

Nationalrat

Conseil national

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Foreign Affairs Committee

3 December 2002

Integrity of the Statute of the International Criminal Court (Rome Statute). Statement by the National Council and the Swiss Senat

The National Council, the chamber of the people's representatives in the Swiss Parliament, welcomes the entry into force on 1 July 2002 of the Rome Statute of the International Criminal Court. The National Council expresses its satisfaction that as of 12 October 2002 Switzerland is one of the 85 countries that have already ratified the Statute. As a depositary State of the Geneva Conventions and their Additional Protocols, Switzerland has taken an important step in its long tradition of humanitarian commitment.

The establishment of the International Criminal Court is a decisive step in the fight against impunity from war crimes, genocide and crimes against humanity. The fact that the persons responsible for such reprehensible deeds can now be brought before an international court, opens up new perspectives in the search for a more lasting peace which will affect law and justice and help to strengthen international security.

In the view of the National Council it is vital that all countries accede to the Rome Statute so that the International Criminal Court can become an effective and credible instrument of international law. The National Council regrets, therefore, that several countries have not yet ratified the Rome Statute and calls on them to do so as a matter of urgency.

The efforts undertaken by certain countries to enter into bilateral agreements whereby their own nationals should be exempted from the jurisdiction of the International Criminal Court gives cause for grave concern. Such agreements only serve to undermine the authority of the court of law and weaken international efforts for greater respect of human rights.

The National Council thus shares the view of the Federal Council that such an agreement between Switzerland and the US is out of the question and calls on the Federal Council to uphold this policy and do its utmost to ensure the integrity of the Rome Statute.

Furthermore, the National Council supports Resolution 1300, which was unanimously adopted by the Parliamentary Assembly of the Council of Europe on 25 September 2002.¹ The National Council calls on countries that are member or observer States of the Council of Europe to implement this Resolution and to refuse to enter into any bilateral immunity agreements.

The National Council hopes that the US will still, however, decide unreservedly to join the number of States Parties to the Rome Statute.

¹ "Risks for the integrity of the Statute of the International Criminal Court". This Resolution calls, *inter alia*, on member and observer States of the Council of Europe to refuse to enter into any exemption agreements.