions are acceptable, with the result that other evil human beings, at a later time, will also believe that they have nothing to fear.

How well we understand, from our own tragedies as a people, the awesome price human beings pay for indifference and silence. We, above all others, must be alert to suffering and injustice any place in the world and be proactive in deterring the perpetuation of evil. We cannot allow notorious criminals to escape justice.

Recently, there have been several reports that the U.S. Administration is considering withdrawing its support for the ICC. However, we believe that the wisest way to protect American interests, and advance the cause of international justice, is to maintain U.S. engagement with the International Criminal Court and work cooperatively with other governments to ensure that the ICC is established as a court of high integrity and fairness. Our nation’s support for the International Criminal Court will reaffirm our strong commitment to international accountability and justice, and will bring to bear the power of a world united against the perpetrators of genocide, war crimes, and crimes against humanity.

THEREFORE, the Commission on Social Action of Reform Judaism resolves to:

1. Call upon the President and the United States Congress to support and eventually ratify the ICC;
2. Call on Members of Congress to oppose any legislation distancing the U.S. from the ICC, and to support appropriate legislation providing U.S. financial support for the Court;
3. Work to make the ICC an instrument of effective world justice, including, as with any justice system, monitoring by its member states for fairness in process and in outcome;
4. Participate in appropriate groups and coalitions of organizations, including the Washington Working Group on the ICC, which support the ICC; and

5. Support the Canadian government in its efforts towards worldwide support for the ICC.