

EUROPEAN NEWSLETTER

The European bimonthly publication on the International Criminal Court

The Rome Statute of the ICC has:

104 ratifications

The Agreement on Privileges and Immunities of the Court has: **44 Ratifications & 62 signatories**

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THE CICC ORGANISES ITS FIRST EUROPEAN STRATEGY MEETING



The CICC Secretariat held a strategy meeting in Istanbul on October 4-5, 2006 that brought together 25 active members from 14 countries across Europe to share information and develop strategies on the ICC campaign in the region.

While most of Western and South Eastern Europe countries and the EU member states (with the exception of the Czech Republic) are States Parties to the ICC and strong supporters of the Court, many countries in the Commonwealth of Independent States (CIS) and Turkey have not yet joined the ICC. Some states parties in Europe have fully incorporated the complementarity and cooperation provisions into their national legislations, however, completing implementation of the Rome Statute remains a marked challenge in many others state parties across the continent, including, but not limited to, the Western Balkans. The discussions focused on the political and legal climate in the countries and sub-regions represented at the meeting to develop priorities, strategies, and next steps for the ICC campaign in Europe based on the particularities of each country and sub-region.

Another broad purpose of the event was to identify areas where national coalitions in States Parties that have completed implementation might play an active role and thereby continue to support the work of the Court. In this regard, the strategy meeting also included a training session on the

challenges faced by the Court in its current phase and the ways in which the CICC continues to monitor and advocate on these issues through its team structure. This included presentations on the situations before the Court and on two key issues that CICC members have been focusing on—victim's issues and outreach.

While the report produced by the CICC details the suggestions for each country and sub-region represented at the meeting, below are some highlights of the major concerns and priorities:

- Mistranslation of Rome Statute and Core ICC Texts in Western Balkans.

- Weak position of the EU and of international organizations with respect to promoting ICC ratification in Ukraine, Moldova, Turkey, and the Central Asian Republics. Participants recommended a more robust action in line with stated commitments and more involvement of national representatives of EU and other IOs in promoting the ICC.

- Need to expand trainings on the ICC for media and military personnel.

- Need to develop a clear, accessible and not legalistic language to promote the ICC in national contexts.

- Need to develop strategies for promoting ICC ratification in areas with ongoing conflicts (South Caucasus, for example).

- In light of the more nuanced position of the US regarding BIAs, it was suggested to initiate parliamentary debates on revoking the BIAs in European countries that have ratified them.

- More outreach on the ICC in the Western Balkans that makes clear the distinction between the ICC and the ICTY.

- Developing a strategy to promote the ICC in countries where the ICC is not a political

priority, but human rights protection and democratization are the key issues (Turkey, Central Asian Republics). Place the ICC in the broader human context of human rights protection mechanism.

- For the Central Asian Republic would be best to focus ratification efforts on Kyrgyzstan as the political climate in the rest of the sub-region seems to be worsening and lack of political will for ICC issues is evident.

- Campaigning to institute curricula on the ICC for universities and law colleges across the region in order to ensure sustainability of ICC campaign.

- Need for national members or coalitions in EU and other IO member states to also play a role in reminding their governments of the IOs commitments on the ICC.

Joint recommendations have been adopted by participants and include:

To the Authorities of the CIS states, the Western Balkans, the Czech Republic and Turkey:

- To take all necessary steps to ratify or accede to the Rome Statute of the ICC as soon as possible, if not yet a party to the Statute;

- To enact the necessary legislation allowing national authorities to provide all forms of cooperation to the ICC and to facilitate ICC investigations, by ratifying the Agreement on Privileges and Immunities and to implement effective programmes for victims assistance in accordance with international standards;

- To refrain from adopting any agreement that may be in contravention with the letter and spirit of the Rome Statute, violating their obligations under international law, including the “Article 98” or Bilateral Immunity Agreements with the USA – with particular regard to the growing dissent within the US administration on the impact of these agreements;

- To strengthen cooperation with and involve national and international civil society experts at all stages of the ICC process;

- To support the national efforts at capacity building, including the training of lawyers and judges on the ICC, and the institutionalization of academic courses on international justice and ICC in university curricula.

To the European Union, its Member States, and non-EU states of Western Europe:

- To renew initiatives aimed at the promotion of Rome Statute ratification and implementation in the CIS countries and Turkey;

- To ensure that national EU delegations or EU member states delegations are fully informed of the EU Common Position and are encouraged to be ready and able to actively promote the ICC in these countries;

- The Czech Republic, as the only EU MS that has not yet ratified the Rome Statute of the ICC, should take all

necessary steps to join the ICC as a matter of urgency;

- To recognize that each Central Asian Republic has distinct priorities and needs on the ICC and thereby develop its ICC promotion strategy for each country depending on national realities;

- To provide any necessary assistance to countries in their path towards ratification and implementation of the Agreement on Privileges and Immunities, including support for national ICC coalitions and capacity building roundtables, support with translations and any other required assistance; -

- To support ICC initiatives by civil society in the region, including through the future European Initiative for Democracy and Human Rights (known as EIDHR II) of the European Commission;

- To support the national efforts at capacity building, including the training of lawyers and judges on the ICC, and the institutionalization of academic courses on international justice and ICC in university curricula;

- To ensure an effective implementation of the ICC clauses included in the EU Action Plans negotiated with the neighboring countries, as well as included in any other agreement with third country or region;

To the ICRC, the Council of Europe, the OSCE

- In the framework and the limits of their respective mandates, to provide technical support and expertise on ICC ratification and implementation to those States requesting such assistance, in close cooperation with governments, national parliaments, non governmental organisations, regional organisations and other interested actors;

- To organise meetings to discuss progresses on ratification and implementation in the region, so to allow States to exchange experiences and best practices on a regular basis;

- To provide support for states and civil society to develop accurate translations of key ICC treaties and supplementary documents in national languages;

- To involve civil society in as much as possible in ICC work.

To international and national NGOs working in Europe:

- To continue targeted outreach and awareness programs on the ICC and the Rome Statute with the media, other NGOs, law students, universities, and military personnel in all the countries of South Eastern Europe, and the CIS;

- To continue advocacy on the ICC and tailor the campaigns for specific countries;

- To contextualize the ICC in broader campaigns for human rights and democratic reform—particularly in Turkey and the CIS;

- To publicize and work to correct the mistranslations of core ICC texts in the Western Balkans;

- To bring to the attention of the ICC (the Presidency, the Registry, or the OTP) relevant challenges of the national

campaign.

To the ICC:

- To ensure that there are appropriate resources for the Court to participate in national and regional events promoting the ratification and implementation of the Rome Statute in non-situation countries;
- To develop a strategy for expanding public information and outreach about the Court to non-situation countries.

To the CICC Secretariat:

- To provide member organizations timely information on issues to be discussed at the ASP;
- To develop campaign manuals for national coalitions,

including suggestions for coalitions in countries that have ratified;

- To increase the creation and dissemination of resources in Russian and Turkish

To National CICC coalitions:

- To continue to be active on the ICC after achieving ratification of the Rome Statute by joining teams, following ASP issues, or closely monitoring implementation.

To Universities and Law Faculties in Europe:

- To ensure that courses on the International Criminal Court, International Humanitarian Law, and international justice enter the curricula of universities and law colleges across Europe.

ASSESSMENT FROM PARTICIPANTS TO THE EUROPE STRATEGY MEETING

We have asked some of the participants to the Europe Strategy Meeting for their feedbacks and views following the meeting:

- **Anne Offermans**, Chair of the Dutch NGO Platform for the ICC: 'the European Strategy meeting has been a worthwhile experience for Western European NGOs: it strengthened the enthusiasm in working in support of a fair and effective ICC as it provided us with new concrete ideas, as well as giving us an insight view of the political and ICC's situation in the Europe region countries and the local NGOs priorities. Some of the interesting ideas put forward at the meeting in view of the revitalisation of NGO coalitions from western Europe, include:

- Broaden the focus of activity to be able to involve other NGO categories;
- Importance of victims oriented approach that will allow to go beyond only legal and political work, and in this regard strengthen cooperation with organisations addressing victims' issues;
- Promote the involvement of war veterans and teachers unions and promote implementation of school projects;
- Involve student organisations also for fundraising activity;
- Involve humanitarian organisations and start for instance a fundraising activity for the Trust Fund for Victims;
- Start your first fundraising on a small scale and ask for donations of organisations you know well. Start a second fundraising when you are experienced to involve industry, banks, commercial enterprises, etc;
- Coordinate your work with other national coalitions from the EU or for example that are based in countries that chair the EU or the OSCE. Work on jointly advocacy projects on the EU;

This meeting gave us new energy and new ideas as well as deepened our knowledge about the ICC. It also offered the possibility to renew contacts with like minded people from all over Europe'.

- **Krystel Lepresle**, coordinator of the French Coalition: 'the French Coalition for the ICC was represented at the Europe Strategy Meeting by Simon Foreman, the Chairman and Krystel Lepresle, Coordinator. We were particularly active in the second day in the session 'revitalising national coalitions', in which the French coalition presented its plans for the future particularly regarding the French law on implementing legislation. In terms of strategy, two main points were raised during the meeting, both with the aim of spreading the French Coalition's message and highlighting its priorities:

- First of all, the advocacy strategy was outlined: raise awareness of the draft implementing law amongst the general public and more especially amongst members of parliament whose role will be to debate and adopt the Bill within the coming months. Under the Coalition's initiative, several of its members (NGOs) launched a campaign of letters sent to their parliamentarians informing them of the Coalition's main concerns about the draft law and possible improvements that could be made. The result was a highly positive response from members of parliament who then raised the issue in Parliament.

- The development of the website was also discussed during the meeting. The French Coalition is currently trying to set up a large information data base on the draft law and ICC activities. This will possibly enable a monthly newsletter to be published online, summarizing the latest developments of the ICC as well as major events organized by our Coalition. Through the new website, we would also like to support the CICC Universal Ratification Campaign which urges governments to ratify the Rome Statute. Finally, information on the *CICC Teams* was an opportunity to consider how best to strengthen cooperation between us and the CICC. The French Coalition will try to involve its members in these teams'.

- **Veaceslav Balan**, Mobilisation and Campaigns Coordinator, AI-Moldova: 'one of the main conclusion of the Europe Strategy Meeting was a clear realization that the EU and its

operating bodies do not use their potential fully to ensure speedy ratification of the Rome Statute by the countries that declared their willingness to join the EU. Turkey, Ukraine and Moldova are now in the unique situation, when European integration is a decisive vector of their external policy. It is this moment when the governments of these countries are particularly receptive to the recommendations of the EU, its operational bodies and individual EU member states.

It was due to pro-European vector of integration that the Republic of Moldova signed the so called "European Union – Moldova Action Plan", a 3-years action plan to approximate Moldova to the European standards. One specific point of the Action Plan was ratification of the Rome Statute of the International Criminal Court. However, due to insufficient EU follow-up the Moldovan progresses towards the ratification of the Statute are very modest. If universal justice, and specifically the ICC, is a shared European value, all the EU members and candidates shall be placed under condition of joining the Rome Statute first.

Another good area for possible external pressure is the Kazakhstan candidacy for the OSCE Presidency. If adherence to the principles of universality of human rights and justice is among OSCE priorities, then any potential candidate for Presidency shall be placed under challenge of ICC promotion.

The Istanbul CICC Europe Strategy Meeting enabled its participants to clarify the common strategy of strengthening external and internal efforts in promotion of ICC, and to set points for lobbying before and during the upcoming 5th Assembly of the ICC States Parties. Hopefully the fruits of the coordinated efforts in this field will become visible in Europe in the next 1-2 years.

Yevgeniy Zhovtis, Director of the Kazakhstan Interantional Bureau for Human Rights and the Rule of Law: 'the meeting was very useful as it allowed to get acquainted with the latest ICC news, information on the CICC activities, to share information on how the ICC is perceived in the region and, in particular, in those countries, which have not ratified the Rome Statute of the ICC as well as about perspectives of such ratification.

One of the meeting topics was discussion of the possible co-ordination of the different NGOs activities in providing information campaigns and other actions in support of joining and ratification of the Rome Statute of the ICC by countries of the region.

The Republic of Tajikistan is the only one of five Central Asian countries which ratified the Rome Statute of the ICC. The Republic of Uzbekistan and Kyrgyz Republic have signed it, however, there are no any signs that they are about to ratify it. The Republic of Kazakhstan and Republic of Turkmenistan have not signed the Rome Statute of the ICC. As a whole, there were no events in all Central Asian countries, which could raise the ICC interest, except, to some

extent, the Republic of Tajikistan which suffered from the civil war, which crimes, that could fall under the ICC scope of activity have been probably committed. However, we uphold the position that ratification of the Rome Statute of the ICC and participation in its activity would allow countries of the region to implement legal reforms more effectively, and, first of all, judicial reform, to bring it into conformity with the international standards of fair trial and rule of law.

Due to this, position of the international community and, first of all, of the UN, OSCE and European Union on promotion of the ICC in the countries non-aligned to the Rome Statute is of highly importance. Unfortunately, activity of these international organizations in the present sphere is minimal - if any. For example, during last five-seven years, neither UN Representation Office, nor the OSCE Centre, or the Office of the Delegation of the European Union in Kazakhstan have undertaken any steps for promotion of the ICC ideas, call and convince the leadership of the country to join this important international criminal justice institution.

At the same time, embassies of the European countries have not carried out any concrete step on this issue, such as official statements, participations to events. Taking into account, that the ICC is established within the framework of the United Nations Organization activity and almost all European Union countries, except Czech Republic, are the signatories of the Rome Statute and actively support its activity, such position raises, at least, surprise.

I'd like to call European countries to take more active position on the ICC promotion in the Post-Soviet Central Asian states, especially, taking into account, well-known US position on this issue'.

UPDATES ON RECENT DEVELOPMENTS IN EUROPE

As a testament to the growing recognition of the ICC as an essential judicial instrument in the global fight against impunity, the ICC campaign is witnessing significant progress in the Commonwealth of Independent States (CIS)—an area underrepresented at the Court, with only two States Parties, Georgia and Tajikistan.

In Ukraine, an interministerial working group headed by the Ministry of Justice, has finalized the draft law to amend the constitution and allow for ICC ratification. The draft amendment should be adopted by the Council of Ministers and will be presented to President for submission to Parliament in the next days. Furthermore, the Parliament of Ukraine has adopted on 18 October 2006 the draft law on the Agreement of Privileges and Immunities of the ICC (APIC), submitted by the President to Parliament in June 2006. The text has been sent back to the President Yushchenko that has signed it into law, it will now need to be deposited at the UN. Ukraine will be therefore the first non-state Party to the Rome Statute to have ratified APIC. This will send a strong message to other non State Parties on the importance of ratifying APIC that requires often shorter process than the ratification of the Rome Statute. Moreover, by ratifying APIC Ukraine has sent a strong signal of its support to the ratification of the Rome Statute in the near future.

Furthermore, with regard to Ukraine's stance on the possible signature of a Bilateral Immunity Agreement with the USA, shielding USA citizens from the ICC jurisdiction, the Ministry of Justice of Ukraine has very recently replied to a letter sent by the CICC on June 2006 with a very well argued piece against the signing of any bilateral agreement with the United States based on Article 98 of the Rome Statute.

In Moldova, a decisive step forward in the ICC ratification process has been achieved with the finalisation of a draft law on constitutional amendments, which would allow Moldova's adherence to the Rome Statute. National CICC members are monitoring this development and working in close cooperation with the government in order to encourage the adoption of the ratification instrument as early as November 2006.

The recent Austrian Presidency of the European Union has further contributed towards promoting ratification in the CIS region by organizing a conference on the universality of the ICC on May 29, 2006 in Salzburg for government officials from this region. Representatives of the CIS governments, EU Member States, international organisations and international and national NGOs were invited to participate. The CICC organised a meeting during this conference, which allowed NGOs, government representatives from the CIS region, EU Member States and international organizations to strategize on how to foster ratification and implementation in the CIS region and strengthen cooperation among the different stakeholders.

Ratification in Turkey is another top priority for the CICC, as Turkey is a strategically important country in the region that has, on several occasions, announced its willingness to ratify the Rome Statute. This October, the CICC has focused on Turkey for its monthly ratification campaign, and the Coalition has supported the efforts of the Turkish Human Rights Platform, which includes the national coalition for the ICC, to organize an ICC seminar in Istanbul targeting civil society organisations and the media on 6 October 2006. Around thirty five organizations representing a cross-section of Turkish civil society gathered together to discuss the role of civil society in ICC promotion and learning from the experiences of other national and international NGOs. Discussion on the importance of the ICC with editors from the Turkish press also allowed the publishing of a couple of articles on the International Criminal Court.

For more information on the Europe region, please visit the CICC webpage at: <http://www.iccnw.org/?mod=region&idureg=10&PHPSESSID=e7c932d732d1c13a63bb6f5431e52f44>

EU FOCUS

FINNISH PRESIDENCY PRIORITIES ON THE ICC

The European Union fully supports the International Criminal Court. The principles and objectives of the Rome Statute are in line with the fundamental values of the Union. The consolidation of the rule of law and respect for human rights, as well as the preservation of peace and the strengthening of international security, in conformity with the Charter of the United Nations and as provided for in Article 11 of the EU Treaty, are of fundamental importance to, and a priority for, the Union.

In this framework, the European Union adopted, on 11 June 2001, its Common Position on the International Criminal Court, which was updated and recast on 16 June 2003. The objective of the Common Position is to support the effective functioning of the Court and to advance universal support for the Court by promoting the widest possible participation in the Statute.

The European Union has also agreed upon an Action Plan to follow up the Common Position. Consequently, the European Union and its Member States further this process by raising the issue of universal ratification, acceptance or approval of, or accession to, the Rome Statute and the implementation of the Statute through demarches and statements, and in negotiations or political dialogues with third States, groups of States or relevant regional organisations, whenever appropriate.

ICC matters are dealt within the COJUR sub-area ICC working group, which convenes to discuss and plan related activities of the EU. Representatives of the ICC and the ad hoc tribunals are invited to give updates on the activities of the courts and presentations on aspects of co-operation. In addition, the working group regularly meets with NGOs. The

working group has convened twice during the Finnish Presidency and has met with representatives of the ICC and the Special Court of Sierra Leone.

The Finnish EU Presidency focuses on the promotion of the universality and integrity of the Rome Statute through political dialogues between the EU and third countries. After consultations with EU Member States and NGOs, the Presidency will carry out nearly 35 demarches all over the world on the ratification of or accession to the Rome Statute and the implementation thereof. The EU also addresses concerns regarding bilateral non-surrender agreements, where appropriate - and periodically urges third parties to accede to the Agreement on the Privileges and Immunities of the Court.

The Finnish EU Presidency will also discuss aspects relating to the Review Conference of the Rome Statute, and in line with this, a coordination meeting of the European Union on the crime of aggression will be organised towards the end of the Presidency.

On 29 September 2006 the Finnish Presidency hosted an expert seminar on international criminal law; "Building a Culture of Accountability - Action against Impunity in the External Relations of the European Union". The seminar focused on three aspects of the fight against impunity; the ad hoc tribunals with a specific focus on the ICTY and the Balkans, the universal aspect of the International Criminal Court, and strengthening national judicial systems. The seminar was addressed by inter alia Minister for Foreign Affairs Erkki Tuomioja, ICTY Chief Prosecutor Carla Del Ponte, EU Commissioner Olli Rehn and ICC Judge Erkki Kourula.

Tapio Purrunen, EU Finnish Presidency

REPORT ON THE LAST COJUR MEETING

On November 9th – 10th, the Finnish Presidency of the European Union convened a COJUR, sub-area ICC meeting in The Hague (The Netherlands), mostly dedicated to ASP preparations. The CICC Secretariat and its members were invited for a one-hour slot to exchange their views on key issues that will be addressed by the Assembly. Firstly, while welcoming the improvement of ASP working methods, NGOs made a number of recommendations regarding the Bureau working groups, including the need to conduct an internal assessment of its work, review the transparency of its work and establish how the system can be improved to meet future challenges. Further, NGOs highlighted some of their concerns about the CBF report, particularly regarding the proposed cuts on victims and outreach and called EU MS to make sure that the Court is endowed with the necessary resources to implement its recently adopted outreach strategy

as well as its obligations to protect and support victims and witnesses and therefore urged states not to approve the Committee's recommendations for cuts. Finally, NGOs welcomed the Court's Strategic Plan, which is a critical instrument to guide the future work of the Court and presented their comments and views on the document.

While time constraints did not allow NGOs to raise at length all the issues they had wished, they very much welcomed the opportunity to have a preliminary exchange with EU Member States and hope to continue their dialogue with them in the course of the upcoming Assembly.

ICC LANGUAGE IN EU INSTRUMENTS AND RESOLUTIONS

1) Sixth Asia-Europe Meeting—Helsinki, 10 and 11 September 2006

The sixth Asia-Europe Meeting (ASEM6) was held in Helsinki on 10 and 11 September 2006. The Summit was attended by the Heads of State and Government of thirteen Asian and twenty-five European nations and the President of the European Commission. The Prime Minister of Finland, acting also as the President of the European Council, chaired this historic meeting.

Leaders, recalling their previous meetings in Bangkok (1996), London (1998), Seoul (2000), Copenhagen (2002), and Hanoi (2004), held comprehensive, in-depth and fruitful discussions on various topical issues of common interest under the overarching theme 10 Years of ASEM: Global Challenges Joint Responses.

In the Chairman's Statement, there was a reference to the ICC: **“Leaders referred to the need to ensure that there is no impunity for the most serious international crimes and discussed in this context the role of the International Criminal Court (ICC)”**.

http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/er/90964.pdf

2) European Parliament resolution: "MEPs Urge Sudanese to Accept UN Peacekeeping Force," 28 September 2006

"In adopting a resolution on the situation in Darfur, the European Parliament urges the Government of Sudan to accept a United Nations peacekeeping force in Darfur, under Chapter VII of the UN Charter. MEPs underline that Sudan has failed in its 'responsibility to protect' its own people and is therefore obliged to accept a UN force in line with UNSC

resolution 1706. [...] Parliament also calls on the EU, the US and other international actors to impose sanctions on any side, including the government, that violates the ceasefire or attacks civilians, peacekeepers or those involved in humanitarian operations and to take all necessary action to help end impunity by enforcing the Security Council sanctions regime. The House calls on the Government of Sudan and the international community to fully cooperate with the International Criminal Court in order to end impunity."

Please access the report on the European Parliament website at:

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2006-0381+0+DOC+XML+V0//EN&language=EN>

4) The “Monitoring report on the state of preparedness for EU membership of Bulgaria and Romania”

Issued by the European Commission on 29 September 2006 and which outlines the progresses made towards accession to the European Union since May 2006, includes the following:

Under the general section on Romania the report states that ‘Romania needs to ensure the sustainability of public administration reform, and to fully align with EU external positions, such as on the International Criminal Court’;

Under the section on Bulgaria and in particular under the area of judicial cooperation in civil and criminal matters, the report notes ‘that the Agreement on the Privileges and Immunities of the International Criminal Court has been ratified’.

PROGRESS REPORTS ON EU ACCESSION NEGOTIATIONS FOR CANDIDATE AND POTENTIAL CANDIDATE COUNTRIES

The European Commission published yesterday, 8th of November 2006, its regular reports on the progresses made by the EU Candidate and Potential candidate countries on accession negotiations. Developments with regard to the ICC have been included in all reports; the assessment underlies the lack of ratification, in the specific case of Turkey, while for the Western Balkans, on the importance of preserving the integrity of the Rome Statute by not entering into Bilateral Immunity Agreements with the United States which are inconsistent with the EU guiding principles.

The excerpts on the ICC are as follow:

For candidate countries:

Croatia:

Under the session on Political Criteria, chapter on ‘Regional issues and international obligations’

‘Croatia has not signed a bilateral agreement with the USA

concerning the non-surrender of certain persons to the International Criminal Court and continues to support the EU position on this matter’.

Under Chapter 31 – Foreign, Security and Defence Policy

‘Croatia has not signed a bilateral agreement with the USA concerning the non-surrender of certain persons to the International Criminal Court and continues to support the EU position on this matter.

Macedonia:

Under the session on Political Criteria, chapter on ‘Regional issues and international obligations’

‘As regards the International Criminal Court, the government stated that the scope of the non-surrender agreement concluded with the USA does not include citizens of the former Yugoslav Republic of Macedonia. However, it still does not

comply with "the EU Guiding Principles Concerning Arrangements between a State Party to the Rome Statute of the International Criminal Court and the United States Regarding the Conditions for Surrender of Persons to the Court" adopted by the Council in September 2002. In particular it does not contain practical provisions ensuring investigation and prosecution by national jurisdictions'.

Chapter 31 – Foreign, Security and Defence Policy

"As concerns 'the EU Guiding Principles Concerning Arrangements between a State Party to the Rome Statute of the International Criminal Court and the United States Regarding the Conditions for Surrender of Persons to the Court', there has been little progress apart from a statement that the agreement with the USA is not applicable to citizens of the former Yugoslav Republic of Macedonia".

Turkey:

Chapter 31 – Foreign, Security and Defence Policy

'There were no progress regarding Turkey's signature of the International Criminal Court'

In the conclusion

'Turkey has yet to sign the International Criminal Court Statute'

For potential candidate countries:

Albania:

Under the session on Political Criteria, chapter on 'Regional issues and international obligations'

"In June 2003 Albania ratified a bilateral immunity agreement with the United States which runs counter to the 'EU guiding principles concerning arrangements between a state party to the Rome Statute of the **International Criminal Court** and

the United States regarding the conditions of surrender of persons to the court' adopted by the Council of the EU in September 2002. No new developments have taken place in this respect".

Bosnia and Herzegovina:

Under the session on Political Criteria, chapter on 'Regional issues and international obligations'

'In 2003 Bosnia and Herzegovina ratified a bilateral immunity agreement with the United States which runs contrary to the 'EU guiding principles concerning arrangements between a State party to the Rome Statute of the **International Criminal Court** and the United States regarding the conditions of surrender of persons to the court', adopted by the Council of the EU in September 2002. No new developments have taken place in this respect'.

Montenegro:

Under the session on Political Criteria, chapter on 'Regional issues and international obligations'

'Montenegro is preparing its own act on cooperation with the International Criminal Court. It will be important that Montenegro continues to fully support the ICC and the integrity of its statute, in line with relevant EU decisions'.

Serbia:

Under the session on Political Criteria, chapter on 'Regional issues and international obligations'

'Serbia continues to have a positive attitude towards the **International Criminal Court** (ICC). Serbia has consistently refused to sign bilateral agreements giving exemptions from ICC jurisdiction. It is important that Serbia continues to support fully the ICC and the integrity of its statute in line with relevant EU decisions'.

NGOs ACTIONS

PROMOTING IMPLEMENTING LEGISLATION IN BOSNIA AND HERZEGOVINA

The Helsinki Committee for human rights in Republika Srpska organised a Round table 'International Criminal Court' in Banja Luka on 21 October 2006. The seminar was chaired by judge Ranko Marijan of Superior Court of Croatia with a great experience in the field of criminal justice and prosecution of war crimes, and Dejan Bogdanović, human rights lawyer from Bijeljina.

Participants included constitutional Court of the Republic of Srpska (SR) judges, District Office Prosecutors, representatives of non-governmental organisations and the media.

Ranko Marijan gave a brief introduction on the main principles and activities of the ICC, and underlined the difference with other ad hoc international tribunals. He highlighted the importance of implementing the Rome Statute into national legislation. The main part of the seminar was dedicated to the Rome Statute of the ICC. Judge Marijan

discussed Article 17 on admissibility, and spoke about common obstacles in the implementation. Criminal responsibility, command responsibility and the definitions of genocide, crimes against humanity and war crimes were also discussed. Judge Marijan also raised the point about the danger of some media in spreading racial, religious and ethnic hate. In conclusion he underlined some of the most quality decisions of the Superior Court of Croatia on war crimes. The panel that followed focused on the "ICC and Bosnia and Herzegovina" chaired by Dejan Bogdanović. After the lecture on the applicability of the Law on criminal procedure in BH, RS, FBH and Brčko District with the Rome Statute and introducing participants of the round table with useful internet sites, judge of the Constitutional Court RS Adem Medić talked about its experiences in working on criminal cases. District prosecutor Mirsada Hadžić suggested that current internet sites should be translated on BHS languages,

in order to help domestic lawyers to get relevant information more easily.

One of the conclusion reached was that is in the vital interest of citizens in this region that judiciary establishes justice through quality and transparent decisions, but the role of courts is also to inform about crimes and to approach objectively war crimes trials regardless to the ideology and national belonging of the suspect. The media present at the round table will also play a big role in promoting the role of the ICC and spread out the conclusion reached on the round

table. The aim of the round table was to educate, inform and stimulate exchange of ideas and share information and good practices among lawyers who daily deal and apply criminal laws. The Helsinki Committee for human rights in the Republika Srpska aim at establishing a forum where different experiences in the implementation of the Rome Statute in the neighboring Croatia could be exchange, to promote the full implementation of the Rome Statute provisions and improve the quality of domestic judiciary.

Branko Todorovic-Executive Director Helsinki Committee of the Republic of Srpska on Human Rights

A DOOR IS OPENED FOR TURKEY TO RESPECT TO THE INTERNATIONAL JUSTICE

On 4-6 October 2006, a series of activities were organised in İstanbul by the International Coalition for ICC and the National Coalition for ICC in Turkey, to increase the awareness of civil society organisations and the media on the ICC and to promote the ratification of the Rome Statute by Turkey.

Following the CICC Europe Strategy meeting, on the morning of 6 November 2006, an information session on Turkey was organised with civil society organisations. A total of 35 representatives from civil society organisations participated in the session. Most of participants were from human rights organisations active in İstanbul. A presentation was made by Luisa Mascia, European Coordinator of the International Coalition for the ICC, which described some of the conclusion of the Strategy Meeting, the latest ICC developments and the main challenges lying ahead.

Mr. Ayhan Bilgen, Term President of the Human Rights Joint Platform and Member of the National Coalition for ICC in Turkey, had a speech inviting Turkey to take necessary steps for the rapid accession to the Rome Statute. He concluded his statement as follows:

“Keeping in mind that ICC, which means a struggle for establishing a rule of law serving to the goal of a life in dignity for anyone; from children to women, from the disabled to the elderly, or any groups having potential to be target of discrimination because of their ethnic, religious, lingual, and racial differences, is an issue which should be attended by all the segments of the society; we, the founders of the coalition, invite the civil society organizations to actively participate in and take responsibility for promoting the Rome Statute to the public, and making Turkey be a party of the Statute as soon as possible.”

Participants of the information seminar was also informed about the strategic goals and structure of the National Coalition for ICC in Turkey through a power point presentation made by Feray Salman, General Coordinator of the Human Rights Joint Platform. Levent Korkut, Chairperson of the Amnesty International Turkey had also a presentation on the ICC and the mandate of the ICC.

A bulletin prepared by the National Coalition for ICC in Turkey was distributed to the participants in the seminar. The seminar was followed by journalists from Milliyet, Radikal,

Yeni Şafak and Zaman newspapers and a correspondent from Bianet .

In the evening of 6 October, a working dinner was held together with the representatives of the International Coalition for ICC, National Coalition for ICC in Turkey, 2 editor in chief and 2 columnists from two important newspapers (Birgün and Radikal newspapers). Although the number of journalists was limited, the discussion among journalists and the representatives of International and National Coalition was very good and productive. As an outcome of this meeting, one of the columnist, Mr. Yıldırım Türker of Radikal daily, wrote about the ICC and the National Coalition by using his column fully.

Following these activities, the national Coalition came together on 31 October 2006 to identify its action plan during the period between 2006 and 2007. One of the important issues of the meeting was to develop relations with the International Coalition for ICC and benefit from their experience and knowledge in the National Coalition’s forthcoming Campaign Programme.

It seems that the environment in Turkey is not easy for the National Coalition to pressurize the Government to take step towards the accession to the Rome Statute. The election atmosphere (there will be elections in November 2007) is one of the handicaps in Turkey as all politicians are more sensitive about the public opinion. There is a counter campaign started in Turkey led by some Bar Associations against the accession of Turkey to the Rome Statute. This approach regards the support for Turkey’s accession to the Rome Statute as “high treason”. Of course, this sort of counter approaches shall not divert the National Coalition from its goals and the National Coalition shall continue to carry out its own mission. This of course requires a solidarity and close cooperation between the National and International Coalitions for the ICC more than ever.

We are hoping that our collaboration with the International Coalition shall make Turkey accede to the Rome Statute soon.

Feray Salman, General Coordinator, Human Rights Joint Platform

AMNESTY INTERNATIONAL TURKEY LAW GROUP WORKSHOP ON ICC

Amnesty International Turkey Law Group organized a workshop titled “International Criminal Court and Turkey” on 4 – 5 November 2006 in İzmir, Turkey. This workshop aimed at informing and building capacity of members of Amnesty International Turkey about the International Criminal Court. A call was made to AI members interested in working on ICC and to members of the National Coalition for the ICC in Turkey. The workshop welcomed 22 participants coming from İzmir, Ankara, İstanbul, Diyarbakır and Mersin. One of the former presidents of the Bar of İzmir, Lawyer Noyan Özkan participated to the workshop and shared his knowledge and experience with participants for two days.

Visual and printed materials and documents have been prepared and distributed to participants. During the workshop the following issues were addressed in depth: International Law and ICC; Crimes in Rome Statute and Their Comparison With Turkish Criminal Code; Proceedings

and Pending Cases; Role of International European Organizations on ICC Campaign; Dual Agreements on Immunities and USA; Works of National and International Coalition; Evaluation of AI Turkey Law Group on ICC and distribution of tasks.

At the end of successful two-day workshop, a working group was established that will be working on ICC in Turkey. This group defined its short term target which included working and sending information to other NGOs, media, unions, bars and other occupational chambers, members of the parliament, political parties, and similar public and/or institutions and persons that are active in Turkey.

The information gathered during the workshop will be also circulated among the members who could not participate. A follow up workshop is planned for 2007.

Ozlem Altiparmak, Amnesty International-Turkey

EU-FUNDED PROJECT OF GUSTAV-STRESEMANN-INSTITUT (GSI), BONN, IS LAUNCHED IN RUSSIA, TURKEY AND CENTRAL ASIAN COUNTRIES

The project “Information & ratification campaign on the ICC in Russia, Turkey and Central Asian Countries” aims to support the implementation of the EU Common Position on the International Criminal Court (ICC) by focusing on promoting the universality of the Rome Statute, implementing the principle of complementarity and enhancing public perception and awareness. It is a 24 month programme implemented by GSI, Max Planck Institute for Comparative and International Law, Heidelberg, Pro NGO! e.V., Koeln and local partner organisations in Russia, Turkey, Kazakhstan, Kyrgyzstan, Turkmenistan, and Uzbekistan.

40 local experts selected from the target countries will participate in training seminars in Bonn/ The Hague and will – coached by EU-experts- implement up to 50 seminars, round-tables, lectures and press-conferences in their home-countries. Project information and training material in local languages (reader, flyer, powerpoint-presentations etc.) is available.

To bring key decision-makers of the target countries together, so-called “High Level Meetings” will be organised to inform them about how the ICC works, and to report to them that the ICC constitutes an international court that functions and most importantly to lay out the necessities for ratification and implementation of the Rome Statute of the ICC into national legislation.

To strengthen the basis for networking and co-operation between the countries involved, up to 10 future decision makers (junior professionals from ministries and educational institutions) will have the opportunity to participate in an ICC research group of the Max Planck Institute in Heidelberg Germany.

For further information, please have a look on the project website www.ngo-at-work.org/icc2006 or contact hans.born@pro-ngo.org

Hans Born, Pro-NGO Chairman

ASP FOCUS

EUROPEAN NGOS: HOPES FOR THE NEXT ASP

The CICC each year select five invitees from each region of the world to attend the Assembly of States Parties, through an application process. For the Europe region, the invitees will be coming from Ukraine, Moldova, the Czech Republic, Serbia and Macedonia. The invited experts not only have the opportunity to attend the actual sessions of the ASP and directly raise ICC issues with government officials from attending states parties and observer states, but also participate in the CICC team meetings as well as daily region-specific and global strategy meetings for NGO representatives. We asked

the European NGO invitees to the ASP what they hoped to achieve from their participation at the ASP:

Veaceslav Balan from AI-Moldova wishes to intensify its efforts in advocating the government of Moldova to speed up the Rome Statute ratification process through raising their concerns with the EU and its Member States and Moldova delegation representatives; to learn successful experiences of ratification by other NGOs representatives; establish new contacts and strengthen links with CICC members and make

regional and global work more effective; get a better understanding of work done worldwide in the field of ICC promotion. To attend the ASP will improve the regional and international vision and the way to promote ICC nationally; foster a more accurately and informed communication on ICC issues to public authorities; improve the involvement of local partners. A meeting will be held before the ASP with Moldovan NGOs and collect their input, while upon return more meetings will take place with a larger civil society group to share experience on ASP with them. The media will also be targeted in order to achieve further awareness raising.

Miroslav Jankovic from the Youth Initiative for Human Rights in Serbia told us that by participating at the ASP they would like to continue following and monitoring the work and activities of the ICC as the promotion of the ICC is one of their strategy aims for 2007. He will be able to acquire accurate information to be share regionally; network with other NGOs and international organisations and start cooperation. YIHR is very interested in learning about outreach that should also be implemented in the Western Balkans. The experience of the ASP will be shared with participants of the ICC training for the journalists, judges and lawyers that will be organised by YIHR in the first months of 2007 and that will attract media coverage.

Stojanka Mirceva from the Macedonian Helsinki Committee for Human Rights is planning an active participations at meetings on specific issues, network with various NGOs participants, and advocacy with official representatives on issues related to the Bilateral Immunity Agreement. Networking with other like minded NGOs and the sharing of different experiences on ICC related issues in the national legislation and discuss concrete actions to be jointly implemented, in particular discuss the possibility to develop a joint regional

project to promote cooperation with the ICC, so contribute to the advancement of the work at the national and regional level. Following the ASP, a report on the activities will be drafted and placed on the Committee's website. A meeting with the members of the national coalition is foreseen following the meeting.

Jan Kratochvil from the League of Human Rights, the Czech Republic would like to support the CICC in its teams advocacy work, while at the same time establish contact with other CICC NGOs members. Gaining more and accurate information on the ICC latest developments and main challenges will definitely be useful for the national campaign. New contacts and strengthen knowledge will boost the ICC campaign in the Czech Republic. A working group to promote ratification and implementation will be established and experience on the ASP will be shared.

Natalia Dulnyeva, Chair of AI-Ukraine is glad that the ASP session will be longer this year and that they will more time to devote to the discussions of the different issues. Important advocacy will be carried out during the ASP on specific topics, in particular on outreach, an extremely important topic that Natalia wishes to follow up closely. The participation will also allow time to advocate the European Union as well as other international organisations such as the European Union, Council of Europe, the ICRC that will also be attending the Assembly. Their work for the promotion of the ICC in the CIS region and in Ukraine should be strengthened. Political demarches should be carried out, more events organised, information shared also with NGOs and any other possible actions under their mandate. Following her participation at the ASP, meetings with the national coalition for the ICC to implement follow up actions will be organised.

FIRST DIPLOMATIC BRIEFING ON ASP ISSUES IN BRUSSELS

A first diplomatic briefing (ASP) has been organised in Brussels on 7 November 2006 by the CICC Secretariat in coordination with Human Rights Watch in advance of the 5th Assembly of State Parties to the ICC to take place in the Hague, The Netherlands from 23 November until the 1 December 2006.

Around 13 representatives from several African, Latin American and European countries, the European Commission, as well as CICC steering committee members such as No Peace Without Justice and FIDH attended the meeting.

The aim of this seminar was to educate diplomats on ASP issues, underlying the importance of their participation, while putting forward NGOs concerns with regard to some important decisions that will be adopted at the next ASP. In this regard, presentations included a general update on the ICC latest institutional and judicial developments, the role of the ASP and the importance of dedicated participation by governments. Main issues of concerns related to the draft budget

of the ICC for 2007, the importance of ensuring a good and solid outreach programme as well as geographic representation at the Court. A good discussion took place during the meeting, and participants put forward their gratitude for the organisation of this event which will most probably be reconvened in future years.

For more information on the ASP please visit the ICC webpage at: http://www.icc-cpi.int/asp/documentation/doc_5thsession.html and on the CICC webpage at: <http://www.iccnw.org/?mod=asp5>

INTERNATIONAL ORGANISATIONS FOCUS**UN FOCUS**

1. The President of the ICC, Judge Philippe Kirsch, presented the second annual report of the ICC to the United Nations General Assembly on 9 October 2006.

- Judge Kirsch's statement is available at http://www.icc-cpi.int/library/organs/presidency/PK_20061009_English.pdf.

- CICC Media Update regarding this statement, available at <http://www.iccnw.org/?mod=ga61>.

2. On 26 October 2006, the Japanese Presidency to the Security Council convened the Council's annual open debate on Women, Peace and Security. Several states made explicit references to the ICC, namely, France, Finland, The Netherlands, and Uganda (in the order of their statements). Excerpts of these statements are below. The full transcript of the meeting is accessible at: <http://www.un.org/Depts/dhl/resguide/scact2006.htm>.

COUNCIL OF EUROPE: 4TH CONSULTATION ON THE ICC

The Council of Europe organised the "4th consultation on the implication for the Council of Europe member states of the ratification of the Rome Statute of the International Criminal Court" which was held in Athens on 14th – 15th September 2006 at the joint initiative of the CAHDI (the Council of Europe Committee of Legal Advisers on Public International Law) and of the CoE Committee on Crime Problems. On the occasion of this consultation, a number of Council of Europe member states and observer states presented a status report on ICC ratification and/or implementation in their countries. Here is the link where country reports can be found: [http://www.coe.int/t/e/legal_affairs/legal_co-operation/public_international_law/Texts & Documents/ICC/ICC%](http://www.coe.int/t/e/legal_affairs/legal_co-operation/public_international_law/Texts%20&%20Documents/ICC/ICC%20documents.asp#TopOfPage)

[20documents.asp#TopOfPage](http://www.coe.int/t/e/legal_affairs/legal_co-operation/public_international_law/Texts%20&%20Documents/ICC/ICC%20documents.asp#TopOfPage). The reports most recently uploaded can be recognised by both the date (2006) and the indication of "NEW". Prior to the Consultation, the CAHDI met for its 32nd meeting in Athens on 13th and 14th of September to discuss a wide range of Public International Law related issues. The agenda included a point on "Developments concerning the International Criminal Court". Also, in the framework of the same meeting an exchange of views took place with Luis Moreno Ocampo and Philippe Kirsch. For more information, please browse the CoE website at:

http://www.coe.int/T/E/Legal_affairs/Legal_co-operation/Public_international_law/

ICC FOCUS**HEARING OF CONFIRMATION OF CHARGES FOR THOMAS LUBANGA DYLO**

On the 9 November 2006, the ICC Pre-Trial Chamber held the first Confirmation of Charges Hearing in the Lubanga case. The purpose of the hearing is to assess whether or not the charges on which the ICC Prosecutor intends to seek trial of the accused will be confirmed. The hearing is expected to last until 28 November.

On Thursday, it will be possible to follow courtroom proceedings with a 30-minute delay in transmission on the ICC website: <http://www.icc-cpi.int>. A Press Briefing on the issue will be held on Wednesday, 8 November 2006, from 10:30 a.m. to 12:30 a.m.

USA POLICY**DEVELOPMENTS ON U.S BILATERAL IMMUNITY AGREEMENTS (BIAs)**

Following several months of discussions in the USA Congress and Senate on the negative impact on the USA foreign policy of the legislation banning military aid to countries refusing to sign a Bilateral Immunity Agreement with the USA shielding USA national from the jurisdiction of the Court, a Memorandum lifting the sanctions has been signed by President Bush on 2 October 2006. The memorandum reads as follow: 'Waiving Prohibition on United States Military Assistance with Respect to Various Parties to the Rome Statute Establishing the International Criminal Court Consistent with the authority vested in me by the Constitution and the laws of the United States, including section 2007 of the American Servicemembers' Protection Act of 2002 (the "2002 Act"), title II of Public Law 107 206 (22 U.S.C. 7421 et seq.), I hereby: Determine that it is important to the national interest of the United States to waive the

prohibition of section 2007(a) of the 2002 Act with respect to Barbados, Bolivia, Brazil, Costa Rica, Croatia, Ecuador, Kenya, Mali, Malta, Mexico, Namibia, Niger, Paraguay, Peru, Samoa, Serbia, South Africa, St. Vincent and the Grenadines, Tanzania, Trinidad and Tobago, and Uruguay with respect to military assistance provided under the International Military Education and Training program, chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); and Waive the prohibition of section 2007(a) with respect to the military assistance described above with respect to these countries'.

Though limited to military aid, these actions represent the first time the USA has acted to reverse the negative effects of the BIA campaign on its relationships with key allies.



UPDATES ON RATIFICATION AND IMPLEMENTATION IN EUROPE

RATIFICATION AND IMPLEMENTATION IN EUROPE: UPDATES

We welcome updates on the ratification and implementation status of the Rome Statute in Europe. As far as possible, we try to indicate the sources of the information, unless it comes from a confidential source. The lack of information on some countries by no way implies that there have been no developments in those specific countries. To send updated information on the status of ratification and implementation in Europe and Central Asia, please contact Maria Cavarretta

cavarretta@iccnw.org

Please NOTE: *will follow on country names that include updates since the last edition



<http://www.iccnw.org/?mod=urc1106>

This month's target country for our ongoing Universal Ratification Campaign is Mauritania. The Universal Ratification Campaign is a worldwide complementary effort devoted to urging members to redouble their efforts to promote universal acceptance of the International Criminal Court. Local actions are needed to promote awareness of the International Criminal Court; increase media coverage; urge governments to ratify or accede to the Rome Statute; adopt effective implementing legislation and ratify the ICC Agreement on Privileges and Immunities.

Albania*

Signature 18 July 1998- Ratification 31 January 2003

The issues that raised constitutional problems were: the transferability of the judicial power's competences to international bodies; immunity from criminal prosecution provided by Albanian Law for several official capacities and the principle *ne bis in idem*. **Substantive Criminal Law:** The criminal code should be amended. In June 2004, the government declared that it would modify the definition of the crime of genocide, in conformity with the definition in the Rome Statute. **Cooperation:** A law on cooperation with ICC is necessary. A report of the Council of Europe on the ICC's state of play in Albania has been published on 15 September 2006 and that can be found at: [http://www.coe.int/t/e/legal_affairs/legal_co-operation/public_international_law/texts_&_documents/icc/4th%20Consult%20ICC%20\(2006\)%2012%20E%20Albania.pdf](http://www.coe.int/t/e/legal_affairs/legal_co-operation/public_international_law/texts_&_documents/icc/4th%20Consult%20ICC%20(2006)%2012%20E%20Albania.pdf) on **APIC:** Ratification 2 August 2006. Revised: November 2006.

Andorra

Signature 18 July 1998–Ratification 30 April 01

APIC: Signature 21 June 2004–Ratification 11 February 2005. Revised: August 2004.

Armenia

Signature 1 Oct. 1999.

In August 2004, the Armenian Constitutional Court delivered a negative opinion on the compatibility of the Rome Statute of the ICC with the national legislation. The reasons are: (a) the ICC is seen as supplementing the national judicial system of the RA (contradicting art 91 and 92 of the Constitution); (b) national authorities would be deprived of the right to grant pardon. **Substantive Criminal Law:** In August 2003 a new criminal code entered into force. The special part includes section 13 – “Crimes against peace and human security” –, which gives the definition of: 1. Genocide (art. 393); 2. Serious breaches of international humanitarian law during armed conflicts (art. 391); 3. Crimes against human security (art. 392). The general part regulates the statute of limitation: while not applying for most of the crimes included in section 13, it applies to “crimes against human security” under art. 392. You can find the English translation of the Armenian criminal code at: www.legislationline.org/data/Documents/Armenia_Criminal_Code_2003.htm Sources: IDHR and Arminfo News Agency. Revised: October 2004.

Austria

Signature 7 Oct. 1998 – Ratification 28 December 2000

Cooperation: On 10 July 2002, the Austrian Parliament unanimously approved the Law on Cooperation with the ICC. It provides the legal basis for complying with requests of the ICC for the surrender of persons and for other forms of assistance. The law also enables Austria to accept convicted persons on its territory, for the purpose of enforcing prison sentences imposed by the Court. After parliamentary approval, the ratification bill was signed by the Federal President and entered into force on 1 October 2002 (Austrian Federal Law Gazette I Nr.135/2002).

Substantive Criminal Law: The Ministry of Justice is considering an amendment to the Austrian Penal Code, in order to include all crimes under the Rome Statute. However, no concrete steps have been taken so far and in particular the question of which articles need to be modified or introduced is still unresolved.

Enforcement of ICC sentences: Austria was the first State to sign an Agreement with the ICC on the Enforcement of Sentences on 27 October 2005. The Austrian Federal Minister of Justice, Ms. Karin Gastinger, and the President of the International Criminal Court, Mr. Philippe Kirsch, signed the first agreement between a State Party and the ICC on the enforcement of the sentences to be handed down by the Court. The signing ceremony took place at the seat of the International Criminal Court in The Hague, The Netherlands. The agreement entered into force on 26. November 2005 and is published in the (Austrian Federal Law Gazette III Nr. 201/2005). **APIC:** Signature 10 September 2002-Ratification 17 December 2003. **Universal jurisdiction:** The Austrian Penal Code (Austrian Federal Law Gazette Nr. 60 /1974, as amended) provides for universal jurisdiction in its Section 64 para. 1 subparas. 4, 5, 6, 9 and 10 as well as in Section 65 para. 1 subpara. 2. The offences subject to universal jurisdiction include, but are not limited to, acts of slavery, trafficking in human beings, counterfeiting, piracy and terrorism. However, the question whether universal jurisdiction will be applicable to crimes covered by the Rome Statute, will have to be decided during the process of implementing the crimes under the Rome Statute into the Austrian Penal Code. **Victims:** The execution of reparation orders of the ICC is spelled out in Section 42 of the Austrian Law on Cooperation with the ICC. Under this provision reparations can be executed in Austria, if they are requested by the ICC and are based on a decision or an order of the latter. Furthermore, claims must be enforceable in Austria, i.e. objects and assets must be believed to be located and punitive damages must be believed to be enforceable in Austria. For the time being, there are no specific rules granting reparation to victims of crimes covered by the Rome Statute. The granting of reparation to such victims follows the general rules applicable to victims of ordinary crimes. Victims of ordinary crimes can generally sue for damages in civil law suits. Moreover, victims of serious crimes (premeditated crimes with sentences of more than six months of imprisonment) who have suffered physical or mental injuries that have resulted in medical expenses or a reduced capacity to work may apply for financial assistance through a government program run by the Austrian social services office (Bundessozialamt). This however, only applies to EU and EEA citizens. Revised: February 2006

Azerbaijan

A conference on the "Repression of War Crimes at National and International Levels" was held in Baku on March 17, 2004. The event was co-organized by the ICRC and the Parliament of Azerbaijan. Participants were offered the opportunity to hold in-depth discussions on specific issues relating to the repression of war crimes in the legislation of Azerbaijan, as well as of other CIS countries. The event also focused on the issue of war crimes in the jurisdiction and practice of international judicial bodies, namely the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Court (ICC). Participants included Azerbaijani state officials, representatives of the German Ministry of Justice, as well as of the ICRC office in Baku. Mr. Nizami Safarov (head of the Administrative and Military Legislation Department) stressed the importance of such event, in order to raise national awareness on international justice mechanisms for combating impunity for the most serious international crimes. At the EU- Azerbaijan Parliamentary Cooperation Committee (PCC), held in Baku on 28-29 April 2003, the PCC underlined the importance of Azerbaijan signing and ratifying the Statute of the ICC.

Substantive Criminal Law: A new Criminal Code entered into force on the 1st of September 2000 and a Criminal Procedural Code has been adopted. The Criminal Code provides for criminal responsibility for crimes against humanity and war crimes reflecting the definitions of the Rome Statute. **Cooperation:** The Law on Extradition of Criminals of 15 May 2001 does not enable the surrender to the International Criminal Court or tribunals. The process of ratification is impeded by constitutional obstacles e.g. particularly by immunity of State officials and possibility of granting pardon. Other issues may arise, e.g. those connected with the requirement to trial by jury in the Criminal Procedural Code. Source: "Progress Report by Azerbaijan", Council of Europe, Strasbourg, 11 July 2001 and Mr. Eldar Zeynalov from the Human Rights Center of Azerbaijan. **Latest news:** A conference on the ICC organised by the Regional South Caucasus coalition for the ICC took place in Baku on 5-6 April 2006 aimed at urging the government to ratify the Rome Statute and raising awareness amongst authorities and civil society on the ICC and the Rome Statute.

Revised: May 2006.

Belarus

Belarus has not signed the Rome Statute.

According to a delegate of the UN Mission, present at the IX PrepCom, Belarus was analysing its national legislation in order to bring it into compliance with the Rome Statute. However there is no recent news on the ratification process, since the ICC is not on the political agenda.

Belgium

Signature 10 September 1998-Ratification 28 June 2000

Cooperation: On the 29th March 2004, the Belgium Law on Cooperation with the International Criminal Court and International Criminal Tribunals was approved. It was published on the 1st of April and is available at: www.moniteur.be. **Complementarity:** Under the new Bill, adopted on 5 August 2003, Belgian courts will have jurisdiction over international crimes if the accused is Belgian or has his primary residence in Belgium; if the victim is Belgian or has lived in Belgium for at least

three years at the time the crimes were committed; or if Belgium is required by treaty to exercise jurisdiction over the case. Under Art 12 bis of the preliminary Chapter of the Criminal Procedural Code, Belgian courts remain competent for all International Humanitarian Law cases if the accused is found in Belgian territory, even with no other nexus with Belgium, unless the person is subject to an international immunity (according to the ICJ). The new law also considerably reduces victims' ability to obtain direct access to the courts, unless the accused is Belgian or has his primary residence in Belgium, the decision whether or not to proceed with any complaint rests entirely with the Federal Prosecutor. The Bill, called "Loi relative aux violations graves du droit international humanitaire", can be found at: [www.coe.int/T/E/LegalAffairs/LegalCooperation/Transnational_criminal_justice/International_Criminal_Court/Documents/ConsultICC\(2003\)11F.pdf](http://www.coe.int/T/E/LegalAffairs/LegalCooperation/Transnational_criminal_justice/International_Criminal_Court/Documents/ConsultICC(2003)11F.pdf)

APIC: Signature: 11 September 2002. Ratification: 28 March 2005. Revised: March 2005

Bosnia and Herzegovina*

Signature 17 July 2000- Ratification 11 April 2002

Substantive Criminal Law: A law on witnesses protection has been amended. A working group has prepared amendments to the Criminal Code. The Office of the High Representative (OHR) of Bosnia and Herzegovina enacted a Criminal Code and a Criminal Procedural Code on the 24th January 2003. Both entered into force on the 1st of March 2003. These codes are part of the overall reform of the judiciary in Bosnia and Herzegovina that comprises a new State Ministry of Justice, a State Court with a special war crimes department and a State Prosecutor with competence for war crimes, genocide and crimes against humanity. The definitions of these crimes in the new Criminal Code are set in Chapter XVII on "Crimes against Humanity and Values Protected by International Law"- arts 171-203. For a copy of the Criminal Code and the Criminal Procedural Code, in English, contact: cavarretta@iccnw.org. **Latest news:** the Helsinki Committee of the Republic of Srpska together with the support of the Coalition for the International Criminal Court has organised the first Round Table in the framework of a project to promote the full and effective implementation of the Rome Statute into national organisation. The project will include a comprehensive analysis of the legislation that will be discussed at the second Round Table where all the stakeholders will be invited. Revised: November 2006.

Bulgaria*

Signature 11 February 1999-Ratification 11 April 2002

A new Criminal Procedural Code to regulate Cooperation with ICC and a Criminal Code are expected in 2005-2006. An analysis provided by Transparency International-Bulgaria on the status of the Bulgarian legislation, offers the following conclusions:

Complementarity: Regarding definitions of crimes, crimes against peace and humanity are defined in Chapter XIV of the Bulgarian Criminal Code. There is full compliance between the definition of the crime of genocide under Article 416 of the Criminal Code and under Article 6 of the Rome Statute. The Bulgarian Criminal Code does not define crimes against humanity as such. Only the crime of apartheid, one of the acts listed in Article 7 of the Rome Statute, is defined in Article 417 and Article 418 of the Bulgarian Criminal Code. The latter provision includes acts that are not covered by the definition of apartheid under Article 7 of the Rome Statute. The definition of apartheid under the Statute is broader. Crimes against the laws and customs of conducting war are defined in Section Two of the Chapter XIV of the Bulgarian Criminal Code. The list of war crimes in the Rome Statute is longer than the list in the Bulgarian Criminal Code. The Code criminalises acts that constitute grave breaches of the Geneva Conventions of 12 August 1949. There is full compliance between Articles 410 to 412 of the Criminal Code and Article 8, para 2, "a" of the Rome Statute. **Cooperation:** There is no Law of Cooperation with the ICC. The Criminal Procedural Code was amended in 2003 (SG N 50/2003) in compliance with the Rome Statute. Section 2, article 439A, 439B, 440A, 440B, 440G of the CPC, regulates requests of international courts on extradition, legal assistance and appearance of witnesses before a foreign court. On 18th of February 2004 a law has been adopted on the surrender of citizens to an International Court when the obligations are provided by an international treaty to which Bulgaria is party. More info on: **APIC:** Signature 2 May 2003-Ratification 26 July 2006. Revised: November 2006.

Croatia

Signature 12 October 1998-Ratification 21 May 2001

Cooperation: A law on cooperation was approved by the Croatian Parliament on 17 October 2003, promulgated by the President of the Republic on 24 October 2003, entering into force on 12 November 2003. **Complementarity:** A new criminal code was approved in spring 2004, with dispositions on command responsibility, definitions of crimes as in the Rome Statute, etc. **APIC:** Signature: 23 September 2003-Ratification: 17 December 2004. Revised: January 2004.

Cyprus*

Signature 15 October 1998-Ratification 7 March 2002

There were no major obstacles to ratification and no need to amend the Constitution. **Substantive Criminal law:** Law of 2006 (Law 23 (III)/2006): includes genocide, war crimes and crimes against humanity, to be interpreted according to the Elements of Crimes. UJ for these categories of crimes is also foreseen. Please find report of the Council of Europe on the ICC's state of play in Cyprus published on 15 September 2006 and that can be found at: [http://www.coe.int/t/e/legal_affairs/legal_cooperation/public_international_law/texts_documents/icc/4th%20ConsultICC\(2006\)01%20E%20Cyprus.pdf](http://www.coe.int/t/e/legal_affairs/legal_cooperation/public_international_law/texts_documents/icc/4th%20ConsultICC(2006)01%20E%20Cyprus.pdf)

APIC: Signature: 10 June 2005 - Ratification: 18 August 2005. Revised: November 2006..

The Czech Republic

Signature 13 April 1999 Ratification: Upon request of the Foreign Committee of the Parliament, an analytical material is being prepared by the MFA, in cooperation with the MJ, including information on: 1. Ways of ratification of the RS (constitutional amendments; special constitutional law; simple ratification by constitutional majority (3/5); 2. The legal consequences of the ratification of the RS for national law; 3. Implications of the RS ratification in international relations. The MFA will submit the package to the attention of the Parliament in the upcoming month. **Cooperation:** The Ministry of Justice is preparing draft amendments to Czech Criminal Proceedings concerning cooperation with international criminal courts and ad hoc tribunals. **Substantive Criminal Law:** In 2004, a draft criminal code was approved by the Government and submitted to the Parliament, where it should be discussed after the summer recess. Revised: June 2004.

Denmark

Signature 25 September 1998-Ratification 21 June 2001

On 3 May 2001 the Danish Parliament ("Folketinget") adopted the Danish Act on The International Criminal Court, authorizing the ratification and including a poor set of provisions on implementation.

APIC: Signature: 13 September 2002 - Ratification: 3 June 2005. **Universal Jurisdiction:** Denmark can exercise universal jurisdiction over war crimes, torture, terrorism and other crimes. For more information please visit: www.sico.dk. **Enforcement of sentences:** Denmark is in dialogue with the ICC for an agreement. **Victims:** Victims compensation are dealt with under ordinary Danish legislation regarding compensation. Revised: November 2005.

Estonia

Signature 27 Dec. 1999-Ratification 30 Jan. 2002

On 5 December 2001, the Parliament of Estonia adopted the Rome Statute Ratification Act. Concurrently, amendments to the Code of Criminal Procedure were approved in order to implement the Statute and to ensure proper **co-operation** with the Court when the Rome Statute enters into force. Two Acts ("the Ratification Act" and "the ICC Procedure Act") contain minimal implementing provisions and were enacted in the end of 2001. **Substantive Criminal Law:** A new Penal Code entered into force in September 2002. It incorporates extensive definitions of genocide, war crimes and crimes against humanity under the section "Offences against Humanity and International Security". The Penal Code also provides for the non-applicability of statutory limitation to offences against humanity. For the English version of the penal code of Estonia, visit: www.legislationline.org/data/Documents/Estonia_CC.htm

APIC: Signature: 27 June 2003 - Ratification: 13 September 2004. Revised: October 2004

Finland

Signature 7 Oct.1998-Ratification 29 Dec. 2000

Cooperation: The Finnish Act n International Legal Assistance in Criminal Matters (NO. 4/1994-) forms the basis for co-operation between Finland and the ICC. However, "The Cooperation Act", no. 1284/2000 was enacted on 28 December 2000 that entered into force on the 1st July 2002, clarifies certain obligations of Finland based on Chapter 9 of the Statute. Also, for the purpose of full implementation of the provisions of the Statute, more extensive legal assistance is provided for in Act No. 1284/2000 than would have been possible under existing domestic law. An unofficial translation of the Acts is available at [http://legal.coe.int/icc/docs/Consult_ICC\(2001\)/ConsultICC\(2001\)13E.pdf](http://legal.coe.int/icc/docs/Consult_ICC(2001)/ConsultICC(2001)13E.pdf). **Substantial Criminal Law:** The "Act on Amendment of the Penal Code ICC Crimes Act", no. 1285/2000, was enacted on 28 December 2000 to enter into force on the 1st July 2002. These Acts, a National Progress Report and translation of the Rome Statute in Finnish are available at: [http://legal.coe.int/icc/docs/Consult_ICC\(2001\)/ConsultICC\(2001\)13E.pdf](http://legal.coe.int/icc/docs/Consult_ICC(2001)/ConsultICC(2001)13E.pdf). The Ministry of Justice set up a working group on 19 October 2005 to draft a blueprint for a government proposal to amend the Sections of Chapter 11 of the Penal Code dealing with war crimes and crimes against humanity. The purpose is to include in the Penal Code express provisions on the crimes falling under the jurisdiction of the Court. The working group has now finalised its work. Source: Ministry of Foreign Affairs. **APIC:** Signature: 10 September 2002 - Ratification: 8 December 2004. **Universal jurisdiction:**

tion: The Finnish Penal Code (39/1889, amendments up to 15.7.2005/585) Chapter 1, Section 7 (as amended by law 9.7.2004/650) provides that Finnish law applies to an offence committed outside of Finland where the punish ability of the act, regardless of the law of the place of commission, is based on an international agreement binding on Finland or on another statute or regulation internationally binding on Finland (international offence). **Enforcement of ICC sentences:** When ratifying the Rome Statute, Finland indicated to the Court its willingness to accept sentenced persons. The negotiations for an agreement on the enforcement of sentences are expected to commence soon. **Victims:** Reparation for personal injury is provided under the conditions enumerated in the Act on Compensation for Criminal Damage (935/1973, amendments up to 21.12.2004/1197). An unofficial translation of the Act is available at <http://www.finlex.fi/fi/laki/kaannokset/1973/en19730935.pdf>. Revised: November 2005.

France*

Signature 18 July 1998 -Ratification 9 June 2000

Cooperation: The French Parliament adopted on February 19th 2002, the Bill on Cooperation with the ICC (Law n. 2002-268). This Law, an initiative of Senator Badinter, addresses only procedural issues: it allows France to cooperate with the ICC in matters concerning arrest, transfer, execution of prison sentences and reparation orders. The text can be found at: www.legifrance.gouv.fr/WAspad/UnTexteDEJor?numjo=JUSXo205311L. **Substantive criminal law:** Following a first draft prepared in 2003, the current Minister of Justice has presented a new draft to the Council of Ministers that will be discussed in Parliament after November 2006. The text aims at introducing a new chapter on war crimes into the penal code and several other provisions. The Commission Nationale Consultative des droits de l'homme (CNCDH) with the input of civil society presented comments on the draft which were not fully taken into consideration, in particular the provision relating to statute of limitations for war crimes of 10 to 30 years and the lack of universal jurisdiction provision. The French Coalition on the ICC has prepared a press release in this regard, for further information please contact Karine Bonneau at kbonneau@fidh.org.

APIC: Signature: 10 September 2003. Ratification: 17 February 2004. The ratification bill can be found at: www.senat.fr/dossierleg/pj102-438.html. Revised: November 2006.

Germany

Signature 10 Dec. 1998–Ratification 11 Dec.2000

Substantive Criminal Law: The Act to introduce a Code of Crimes against International Law (CCAIL) (consolidating and completing the catalogue of criminal offences under German domestic law, paralleling the offences under the Rome Statute) and the Act on implementing legislation (The Code on Execution of the Rome Statute or the “Cooperation Code” that regulates the details of co operation between German courts and authorities and the ICC) are both in force since the 1st July 2002. Now, German public prosecutors are allowed to investigate war crimes, genocide and crimes against humanity, regardless of whom, where, when or against whom these crimes were committed. The German law can be found in German, French, English, Spanish, Russian and Arabic at: www.iuscrim.mpg.de/forsch/online_pub.html#legaltxt. Still two amendments are foreseen, in order to concentrate the first-instance jurisdiction for crimes against international law at the Higher Regional Courts (Oberlandsgericht) and to confer the competence of prosecution of those crimes to the federal attorney general. The provisions concerned are art. 96 of the German constitution and those of the Courts Constitution Act. Source: International Campaign Against Impunity. **APIC:** Signature: 14 July 2003 - Ratification: 2 September 2004. Revised: July 2003.

Georgia

Signature 18 July 1998-Ratification: 5 Sept.2003

On 5 September 2003, Georgia deposited the instrument of ratification at the UN Headquarters becoming the 92 State to ratify the Rome Statute. On July 16, on the instruction of the President, the Georgian Parliament had ratified by unanimity the Rome Statute.

A Working Group (activated by the Ministry of Justice) finished a draft legislative package for ratification and implementation in early April, which was first adopted by the inter-ministerial commission, then submitted to the Parliament. On 14 August 2003, the Assembly passed a legislative package including: 1) bill on cooperation with the ICC; 2) Amendments to the Code of Criminal Procedure; 3) Amendments to the Criminal Code; 4) Amendments to the law on custody; 5) Amendments to the law on executive actions. Revised: September 2003. Revised: October 2004.

Greece

Signature 18 July 1998-Ratification: 15 May 2002

A bill to implement the ICC Statute in Greece has been drawn up and is in the process of submission to Parliament.

APIC: Signature on 25 September 2003. A draw law to ratify the APIC is under preparation.

Universal Jurisdiction: Universal Jurisdiction of the Greek Penal Courts is provided for by Article 8 of the Penal Code in the case including for any other offence on which Greek criminal legislation is applicable by virtue of special provisions or

international conventions signed and ratified by Greece.
Revised: November 2005.

Holy See

H.H. Pope John Paul II included in his "Message for the World Day of Peace" from January 1, 2000 a statement in support of the ICC, that reads as follows: "... an offence against human rights is an offence against the conscience of humanity as such, an offence against humanity itself. The duty of protecting these rights therefore extends beyond the geographical and political borders within which they are violated. Crimes against humanity cannot be considered an internal affair of a nation. Here an important step forward was taken with the establishment of an International Criminal Court to try such crimes, regardless of the place or circumstances in which they are committed. We must thank God that in the conscience of peoples and nations there is a growing conviction that human rights have no borders, because they are universal and indivisible." His full remarks are located at: www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_ip-ii_mes_08121999_xxxiii-world-day-for-peace_en.html.

In 2002 the Holy See contributed to the Trust Fund to support the participation of Least Developed Countries in the ICC Preparatory Commission. A strong call by the Pope to the USA Catholic Church to support the ICC would be welcome.
Revised: December 2003.

Hungary

Signature 15 Jan. 1999-Ratification 30 Nov. 2001

The Ministry of Justice has put forward a bill, which would modify amongst others Art. 32 of the Constitution by adding an additional paragraph 4 saying that "the immunity of the President of the Republic does not exclude his responsibility for crimes under the jurisdiction of, and before a permanent international court established by an international treaty." According to a news report, this bill passed the Parliament's Defense Committee for a first reading on the 8th of September 2003. Source: Hungarian News Agency and Conference "ICC-Implementation in Central and Eastern Europe", Bucharest, 9-11 May 2003. **APIC:** Ratified: 22 March 2006. Revised: November 2005.

Iceland

Signature 26 August 1998-Ratification 25 May 2000

In autumn 2002, implementing legislation was approved by Parliament. **APIC:** Signature: 10 September 2002. Ratification: 1st of December 2003. Revised: December 2003.

Ireland

Signature 7 Oct. 1998- Ratification 11 April 2002

On 11 August 2004, the Minister of Justice published a comprehensive piece of legislation, dealing both with **substantive criminal law** and **cooperation** with the Court. The bill introduces into the Irish legislation the definition of crimes against humanity, war crimes, ancillary crimes and crimes against the administration of justice (Part 2), whereas the crime of genocide was already incorporated as part of the implementation of the Geneva conventions. The bill also regulates requests for arrest and surrender by the ICC, as well as the enforcement of ICC rulings (Part 3). Part 4 of the law prescribes the compliance with the request to freeze (and confiscate) assets of the accused. Part 5 deals with other forms of assistance to the ICC, implementing art. 93(1) of the RS. Universal Jurisdiction and victims are also partly addressed by the Bill. The Bill is before the Lower Parliamentary Chamber and is listed for consideration during the current Parliamentary session. **APIC:** Signature on 9 September 2003. Revised: November 2005.

Italy

Signature 18 July 1998 – Ratification 26 July 1999

In May 2002, M. Giovanni Kessler (from the main Italian leftwing party) and other members of the Italian Parliament submitted to the Parliament's Chamber the proposal of law n. 2724, on "Rules for the implementation of the internal system to the Statute of the International Criminal Court". This proposal contemplated both substantial adaptation to the Rome Statute and law on cooperation with the ICC, therefore creating a whole "international criminal code". The almost identical proposal n. 1638 was further introduced in July 2002 before the Senate by a number of senators from several opposition Parties. For the Italian text, please visit the webpage: <http://www.camera.it/dati/leg14/lavori/stampati/sk3000/articola/2724.htm>. Recently, two identical drafts of implementation legislation were introduced before the Chamber (n. 6050) and the Senate (n. 3574) by MPs of different majority's Parties. Both the new proposals have the same structure of the previous ones, with which they share a large number of provisions of a general character as well as of substantive criminal law. Provisions on cooperation, however, reflect the work finalised in 2003 by the last Commission in charge at the Ministry of Justice for drafting a Governmental proposal. However, none of the said four proposals has been yet scheduled has been yet scheduled for examination before the competent Parliamentary Commissions. recent progress in that regard. **APIC:** Signature: 10 September 2002. **Universal Jurisdiction:** Crimes of international concern committed abroad are

punishable under Italian criminal law if included in international Conventions implemented by Italy (Article 7, Penal Code). In all other cases, crimes committed abroad are only punishable under certain conditions (gravity, presence on the territory, request of the Ministry of Justice). **Victims:** The reparation for victims of crimes under international law provided as a result of a separate civil action or through the criminal conviction.
Revised: November 2005.

Kazakhstan

Kazakhstan did not sign the Rome Statute.

On May 22 2004, the BBC reported that Yevgeniy Zhovtis, director of the Kazakh office of the International Bureau for Human Rights and the Observance of Legality believed that Kazakhstan would soon sign the Rome Statute of the ICC. Zhovtis referred that "politically, joining the ICC will not affect Kazakhstan much, as there is no danger of being criticized in the future for non-observance of the statute's provisions. However, membership will allow the country to receive further approval in the international arena." Revised: June 2004.

Kyrgyzstan

Signature: 9 December 1998.

In February 2004, deputy Azimbek Beknazarov and human rights activist Ramazan Dyrlydaev urged the Government to ratify the Rome Statute of the ICC. In reply to the appeal, the head of government Nikolai Tanaev stated that "Kyrgyzstan can not pay its membership fees to international organizations" and thus cannot ratify the ICC Statute. Officials from the Foreign Affairs Ministry share that opinion and asserted that the only obstacle towards ratification is of financial nature. Source: Ramazan Dyrlydaev, from the Kyrgyz Committee for Human Rights. Revised: February 2004.

Latvia

Signature 22 April 1999-Ratific: 28 June 2002

APIC: Signature on 29 June 2004-Ratification: 23 Dec. 2004. Revised: December 2004.

Liechtenstein

Signature 18 July 1998 –Ratification 2 Oct. 2001

APIC: Ratification: 21 September 2004.

Revised: October 2004

Lithuania

Signature: 10 Dec. 1998 - Ratification: 12 May 2003

Substantive: The new Criminal Code (adopted on 26 September 2000) includes the crimes under the Rome Statute. Moreover, art 7 establishes universal jurisdiction for those crimes, irrespectively of the nationality and residence of the accused and of the place of committing the crime.

Cooperation: A new Code of Criminal Procedure (14 March 2002) provides for cooperation measures with the ICC (art 67; 71; 72; 73; 74; 76; 77). **APIC:** Signature: 25 May 2004.-Ratification: 30 Dec. 2004.

Universal Jurisdiction: The Criminal Code of the Republic of Lithuania provides for the following rules regarding the universal jurisdiction:

-Citizens of the Republic of Lithuania and other permanent residents of Lithuania shall be held liable for crimes committed abroad under the criminal statutes of the Republic of Lithuania (Article 5);

-Aliens who do not have a permanent residence in the Republic of Lithuania shall be liable for punishment under the criminal statutes of the Republic of Lithuania if they commit crimes abroad which are directed against the independence, territorial integrity or constitutional system of the State of Lithuania (Article 6);

-Persons who commit the following crimes, specified in international agreements, abroad shall be criminally liable under the criminal statutes of the Republic of Lithuania regardless of their citizenship, their place of residence, the place of commission of the crime, or the punish ability of the committed act under the laws of the place where the crime was committed: Crimes against humanity and war crimes; Human trafficking; Sale or purchase of a child; Counterfeiting of money or securities, or keeping in possession or transmitting the same; Money laundering; Act of terrorism; Hijacking of an aircraft; Taking of hostages; Unlawful handling of radioactive materials; Crimes related to narcotic or powerful drugs or controlled substances (Article 7). **Enforcement of ICC sentences:** According to Article 5 of the Code of Execution of Punishment, in cases, provided in the international agreements of the Republic of Lithuania the background for the execution of punishment can be an effective judgement of convictions of the court of a foreign state or international judicial institution. It should be mentioned that Lithuania has made the declaration regarding the application of Article 103 of the Rome Statute – the Republic of Lithuania shall accept sentenced persons if they are the citizens of the Republic of Lithuania. **Victims:** This summer, on 30 June, the new Law of the Republic of Lithuania on the Compensation for Damages, Made by the Violent Crimes (hereinafter referred to as "the Law") was adopted and came into force on 14 July. The Law implements the Council

Directive [2004/80/EC of 29 April 2004 relating to compensation to crime victims](#). The compensation for damages can be disbursed for the victims and close relatives for the violent crime that has features of grave, major and minor act, by which a person has been intentionally murdered, his/her health has been severely or easily violated, or it has been encroached on somebody's sexual self-determination and sexual inviolability.

Revised: November 2005.

Luxembourg

Signature 13 October 1998-Ratification 8 Sept. 2000

Substantive and Cooperation: The national law implementing the Rome statute, including provisions with regard to complementarity and cooperation with the ICC, is currently being drafted. Source: Ministry of Justice. **APIC:** Signature: 10 September 2002. Ratified: 20 January 2006. **Universal jurisdiction:** The general rule remains the principle of territoriality. There are however more and more exceptions to this rule. Universal jurisdiction is applied for the crime of genocide (law of 8 August 1985). **Enforcement of ICC sentences:** Measures or an agreement allowing the enforcement of ICC sentences in national prisons (art. 103 RS) is not foreseen in Luxembourg for the moment, but could eventually be considered at a later stage. **Victims:** Our national legislation (law of 12 March 1984) provides for the reparation of victims of criminal offences. If such an offence was committed in a foreign country, reparation can be granted in Luxembourg under certain conditions, such as, for instance, that the victim is not entitled to reparation in the country where the offence was committed and that the victim has its legal and habitual residence in Luxembourg. Revised: February 2006.

Macedonia (FYR of)

Signature 7 October 1998–Ratification 6 March 2002

Substantive Criminal Law: An amended Criminal Code entered into force in September 2004. The Criminal Code includes a definition of crimes against humanity in the same terms as in the RS as well as definitions of war crimes against civil population; war crimes against war captives; and a new Article 407-a) incriminating approval or justification of genocide, crimes against humanity and war crimes. The crime of aggression is to be included in the Criminal Code after adoption of an international definition, but it foresees only incrimination for encouraging aggressive war (article 415). **Cooperation:** Cooperation with the ICC is provided for the Constitution and the Criminal Procedural Code under Chapter XXX of the Law on Criminal Procedure (source: Macedonian Helsinki Committee). A single Act on cooperation should be adopted to include all provisions under the Rome Statute as also recommended by the Council of Europe report of October 2003. Source: Stojanka Mirceva, Macedonian Helsinki Committee. **APIC:** Ratified: 19 October 2005. Revised: November 2005.

Malta

Signature 17 July 1998-Ratification 29 November 2002

In order to enable ratification and implement the Rome Statute in the Maltese juridical order, the Parliament approved the “International Criminal Court Act” in November 2002. The ICC Act covers **cooperation** and **substantive criminal law** through amendments to the Criminal Code that introduce the crimes in the Rome Statute; included are provisions on Malta receiving prisoners from the ICC; the arrest and detention warrants for arresting suspects on Maltese territory are also covered. Moreover, crimes against the administration of justice are now foreseen in the Maltese law. Source: Neil Falzon. The ICC Act is found at: http://docs.justice.gov.mt/lom/legislation/english/leg/vol_14/chapt453.pdf

See also the Criminal Code (Chapter 9) which contains provisions on Genocide, Crimes against Humanity and War Crimes at: http://docs.justice.gov.mt/lom/legislation/english/leg/vol_1/chapt9.pdf. **APIC:** Malta has not signed APIC the Attorney General's Office is reviewing its ratification. **Universal Jurisdiction:** Part II, Title I of the Criminal Code (Chapter 9) relates to “Genocide, Crimes against Humanity and War Crimes”. Article 54A of the Criminal Code, which supplements Chapter 453, makes it a crime for a person to commit genocide, a crime against humanity or a war crime. Article 5 of the Criminal Code provides that a criminal action may be prosecuted in Malta against any citizen of Malta or permanent resident in Malta who in any place or on board any ship or vessel or on board any aircraft wherever it may be shall have become guilty of the offences mentioned in Article 54A. Moreover, Article 7(3) of Chap 453 provides that a criminal action may be prosecuted in Malta against any citizen of Malta or permanent resident in Malta who shall have become guilty of an offence falling within the Rome Statute, although the offence may have been committed outside Malta. **Enforcement of sentences:** Part 4 of Chap 453 deals with “Enforcement Of Sentences And Orders”, which, inter alia, provides that where Malta is designated by the ICC as the state in which a person, is to serve a sentence of imprisonment imposed by the ICC, and after the Minister informs the ICC that the designation is accepted, the Minister shall issue a warrant authorizing: (a) the bringing of the prisoner to Malta, (b) the detention of the prisoner in Malta in accordance with the sentence of the ICC, and (c) the taking of the prisoner to a prison, within the meaning of the Prisons Act, in Malta. **Victims:** Article 12 of Chap 453 provides that The Minister may make regulations to provide for the enforcement in Malta of orders by the ICC against convicted persons specifying reparations to, or in respect of victims. Revised: November 2005.

Moldova**Signature 8 Sept. 2000.**

In early 2004, the government established an Inter-ministerial Working Group to analyze the compatibility of the national law with the ICC and in order to draft ratification and implementing legislation. A draft law to amend the constitution seems to have been finalised. **Substantive Criminal Law:** A new criminal code entered into force in July 2003; it includes a new chapter on crimes against peace and security. While the code provides for a good definition of genocide, war crimes are not comprehensively defined and there is no definition at all of crimes against humanity. Over the last year, two important events contributed to raise awareness on the need to ICC ratification: a conference organized by the Justice Ministry and the ICRC Regional Delegation in Kyiv (in March 2004) and a seminar convened by Pro-NGO in late November and aimed exclusively at national civil society, which touched upon different ICC features and campaigning issues. Revised: July 2006.

Monaco**Signature 18 July 1998**

In order to ratify the Statute, Monaco must first amend the Constitution in relation to the executive powers of the Royal Family. A study on the internal implications of ratification is taking place. Revised: August 2002.

Montenegro***Ratification: 23 October 2006**

Substantive criminal law: A new Criminal Code was enacted in December 2003. On the 11th December 2003, the draft criminal code passed the Parliament's Legislative Committee. Chapter 35 is dedicated to "Crimes Against Humanity And Rights Guaranteed Under International Law". The Draft version of the Criminal Code is available at: www.gom.cg.yu/files/1063208955.doc. **APIC:** Ratified 23 October 2006. Revised: November 2006.

The Netherlands**Signature 18 July 1998-Ratification 17 July 2001**

Substantive Criminal Law: The International Crimes Act was approved by the Senate on the 17 of June and formally adopted on 19 June 2003. The International Crimes Act entered into force on 1 October 2003. Genocide, crimes against humanity, war crimes and torture are now brought under one bill. Crimes against humanity had not been punishable in The Netherlands before. The other crimes were already punishable under Dutch law, but were spread over various laws. The Act adds active and passive nationality as bases for jurisdiction. It further allows for universal jurisdiction over the crimes contained in the Act, with one restriction: it allows for the prosecution of an individual with no ties to the Netherlands (meaning that neither the suspect nor the victim has the Dutch nationality), but only if that individual is located on the territory of the Netherlands. The Act contains provisions for immunity from prosecution for one of the offences contained in the Act. Based on the D.R. Congo v. Belgium decision of 14 February 2002 by the International Court of Justice, the Act provides that criminal prosecution is excluded for foreign heads of state, heads of government and ministers of foreign affairs as long as they are in office, as well as other persons whose immunity is recognized under customary international law. Also, immunity is recognised for those individuals who have been granted immunity under a treaty to which the Netherlands is a party. **Cooperation:** the ICC Implementation Act, in force since 1 July 2002 and the associated Amendment Act, in force since 8 August 2002. The Implementation Act gives the Dutch Government a statutory basis for transferring suspects to the ICC, protecting and guarding them and transporting them to the Court; it can also furnish the ICC with legal assistance. The English versions of the Dutch implementing legislation and short introductions to the laws are available at: www.minbuza.nl/default.asp?CMS_ITEM=141EF85F8B6A40D49F4592D4E40E6D4FX3X61608X9 **APIC:** Signed: 11 September 2003. Revised: October 2003.

Norway**Signature 28 August 1998-Ratification 16 Feb.2000**

Substantive Criminal law: A Permanent Commission for Penal Law submitted its reports and a proposal to include the crimes in the Rome Statute in the Norwegian Penal Code. **Cooperation:** Norway has a law of cooperation and enforcement of sentences since the 15 June 2001 (Act No. 65 of 2001). **APIC:** Ratified: 10 September 2002. Revised: May 2002. **Universal Jurisdiction:** a 'Centre for Criminal Investigations', a Unit under national police to deal with International Crimes has been set. Revised: February 2006.

Poland**Signature 9 April 1999-Ratification 13 Nov. 2001**

Cooperation: The new provisions on cooperation with the ICC constituting a part of the Code of Criminal Procedure entered into force 23 November 2004. It consists of a separate chapter on 'Cooperation with the ICC'. Main features: no limits for arrest and surrender; The Prosecutor can be present at hearings, has the right to ask questions, is authorised to

make records; Only Polish nationals will be accepted in Polish detention centres, in enforcement of ICC sentences. **Substantive criminal law:** The new Penal Code including the offences of genocide, crimes against peace and war crimes was enacted in 1997. A reviewed penal code has recently been adopted and includes the crimes under the Rome Statute, as well as the principles of criminal law. Some gaps with the Rome Statute provisions remains, but those are being dealt with by a draft bill that is now in the legal department, and that following an interministerial consultation will be passed to Parliament. **APIC:** Signature on 30 June 2004. The request for ratification is ready and should be adopted by Parliament at the end of the year. Revised: October 2004. **Universal jurisdiction:** The prepared draft also deals with Universal Jurisdiction. Offences committed abroad when obliged to prosecute certain crimes provided under international conventions. If Poland does not extradite, it should carry prosecutions. Revised: November 2005.

Portugal

Signature: 7 Oct. 1998-Ratific: 5 February 2002.

Substantive Criminal Law: The law implementing the Rome Statute into Portuguese legislation was published in the Official Journal (Diário da República- I Série – A, No 171-22 July 2004) on 22 July 2004.

It includes definitions of violations of international humanitarian law. It is available at: www3.parlamento.pt/PLC/Iniciativa.aspx?ID_Ini=19716. On the 10th of November, Amnesty International had sent a letter to the President of the Committee with comments on this and two other proposals, namely on the definitions of crimes, universal jurisdiction, criminal responsibility, impunity, immunities and guarantees of fair trials. This letter is available at: [http://web.amnesty.org/aidoc/aidoc_pdf.nsf/Index/EUR380052003PORTUGUESE/\\$File/EUR3800503.pdf](http://web.amnesty.org/aidoc/aidoc_pdf.nsf/Index/EUR380052003PORTUGUESE/$File/EUR3800503.pdf)

APIC: Signature: 10 December 2002. Revised: June 2004.

Romania

Signature 7 July 1999–Ratification 11 April 2002

Cooperation: A new law on international relations and cooperation on criminal matters, Law 299/2004, July 2004 has been enacted. The Constitution was reviewed in October 2003, for two purposes: to enable integration of Romania in the European Union and to ensure cooperation with International Tribunals and the ICC. The constitutional provisions on immunities have also been amended. A new Code of Criminal Procedure was enacted in 2003. A new Law on Victims and Witness protection was adopted and covers also situations of international crimes. It contains dispositions on compensation, redress and reintegration. **Substantive criminal law:** The new Criminal Code contains a chapter on crimes against humanity. Since the definitions of the crimes are not totally compatible with the RS, a new law, only on International Crimes, should be drafted in order to ensure full complementarity. This draft should be finalised in 2005. **APIC:** Signature on 30 June 2004. Revised: September 2004. Ratified: 17 November 2005

Russian Federation

Signature 13 Sept. 2000

A comparative study of national legislation and provisions of the Rome Statute has been conducted. The problems raised were: i. Constitutional issues; ii. Material criminal law; iii. Cooperation with the ICC. For surrender and extradition, a legal study concluded that no constitutional amendments are required.

The Criminal Code must be adapted to the Rome Statute and parts of the Criminal Procedural Code must be reviewed. Proposals for amendments should be sent soon to the Presidential Administration along with a formal proposal to launch the ratification of the Rome Statute. Once the President has reviewed the proposals, they will be sent to the Duma, where they will be submitted to several committees (International Affairs Committee, Legal Affairs Committee, Security Committee). Revised: July 2006.

San Marino

Signature 18 July 1998 – Ratification 13 May 1999

Serbia

Signature 19 Dec. 2000–Ratific.6 Sept. 2001

On 5 February 2003, the State of Serbia and the State of Montenegro proclaimed the coming into force (with immediate effect) of the Constitutional Charter of the State Union of Serbia and Montenegro. Following this changes, jurisdiction in the area of the criminal substantive and procedure law belongs to the Republics, which are members of the state union of Serbia and Montenegro. **Cooperation:** There is no law regulating cooperation with the ICC. It is not yet clear whereas cooperation is of the competence of the State Union or of each republic. For some opinion, in accordance to the Constitutional Charter of the State Union, cooperation with the ICC is to be dealt with by the State Union of Serbia and Montenegro. Only when the new Constitutions for Serbia and for Montenegro are adopted will the cooperation competence be clarified.

Serbia: Substantive Criminal Law: A new Criminal Code adopted in September 2005, has entered into force on January 2006. Chapter 34 on the ‘Criminal Offences against humanity and other rights guaranteed by International Law’, includes international crimes with similar definitions as in the Rome Statute, but there is still room for improvement.. The Ministry of Justice of Serbia and the OSCE Mission in Belgrade organised a round table to discuss the draft, on the 30th of September 2004. Representatives of the government, national human rights NGOs (Belgrade Centre for Human Rights, Humanitarian Law Centre) representatives of professional legal bodies (the association of prosecutors) and university law professors attended the discussion and had the possibility to present written comments to the Working Group. Amnesty International participated in the debate and presented a summary of its main concerns, based on its Checklist for effective implementation (available at <http://www.amnesty.org/icc>). Serbia enacted a Criminal Code in 1994 that regulates special offences, which has been amended in 2002 and in April 2003. In June 2003, the Serbian Parliament approved war crimes legislation, allowing for the local prosecutions of war crimes suspects: “Law on the Organization and Jurisdiction of Government Authorities in Prosecuting Perpetrators of War Crimes.” Under this law, the Serbian authorities set up a legal and institutional framework for the successful conduct of war crime trials. The law creates the Office of the War Crimes Prosecutor, the War Crimes Investigation Service, the War Crimes Panel at the Belgrade District Court, the Special Detention Unit as well as some procedural innovations, such as the questioning of witnesses via video link, the audio recording of the main hearing proceedings (already applied in organised crime trials), etc. The “Law on Organisation and Jurisdiction of Government Authorities in Prosecuting Perpetrators of War Crimes”, 7 July 2003, is Available at: http://www.osce.org/documents/fry/2003/07/446_en.pdf. **APIC:** Ratified: 7 May 2004. Revised: February 2006.

Kosovo / UNMIK:

Substantive Criminal Law: A new Criminal Code defines war crimes and introduces new offences, such as crimes against humanity. According to UNMIK’s Regulation UNMIK/REG/2003/25, the Provisional Criminal Code shall enter into force nine months after the date of signature on 6 April 2004. The Criminal Code is available at: www.unmikonline.org/regulations/2003/RE2003_25_criminal_code.pdf. **Cooperation:** The issue of cooperation with the ICC has not yet arisen, according to UNMIK (May 2003). UNMIK would be open to cooperation with the ICC where appropriate, though the legal framework for such cooperation would first need to be established directly between UNMIK and the ICC. According to a UNMIK’s Regulation UNMIK/REG/2003/26, a Provisional Criminal Procedure Code shall enter into force nine months after the date of signature on 6 April 2004. The Provisional Criminal Procedure Code of Kosovo is available at: www.unmikonline.org/regulations/2003/RE2003_26_PCPC.pdf Under Chapter XIVIII, on “Procedures for the Transfer of Defendants and Convicted Persons to and from Foreign Jurisdictions”, the CPC’s Article 516 reads:“(2) The procedures regarding the co-operation with the International Criminal Court, (...)lie outside the scope of the present Code and are governed by separate legal arrangements.” **APIC:** Signature: 18 July 2003-Ratification: 7 May 2004. Revised: June 2004.

Slovakia

Signature 23 Dec. 1998-Ratific. 11 April 2002

Substantive criminal law: On 19 June 2002, the Slovak Parliament passed the Law No. 421/2002 amending the Penal Code. This amendment has become effective as of the 1st September 2002. The following provisions have been introduced to the Penal Code with the aim to implement the Rome Statute:

Crimes: Introduction of crimes against humanity; “Acting under lawful orders” does not constitute a full defence in case of genocide and crimes against humanity (§ 15a); Universal jurisdiction: introduced also for the crimes against humanity (for war crimes and crime of genocide the universal jurisdiction already existed) (§19).

The possibility of imposing the sentence of life imprisonment under certain conditions in case of crime against humanity has been introduced (§ 29 par.3).

The responsibility of military commander (including “should have known” responsibility) and other superior responsibility for war crimes, crimes against humanity and crime of genocide have been introduced to Chapter X (Chapter X contains crimes under international law) (§ 265a). The definition of internal armed conflict has been specified in this context.

The Law No. 253/2001 Coll. of Laws (effective as of 1st August 2001) also amended the Penal Code. This law enables to extradite or surrender the citizen of the Slovak Republic if such an obligation exists stemming from the international treaty or the binding decision of the international organization. **Cooperation:** The following amendments to the Code of Criminal Procedure (Law No. 422/2002 Coll. of Laws) passed on 20 June 2002 (effective as of 1st October 2002): The new provision (§ 374) of the CCP contains a specific reference to the ICC established under international treaty or established under the decision of the international organization which is binding for the Slovak Republic. If there is a request for cooperation with the ICC, the provisions of the respective Chapter on Cooperation with Foreign Authorities are applicable for such request taking into account that Rome Statute takes precedence over law. There is an ongoing process of preparing a recodification of substantive and procedural penal law, new drafts of the Penal Code and the Code of Criminal Procedure

is under discussion. Source: Conference "ICC-Implementation in Central and Eastern Europe", Bucharest, 9-11 May 2003. **APIC:** Signature: 19 December 2003; Ratification: 26 May 2004. Revised: June 2004.

Slovenia

Signature 7 Oct. 1998 – Ratification 31 Dec. 2001

Law of **Cooperation** with the ICC: Passed by the Parliament on the 25th of October 2002. It is published in the Official Gazette. An unofficial translation to English is available at: http://web.amnesty.org/pages/int_jus-legislation_slovenia-eng/

Substantive Criminal Law: The Law on Amendments to the Criminal Code (Official Gazette of RS, No. 40/04), which comprises the implementation of substantive provisions of the Rome Statute, came into force on 5 May 2004. With this law criminal offences against humanity and international law, criminal offences against judiciary and criminal offences from the field of obstruction of justice in the Slovene Criminal Code are harmonized with the provisions of the Rome Statute. Only special provisions on command responsibility were not implemented yet. Partially civil and military command or responsible persons may be held liable for the offences from the Rome Statute on the basis of the General Part of the Slovene Criminal Code on participation in criminal offence (i. e. Complicity, Criminal Solicitation, Criminal Support). Source: Ministry of Justice Slovenia. **Enforcement of sentences:** Enforcement of sentences is regulated in the Criminal Sanctions Enforcement Act (official Gazette of the RS, No. 22/00). Under the provisions of this law criminal sanctions and other measures passed by domestic courts in a criminal procedure are enforced. The Ministry of Justice of Republic of Slovenia is drafting the proposal of the Law on Amendments to the Criminal Sanctions Enforcement Act, which will enable Republic of Slovenia to conclude the agreement with the International Criminal Court to allow the enforcement of the sentenced passed by the International Criminal Court in Slovene prisons. Since the maximum prison sentence according to the provisions of the Criminal Code is thirty years, this will also be the limitation regarding the enforcement of sentences, passed by the International Criminal Court, in Republic of Slovenia. The Government of Republic of Slovenia will debate the proposal by the end of December 2005 and submit it to the Parliament for adoption. Source: Ministry of Justice. **Victims:** a) The compensation of victims of violent intentional crimes is regulated by the Compensation of Crime Victims Act (Official Gazette of RS, No. 101/05), which came into force on 11 November 2005 and will become applicable on 1 January 2006. The compensation for recognized damage will be assured by the state budget, regardless of the result of concrete criminal procedure or liability of perpetrator. The law refers to citizens of Republic of Slovenia and citizens of other states members of the European Union. Until 1 January 2006 the victim of crime may acquire the compensation from the perpetrator by claiming for indemnification in the criminal procedure or suing for damages in civil procedure. For the victims of criminal offences from the field of terrorism the compensation is assured by the state according to provisions of the Obligations Code.

b) For the present the protection of witnesses in criminal procedure is regulated by the Criminal Procedure Act (Official Gazette of RS, No. 96/04 - Officially Consolidated Text 2 and No. 101/05) in the manner which enables the judge to order the anonymity of endangered witness during interrogation. The Government of Republic of Slovenia has already submitted the proposal of the Witness Protection Act to the Parliament, which will debate it on its 11th session which starts on 21 November 2005. It is expected that the proposed law will be passed by the Parliament by the end of November 2005. The new law will regulate competent bodies, procedure for ensuring the protection, protection measures, witness protection programmes and international co-operation. The protection of endangered witnesses and their close persons will be possible in the pre-trial procedure, trial procedure and after criminal procedure. The law will also give the legal basis for the agreements between Republic of Slovenia and competent bodies of other states or International Criminal Court on witness protection in concrete cases. **APIC:** Signature: 25 September 2003 - Ratification: 23 September 2004. Last revised: January 2006.

Spain

Signature 18 July 1998-Ratification 25 Oct 2000

Cooperation: The Law on Cooperation with the ICC titled " Ley Orgánica 18/2003, de Cooperación con la Corte Penal Internacional" (B.O.E. 11/12/2003) was approved by the Parliament in December 2003. An amendment to this law could soon be carried out.

Substantive criminal law: The new Penal Code including crimes under the Rome Statute was published in the "Boletín Oficial del Estado": Ley Organica 15/2003, 25 Nov. por la que se modifica la L.O. 10/95, 23 Nov. del Código Penal (B.O.E. de 26/11/2003). Both laws can be found at www.boe.es

APIC: Signed 21 April 2003. Revised: February 2004.

Sweden

Signature 7 Oct. 1999- Ratification 28 June 2001

Cooperation: On the 25th of April 2002, the Swedish Parliament adopted the new Act on Cooperation with the International Criminal Court. It covers arrest and surrender to the Court, other forms of Cooperation and enforcement of sen-

tences and other decisions. It entered into force on the 1st of July 2002 and can be found, in draft form and in Swedish, at: http://justitie.regeringen.se/propositionermm/propositioner/pdf/p200102_88.pdf

Substantive Criminal Law: The Ministry of Justice has indicated that the draft criminal code will be sent to the Parliament in the autumn of 2006 at the earliest. Until April 2003, NGOs had the opportunity to study and comment on the draft criminal code. A report is published, with a summary in English (page 21) at: http://justitie.regeringen.se/propositionermm/sou/pdf/sou2002_98a.pdf The Commission in charge of revising the criminal code for the implementation of international crimes and jurisdiction over such crimes had first submitted a report on the 31st October 2002. Swedish Amnesty International lawyers' group, who has been very involved in this process, pointed out some major concerns: Sweden has not changed its immunity regulations, which are not in accordance with the RS. The Constitution must be amended but that will happen only in 2006 with the next elections. When Sweden ratified the Statute, the government stated that it might not be necessary to change the immunity regulations, since it would be unlikely that Swedish members of government would commit crimes against the statute. AI Sweden is urging for the necessary changes. There is one inquiry about penalising crimes against the Court's jurisdiction; a memorandum is expected. There is a memorandum about the necessary changes in the Swedish Penal Code and Procedural Code (new crimes, universal jurisdiction etc). Source: Swedish Amnesty's lawyers' group and UNA-Sweden. **APIC:** Signature: 19 February 2004-Ratification: 13 January 2005. **Universal Jurisdiction:** It is proposed in the draft criminal code that Swedish courts shall have universal jurisdiction over genocide, crimes against humanity and war crimes i.e. be competent to try to charges on such crimes regardless of where or by whom they have been committed. Revised: November 2005.

Switzerland

Signature 18 July 1998–Ratification: 12 Oct. 2001

Cooperation: On the 21st June 2001, Switzerland adopted a Federal Law of Cooperation with the ICC. A separate law implemented Art. 70 of the Rome Statute. In order to establish effective cooperation, a central service has been created under the Federal Justice Office. It is competent to deal with ICC demands e.g. on transfer of individuals, proof and audition of suspects. This office also decides when collaboration is admissible, order the necessary measures and demand a federal authority or Canton to execute the request. **Substantive Criminal law:** The Swiss Administration has just finalised the drafting the Legislation providing domestic jurisdiction over all the ICC crimes, which is now open for public consultation ending on the 31st of December 2005. Relevant NGOs, together with other members of civil society, are being invited to provide their view. The main focus is on revising provisions of the general part of the Swiss penal code and penal military code. For more information please visit: http://www.ejpd.admin.ch/doks/mm/content/mm_view-f.php?mmID=2469 or http://www.ejpd.admin.ch/doks/mm/content/mm_view-f.php?mmID=2469&topic=Mens. has just finalised a project on complementary law with the ICC, which has now been presented to the Swiss Coalition for the International Criminal Court for adoption. This project is an "ideal" complementary law. Once adopted, it will be used as a response to the public consultation on behalf of the Swiss Coalition for the ICC. If you are planning to prepare comments to the draft law, it would be good to get in touch with TRIAL to join efforts and coordinate actions in order to achieve the best possible implementing law. The person responsible for the project at TRIAL is David Lounici (Email: david.lounici@trial-ch.org; Tel: 0033 667 45 21 93).

UJ: on December 15, 2003, the Conseil National restricted the scope of Swiss UJ provisions by amending the War penal code, so to authorize the prosecution of a war criminal only if he/she is present on the Swiss territory and has a "close link" with Switzerland. Source: TRIAL (track Impunity Always) and Federal Department of Foreign Affairs.

APIC: Signature on 10 September 2002. Revised: October 2004.

Tajikistan

Signature 30 Nov. 1998-Ratification 5 May 2000

At a Conference on Implementing Legislation, in Dushanbe, Tajikistan, 4-5 October 2004, a representative of the Presidential Administration announced that Tajikistan would accede to the APIC in the near future and that Tajikistan would implement the Rome Statute. A working group for the implementation of the RS has been created and found that amendments to the Criminal Code and to the Code of Criminal Procedure are required and so is a Law on Cooperation. Revised: October 2004.

Turkey*

No signature.

On October 8, 2004, Turkish Prime Minister Tayyip Erdogan addressed the Parliamentary Assembly of the Council of Europe in Strasbourg saying that "Turkey will soon approve the Rome Agreement after completing its internal preparations and will become part of the International Court Convention".

A new criminal code has passed in the Parliament with definitions of genocide and crimes against humanity. A working group is preparing an International Crimes Act to fully implement the Rome Statute in what regards complementarity. A definition of war crimes should also be included in this Act.

On May 7 2004, the Turkish Parliament approved, with a majority of 457 votes, an amendment to Art. 38 of the Constitution that reads: "Except for obligations required by becoming Party to the Statute for the ICC, no citizen shall be extradited to a foreign country on an account of an offence" (non-official translation). This amendment has been signed and published in the official gazette on the 22 May 2004. The Turkish version of the amendment is available at: <http://www.tbmm.gov.tr/anayasa/anayasa2004.htm> whereas the English translation is expected soon at <http://www.tbmm.gov.tr/anayasa/constitution.htm>. **Latest news:** a conference on the ICC has been organised by the national coalition on the ICC in Istanbul on 6 October 2006, around 25 organisations attended the meeting that aimed at reaching out to civil society organisations and the media in Istanbul to try and push forward ratification and raising awareness. Revised: November 2006.

Turkmenistan

No signature. No recent news.

Ukraine*

Signature: 20 Jan. 2000

A draft law on constitutional amendments – prepared by the MoJ has been finalised and it is now going through an inter-ministerial consultation before being sent to Presidential Administration for considerations and then submitted to Parliament most probably in the first half of 2007, officials report.. The Parliament must adopt the bill with 2/3 majority, and the draft legislation to effectively implement the Rome Statute into Ukraine's domestic legal order shall be presented at the same time. In this regard, an interministerial working group that will include civil society has been established and will soon start working on the implementation package. **APIC:** The Parliament of Ukraine adopted the draft law on APIC on 18 October with a majority of 286 deputies out of 326. The draft has now been signed into law by President Yuschenko and should be deposited at the UN Treaty Office in the very near future. Ukraine is therefore the first non-state Party to ratify APIC. Revised: November 2006.

United Kingdom

Signature 30 Nov. 1998 – Ratification: 4 Oct. 2001

The ICC Act 2001, allowing ratification, incorporates into domestic law the offences in the ICC Statute and makes provision for them to be dealt with domestically in the Crown Court. The Act makes provision for the arrest and surrender of persons in the UK wanted by the ICC and for the serving of custodial sentences in the UK of persons convicted by the Court. **APIC:** Signature: 10 September 2002. The UK said it is now unable to ratify APIC but should do so in 2006.

Victims: The UK's implementing legislation contained no provision for reparations for victims for crimes under the statute. However the UK has contributed to the ICC Victims Trust fund.

Universal Jurisdiction: While the ICC Act 2001 does not create universal jurisdiction for the offences mentioned under section 51, you should note that since the Geneva Conventions Act 1957 and the Geneva Conventions (Amendment) Act 1995 remain in force, there continues to be universal jurisdiction in respect of grave breaches of the Geneva Conventions and the first Additional Protocol, as required by those instruments.

Sentence Enforcement: The UK is nearing completion of the negotiation of a Sentence Enforcement Agreement. However, a legislative amendment regarding extradition is required before signature is possible.

Revised: November 2005.

Uzbekistan

Signature 20 December 2000

ICC ratification is not included in the political agenda. Source: Nozima Kamalova, Legal Aid Society.

Acronyms:

APIC: Agreement on Privileges and Immunities.- **ICC:** International Criminal Court.-**RS:** Rome Statute.

STATES PARTIES TO THE ROME STATUTE OF THE ICC

(104 ratifications as of 31 October 2006)

AFRICA

(29 STATES PARTIES)

Benin 22 January 2002
 Botswana 8 September 2000
 Burkina Faso 16 April 2004
 Burundi 21 September 2004
 Central African Rep. 3 October 2001
 Chad 1 November 2006
 Comoros 18 August 2006
 Congo (Brazzaville) 3 May 2004
 Dem. Rep. of Congo 11 April 2002
 Djibouti 5 November 2002
 Gabon 20 September 2000
 Gambia 28 June 2002
 Ghana 20 December 1999
 Guinea 14 July 2003
 Kenya 15 March 2005
 Lesotho 6 September 2000
 Liberia 22 September 2004
 Malawi 19 September 2002
 Mali 16 August 2000
 Mauritius 5 March 2002
 Namibia 25 June 2002
 Niger 11 April 2002
 Nigeria 27 September 2001
 Senegal 2 February 1999
 Sierra Leone 15 September 2000
 South Africa 27 November 2000
 Tanzania 20 August 2002
 Uganda 14 June 2002
 Zambia 13 November 2002

AMERICAS

(23 STATES PARTIES)

Antigua & Barbuda 18 June 2001
 Argentina 8 February 2001
 Barbados 10 December 2002
 Belize 5 April 2000
 Bolivia 27 June 2002
 Brazil 20 June 2002
 Canada 7 July 2000
 Colombia 5 August 2002

Costa Rica 7 June 2001
 Dominica 12 February 2001
 Dominican Republic 12 May 2005
 Ecuador 5 February 2002
 Guyana 24 September 2004
 Honduras 1 July 2002
 Mexico 28 October 2005
 Panama 21 March 2002
 Paraguay 14 May 2001
 Peru 10 November 2001
 St. Kitts & Nevis 22 August 2006
 St. Vincent & Grenadines 3 December 2002
 Trinidad & Tobago 6 April 1999
 Uruguay 28 June 2002
 Venezuela 7 June 2000

ASIA/PACIFIC ISLANDS

(12 STATES PARTIES)

Afghanistan 10 February 2003
 Australia 1 July 2002
 Cambodia 11 April 2002
 East Timor 6 September 2002
 Fiji 29 November 1999
 Marshall Islands 7 December 2000
 Mongolia 11 April 2002
 Nauru 12 November 2001
 New Zealand 7 September 2000
 Rep. of Korea 13 November 2002
 Samoa 16 September 2002

EUROPE/CIS

(40 STATES PARTIES)

Albania 31 January 2003
 Andorra 30 April 2001
 Austria 28 December 2000
 Belgium 28 June 2000
 Bosnia-Herzegovina 11 April 2002
 Bulgaria 11 April 2002
 Croatia 21 May 2001
 Cyprus 7 March 2002
 Denmark 21 June 2001
 Estonia 30 January 2002

Finland 29 December 2000
 France 9 June 2000
 Georgia 5 September 2003
 Germany 11 December 2000
 Greece 15 May 2002
 Hungary 30 November 2001
 Iceland 25 May 2000
 Ireland 11 April 2002
 Italy 26 July 1999
 Latvia 28 June 2002
 Liechtenstein 2 October 2001
 Lithuania 12 May 2003
 Luxembourg 8 September 2000
 Macedonia, FYR 6 March 2002
 Malta 29 November 2002
 Montenegro 23 October 2006
 Netherlands 17 July 2001
 Norway 16 February 2000
 Poland 12 November 2001
 Portugal 5 February 2002
 Romania 11 April 2002
 San Marino 13 May 1999
 Serbia 6 September 2001
 Slovakia 11 April 2002
 Slovenia 31 December 2001
 Spain 24 October 2000
 Sweden 28 June 2001
 Switzerland 12 October 2001
 Tajikistan 5 May 2000
 United Kingdom 4 October 2001

N. AFRICA/ MIDDLE EAST

(1 STATE PARTY)

Jordan 11 April 2002

TOTAL RATIFICATIONS: 104

**RATIFICATION AND SIGNATURE OF THE
AGREEMENT ON THE PRIVILEGES AND IMMUNITIES OF THE COURT (APIC), BY REGION
(44 ratifications, 62 signatures as of 6 October 2006)**

RATIFICATIONS (44)**AFRICA (7)**

Benin 24 January 2006
Burkina Faso 10 October 2005
Central African Republic
6 October 2006
Lesotho 16 September 2005
Liberia 16 September 2005
Mali 8 July 2004

Namibia 29 January 2004

AMERICAS (9)

Belize 14 September 2005
Bolivia 20 January 2006
Canada 22 June 2004
Ecuador 19 April 2006
Guyana 16 November 2005
Panama 16 August 2004
Paraguay 19 July 2005
Trinidad & Tobago 6 February 2003
Uruguay 3 November 2006

ASIA / PACIFIC ISLANDS (2)

New Zealand 14 April 2004
Republic of Korea 18 October 2006

EUROPE (26)

Albania 2 August 2006
Andorra 11 February 2005
Austria 17 December 2003
Belgium 28 March 2005
Bulgaria 28 July 2006
Croatia 17 December 2004
Cyprus 18 August 2005
Denmark 3 June 2005
Estonia 13 September 2004
Finland 8 December 2004
France 17 February 2004
Germany 2 September 2004
Hungary 22 March 2006
Iceland 1 December 2003
Latvia 23 December 2004
Liechtenstein 21 September 2004
Lithuania 30 December 2004
Luxembourg 20 January 2006

Macedonia 19 October 2005
Montenegro 23 October 2006
Norway 10 September 2002
Romania 17 November 2005
Serbia 7 May 2004
Slovakia 26 May 2004
Slovenia 23 September 2004
Sweden 13 January 2005

SIGNATURES (62)**AFRICA (11)**

Benin 10 September 2002
Burkina Faso 7 May 2004
Ghana 12 September 2003
Guinea 1 April 2004
Madagascar 12 September 2002
Mali 20 September 2002
Namibia 10 September 2002
Senegal 19 September 2002
Sierra Leone 26 September 2003
Tanzania 27 January 2004
Uganda 7 April 2004

AMERICAS (16)

Argentina 7 October 2002
Bahamas 30 June 2004
Belize 26 September 2003
Bolivia 23 March 2004
Brazil 17 May 2004
Canada 30 April 2004
Colombia 18 December 2003
Costa Rica 16 September 2002
Ecuador 26 September 2002
Jamaica 30 June 2004
Paraguay 11 February 2004
Panama 14 April 2003
Peru 10 September 2002
Trinidad & Tobago
10 September 2002
Uruguay 30 June 2004
Venezuela 16 July 2003

ASIA / PACIFIC ISLANDS (3)

Mongolia 4 February 2003
New Zealand 22 October 2002

Republic of Korea 28 June 2004

EUROPE (31)

Andorra 21 June 2004
Austria 10 September 2002
Belgium 11 September 2002
Bulgaria 2 May 2003
Croatia 23 September 2003
Cyprus 10 June 2003
Denmark 13 September 2002
Estonia 27 June 2003
Finland 10 September 2002
France 10 September 2002
Germany 14 July 2003
Greece 25 September 2003
Hungary 10 September 2002
Iceland 10 September 2002
Ireland 9 September 2003
Italy 10 September 2002
Latvia 29 June 2004
Lithuania 25 May 2004
Luxembourg 10 September 2002
Norway 10 September 2002
Poland 30 June 2004
Portugal 10 December 2002
Romania 30 June 2004
Serbia & Montenegro 18 July 2003
Slovakia 19 December 2003
Slovenia 25 September 2003
Spain 21 April 2003
Sweden 19 February 2004
Switzerland 10 September 2002
The Netherlands 11 September 2003
United Kingdom 10 September 2002

NORTH AFRICA / MIDDLE EAST (1)

Jordan 28 June 2004

In light of the Court's official launch of investigations, the Coalition continues to urge States to make it a priority to ratify the Agreement on Privileges and Immunities of the Court (APIC). With the 10th ratification of the Agreement by Canada on 22 June 2004, the Agreement entered into force on 22 July 2004. To date, 31 countries have ratified the APIC, see above. The Agreement on Privileges and Immunities of the Court was adopted by the Assembly on 9 September 2002 and provides the judges, officials and staff with privileges, immunities and facilities to ensure the effectiveness and independence of their work. The Agreement also provides a necessary set of privileges and immunities for victims, witnesses, counsel, experts and other persons involved in the Court. The Agreement was open for signature from 9 September 2002 until 30 June 2004 and entered into force on 22 July 2004. For more information on efforts to promote ratification of this agreement, contact Cecilia Nilsson at: nilsson@iccnw.org

CALENDAR OF EVENTS IN EUROPE

November

- 7 November **ASP Diplomatic briefing**, Brussels, organised by the CICC.
For more information please write to Luisa Mascia at Mascia@iccnw.org
- 9-10 November **Council Working Group on Public International Law (Cojur-Sub-area ICC)**, Council of the European Union, The Hague, The Netherlands.
- 20-21 November **National and International Responses to Serious International Crimes: Fostering an EU approach to Serious International Crimes**, conference organised by FIDH and REDRESS that will bring together a wide range of experts from the EU institutions, officials, practitioners, civil society.
For more information and registration please contact Jürgen Schurr at: juergen@redress.org.
- 22-1 December **Fifth session of the Assembly of State Parties**, The Hague, The Netherlands.
More information available at: www.icc-cpi.int.

December

- 7-8 December **8th Annual NGO Forum on Human Rights-Mainstreaming Human Rights and Democracy in the European Union Policy**, organised by the Finish Presidency of the EU and the European Commission, Helsinki, Finland. For more information please contact: Daniela@cecoforma.be
- 8 December **Council Working Group on Public International Law (Cojur-Sub-area ICC)**, Council of the European Union, Brussels, Belgium.

NEW PUBLICATIONS

- ◆ **"Victims, Perpetrators, Heros? Child Soldiers before the ICC"**, Mariana Goetz, REDRESS, this report looks at child soldiering in the context of the Lubanga case, available at <http://www.redress.org/reports.html>
- ◆ The 10 Edition of the ICC newsletter, November 2006 is available at: <http://www.icc-cpi.int/library/about/newsletter/index.html>
- ◆ The **Institute for War and Peace Reporting**, a media development NGO that has been long specialised in covering the Yugoslav Tribunal in The Hague, is starting to produce more material on the ICC. We plan to have regular coverage, including profiles of key individuals, articles which highlight different parts of the court's work, and analyses of ongoing situations. Please visit: www.iwpr.net.
- ◆ The new issue of CJRs newsletter is online. It features a.o. articles on various launches of the Manual for African Faith based Communities on Advancing Justice and Reconciliation in relation to the ICC, and on the first training based on this Manual in North Uganda. The Manual was published by the Faith and Ethics Network for the ICC earlier this year. You can access the newsletter via www.cjr.nl.
- ◆ The 7th issue of "Access", the Victims' Rights Working Group Bulletin is now available at <http://www.vrwg.org/Publications/04/ENG07.pdf>
- ◆ The Monitor CICC publication available at: <http://www.iccnw.org/index.php?mod=monitor>

For more information on the CICC publications please visit our website page at: www.iccnw.org



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participating NGOs.*

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What is the Coalition for the International Criminal Court

The Coalition for the International Criminal Court (CICC) is a network of over two thousand civil society organisations in around 150 countries, supported through regional coordinators and liaisons based all over the world.

The role of the Coalition is to represent, facilitate and coordinate the work of its worldwide membership, while serving as the primary information resource on the ICC and a liaison between governments, International Criminal Court officials, international organisations, academics and civil society members.

The CICC is working since 1995, towards a common goal: the establishment of a permanent, fair and independent International Criminal Court. Since the Rome Conference adopted, in July 1998, by an overwhelming majority of states (120) the Rome Statute, the Coalition has been mandated to focus on five interconnected goals:

- **Promoting universal acceptance** and ratification of the Rome Statute, as well as promoting and facilitating technical cooperation to ensure the adoption of strong domestic implementing legislation;
- **Promoting education and awareness** on the ICC and the Rome Statute at the national, regional and global level;
- **Facilitating the effective participation of civil society and NGOs** as observers at the Assembly of States Parties, in particular, of representatives from the south;
- **Expanding and strengthening** the global network of organisations working on the ICC;
- **Assuring the effective functioning** of the ICC.

Since 1999, the European Office of the CICC is based in Brussels with a mandate to further the goals outlined above with a particular focus on Europe and Central Asia.

Historical Overview

With 100 States Parties as of the 24 November 2005, support to the ICC continues to expand. Yet, the universal nature of the Rome Statute calls for prompt and worldwide ratification and accession.

In June and July 1998, in an effort to strengthen mechanisms of international justice and bring an end to impunity, the international community met at the Rome Diplomatic Conference of Plenipotentiaries. The purpose of this gathering was to work on a treaty to establish the world's first permanent International Criminal Court. At that time, many thought it impossible that the five weeks of negotiations would result in the adoption of a treaty. Yet, on 17 July 1998, the Rome Statute of the ICC was adopted by a vote of 120 to 7, with 21 abstentions. Even with this enormous achievement, predictions were made that it would be decades before enough governments would make the political commitment and work through the complex legal issues to bring the treaty into force. Since the adoption of the Rome Statute, 139 countries signed the Court's treaty by the established deadline of December 31, 2000. With the deposit of the 60th ratification instrument on the 11th April 2002, the Rome Statute entered into force on the 1st July 2002, pursuant to article 126 of the Rome Statute, beginning the jurisdiction of the world's first permanent tribunal capable of trying individuals accused of the most serious violations of International Humanitarian Law: genocide, war crimes, crimes against humanity and once defined, aggression.

Following the entry into force of the Rome Statute on July the 1st 2002, the ICC established its headquarters in The Hague, the Netherlands, and sworn in its senior officials, including eighteen Judges, the Prosecutor and Registrar.

Latest development:

In June and July 2004, the Office of the Prosecutor announced the launch of formal investigations in the Democratic Republic of Congo and Uganda. On January, 7, 2005 the Prosecutor office announced a new State referral to the ICC by the Central African Republic (CAR). On February 15, the Registrar announced that the Ivory Coast has accepted the jurisdiction of the ICC. The UN Security Council referred the situation of Darfur, Sudan, to the ICC, with resolution 1593 adopted on the 31st of March 2005. On 13 October 2005, the Pre-Trial Chamber II of the ICC unsealed the warrants of arrest for 5 senior leaders of the Lord's Resistance Army (LRA) for Crimes Against Humanity and War Crimes committed in Uganda since July 2002". On 17 February 2006, Pre-Trial Chamber I unsealed a warrant of arrest against Thomas Lubanga Dyilo. He was arrested in cooperation with the Congolese authorities and transfer to the ICC. T. Lubanga is the first person to be arrested and transferred to the Court since the entry into force of the Rome Statute. On 9 November 2006, the ICC Pre-Trial Chamber held the first confirmation of charges hearing in the Lubanga case.



The seat of the ICC in The Hague

Credit: Dutch Ministry of Foreign Affairs

What is the International Criminal Court

Based in The Hague, The Netherlands, the International Criminal Court (ICC) is the first permanent court capable of trying individuals accused of the most serious violations of international humanitarian and human rights law, namely genocide, crimes against humanity and war crimes. The treaty that established the ICC, the Rome Statute, entered into force on July 1, 2002, and provisional headquarters for the Court were opened shortly thereafter. Since that time all senior ICC officials, including the first 18 judges (of whom 7 are women); ICC Prosecutor Luis Moreno Ocampo of Argentina, and Registrar Bruno Cathala of France, have been elected and taken office. The ICC does not have jurisdiction over crimes committed before the 1st July 2002, the date the Rome Statute entered into force.

What are the triggering mechanisms of the International Criminal Court

States Parties can refer to the Prosecutor of the ICC situations in which crimes within the jurisdiction of the Court appear to have been committed and request the Prosecutor to investigate the situation (Art. 14 RS). The Prosecutor may also initiate investigations proprio motu on the basis of information received, for example from NGO communications. In order to proceed with the investigation, the Prosecutor must obtain authorisation from the Pre-Trial Chamber of the Court (Article 15 RS). In these cases, one of the following preconditions shall apply:

- Criteria of Territoriality: The ICC has jurisdiction over crimes committed in the territory of States Parties or in the territory of a Non State party that accepted on an ad hoc basis the jurisdiction; of the Court, regardless of the nationality of the perpetrator;
- Criteria of the Nationality of the accused: The ICC has jurisdiction over crimes committed by individuals who are nationals of States Parties, or of Non States parties which have accepted the jurisdiction of the Court, regardless of where the crime is committed.

The Rome Statute also envisages referrals to the ICC from the UN Security Council. The Security Council can, acting under Chapter VII of the Charter of the United Nations, refer a situation in which one or more crimes appear to have been committed. No prerequisite of territoriality or nationality is necessary (Article 13 (c) RS).

What is the system of the Rome Statute

The Principle of Complementarity: According to the Rome Statute, national jurisdictions have primary responsibility for bringing those responsible for genocide, crimes against humanity and war crimes to justice. The ICC does not replace national legal systems or the duty of each state to investigate and try individuals for such gross crimes. It is complementary to national jurisdictions. Thus, the ICC will only intervene if the State is unwilling or unable to investigate, prosecute and try an individual who allegedly committed the crimes foreseen in the Rome Statute. The State is unwilling, if, for example, a national decision has been made for the purpose of shielding the person concerned from criminal responsibility for the crimes foreseen in the Rome Statute- Article 17, 2(a). The State would be unable if, for example, it were incapable to carry out its proceedings, e.g. if the national criminal legislation does not foresee the crimes in the Rome Statute. Thus, national criminal legislation must be adopted in order to ensure that the State can carry out the investigation, prosecution and try the individual.

The general obligation of States Parties to cooperate fully with the Court in its investigations and prosecution:

States are obliged to provide any necessary procedures under national law for cooperation with the ICC. The ICC depends on the support and cooperation by States to assist the Prosecutor and the Court with the investigations, detaining and surrendering suspects, protecting and delivering evidence, protecting witnesses and victims, etc. Thus, implementation of dispositions enabling full cooperation with the ICC is fundamental. A most significant achievement of the ICC, in the long term, will result from it being used as a force in strengthening national criminal legislation, by including in the penal codes the criminal types foreseen in the Rome Statute with the same or even broader definitions, ensuring the application of the same principles of criminal law at the national level as well as including dispositions enabling full cooperation with the Court. Often, this implies amending the penal code, the criminal procedural code and in some cases, the Constitution. The CICC is very concerned that, as of today, only few countries have fully incorporated the necessary legislation.

What is the next ICC Campaign?

With the entry into force of the Rome Statute, a new epoch in international justice has begun. Much work remains to ensure that the Court will be as fair, effective and independent as possible, yet we are

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www.iccnw.org



Steering Committee of the Coalition for the ICC

- Amnesty International;
- Asociacion pro Derechos Humanos;
- European Law Students Associations;
- Federation Internationale des Ligues des Droits de l'Hommes;
- Human Rights First;
- Human Rights Watch;
- No Peace Without Justice;
- Parliamentarians for Global Action;
- Rights and Democracy;
- Women's Initiative for Gender Justice;
- World Federalist Movement

inspired by the overwhelming commitment of governments and NGOs from every region of the world. Together, we will work to ensure that the potential of this great institution is fully realised. Members of the Coalition for the International Criminal Court are convinced that in addition to being a strong instrument for strengthening national justice systems, democracy and peace, the ICC represents a profoundly ethical response to the horrendous crimes suffered by millions of victims throughout history. Its creation is one of the best examples of what can be achieved through strong cooperation among governments, international organisations and civil society groups. Meanwhile, NGOs are mindful that in many ways, their work on the ICC is only beginning. The Coalition has identified critical goals for the next phase of its work, which include achieving worldwide ratification of the Rome Statute and ensure the development of strong implementing legislation in all signatory and ratifying countries, as well as accession to the Agreement on Privileges and Immunities (APIC), which allows the Court to protect officials, staff, victims, witnesses and other persons, buildings and resources. The CICC will also be monitoring the independence and transparency of the Court's work and support the activities of the Assembly of States Parties. With the intensification of the US campaign against the ICC, the Coalition and its members pledge to continue protecting the integrity of the Rome Statute.

Become a Member of the Coalition for the International Criminal Court/ CICC Membership Request Form

Fax +1 212 599 1332; or send an email to cica@iccnw.org

_____ wishes to join the NGO Coalition for the ICC,
And (Name of organisation)

- (1) wishes to be involved in maintaining the integrity of the Rome Statute of the ICC;
- (2) wishes to be involved in ensuring the ICC will be as fair, effective and independent as possible; and,
- (3) makes an active commitment to world-wide ratification and implementation of the Rome Statute of the ICC.

_____ (Name and title of representative of organisation)

_____ (Address)

_____ Telephone/Fax

_____ Email

Please return this form to: The NGO Coalition for the International Criminal Court c/o WFM, 708 Third Avenue, 24 Floor, New York, NY, 10017, USA.

THE ICC ON THE INTERNET

Amnesty International: www.amnesty.org/icc/

Asociacion Pro Derechos Humanos (Aprodeh): <http://aprodeh.org.pe>

Benjamin Ferencz's website: www.benferencz.org.

Coalition for the ICC: <http://www.iccnw.org>

Committee for an effective International Criminal Law (CoEICL): <http://www.coeicl.de/>

Constitutional and Legal Policy Institute: <http://www.osi.hu/colpi/indexie.html>

Council of Europe web page on the ICC: <http://www.legal.coe.int/criminal/icc/Default.asp?fd=docs&fn=Docs.htm>

Council of the European Union: <http://ue.eu.int/pesc/icc/en/Index.htm>

ELSA International: <http://www.elsa.org>

European Commission, EuropeAid Co-operation Office:

http://europa.eu.int/comm/europeaid/projects/eidhr/conferences_cpi_en.htm

ECEuropean Initiative for Democracy and Human Rights: www.europa.eu.int/comm/europeaid/projects/eidhr/index_en.htm

Fédération Internationale des Ligues des Droits de l'Homme: www.fidh.org

Human Rights Watch: <http://www.hrw.org>

International Centre for Human Rights and democratic development: <http://www.icj.org/>

International Commission of Jurist: www.icj.org/

International Criminal Court: www.icc-cpi.int/

Lawyers Committee for Human Rights: <http://www.lchr.org>

No Peace Without Justice: www.npwj.org

The Netherlands, Ministry of Foreign Affairs' website on the ICC: www.minbuza.nl/default.asp?CMS_ITEM=MBZ453053

United Kingdom Foreign and Commonwealth Office on the ICC: www.fco.gov.uk/news/keythemapage.asp?PageId=158

United Nations ICC website: www.un.org/law/icc/statute/status.htm

Victims Rights Working Group: www.vrwg.org

Women's Initiatives for Gender Justice: www.iccwomen.org

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