



**UNITED  
NATIONS**



**United Nations Diplomatic  
Conference of Plenipotentiaries  
on the Establishment of an  
International Criminal Court**

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INFORMATION CONVEYED BY NEW ZEALAND

INTERNATIONAL COMMITTEE OF THE RED CROSS:

CONCERNS ON JURISDICTION OF THE INTERNATIONAL CRIMINAL COURT  
RELATING TO THE BUREAU PROPOSAL (A/CONF.183/C.1/L.59)

It is essential that the International Criminal Court have automatic jurisdiction over war crimes and crimes against humanity, and not only over genocide. If it is to serve as an effective complement to national courts, the Court must be competent to try such cases as soon as a State becomes party to the treaty. By virtue of the principle of universal jurisdiction, every State has the right, and in many instances the duty, under international law to prosecute or extradite suspected war criminals. This principle reaffirms the fundamental rule that war criminals are not immune from prosecution, wherever they have committed their crimes and whatever their nationality. Any form of additional consent, such as an opt-in precondition for the exercise of the Court's jurisdiction, gives the impression that States can lawfully protect war criminals from prosecution. This would be a retrograde step for international law and would severely limit the Court's effectiveness.

Note: Further details on the legal basis of this position are to be found in the ICRC kit already distributed. More copies are available upon request.

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