



## PARLIAMENTARIANS FOR GLOBAL ACTION

### Parliamentary Campaign for the Effectiveness and Universality of the Rome Statute of the International Criminal Court (ICC) System (*PGA ICC Campaign*)

#### GOALS: UNIVERSALITY – EFFECTIVENESS AND INTEGRITY OF THE ROME STATUTE

PGA is a network of over 1000 members from 131 Parliaments around the globe who, in their individual capacity and using their prerogatives as law-makers, undertake initiatives to support the ICC and the rule of law. As of *October 2011*, the different initiatives and activities of these MPs have contributed directly to 73 of the 119 ratifications/accessions to the Rome Statute of the ICC to date, including the recent ones of Cape Verde, The Maldives, The Philippines, St. Lucia, Seychelles, Bangladesh, Czech Republic, Chile and Suriname.

PGA actively engages parliamentarians in the adoption of implementing legislation to ensure the effectiveness of national jurisdictions the ICC in the application of the principle of complementarity, and participates in the ongoing international campaign to increase support for the Court, in particular in enforcing outstanding ICC arrest warrants.

Since the II half of 2010, PGA engages in parliamentary mobilisation in States Parties to ensure the ratification and domestic implementation of the Kampala Review Conference amendments to the Rome Statute concerning a definition and jurisdictional regime for the crime of aggression and the use of certain prohibited weapons as war crimes in non-international armed conflicts.

#### METHODOLOGY

The trans-regional and national mobilization of parliamentarians, supported by the PGA Secretariat, ensures accurate analyses on the different issues stalling the ICC process in different countries and the multi-partisan involvement of stakeholders to overcome these obstacles and challenges. The tailored initiatives and activities of the Campaign are structured in such a way so as to ensure ‘cross-fertilization’ between international and country-specific activities.

PGA has identified the following **target countries** in which legislators can contribute in a concrete way to ensuring the goals of universality and effectiveness of the Rome Statute system to end impunity for the most serious crimes of concern to humanity as a whole:

Updated 24 Oct 2011

#### A. PRIORITY TARGETS

##### 1. Targets for ratification *and* implementation of the Rome Statute (26)

*Africa*: Cameroon, *Cote d’Ivoire*, Mozambique, and South Sudan

*The Americas*: Bahamas, *El Salvador*, Jamaica, Nicaragua and Guatemala.

*Asia & the Pacific*: Indonesia, *Malaysia*, Nepal and *Pacific Islands States* such as Kiribati, Micronesia (Federated States of), Solomon Islands, *Tuvalu* and *Vanuatu*<sup>1</sup>.

*Europe and the Commonwealth of Independent States (CIS)*: Armenia, Kazakhstan, Turkey, Ukraine [and other Council of Europe and CIS Member States].

*Middle East and the Mediterranean*: Bahrain, *Egypt*, Lebanon, Morocco and Kuwait [and certain other Gulf Countries]

##### 2. Targets on Implementation of the Rome Statute (41)

*Africa*: Burundi, Cape Verde<sup>2</sup>, *Chad*, *Central African Republic*, Comoros, *DR Congo*, Djibouti, Ghana, *Guinea*<sup>3</sup>, *Kenya*<sup>4</sup>, Liberia, Madagascar<sup>5</sup>, Mali, Namibia, Nigeria, Seychelles<sup>6</sup>, Sierra Leone, Tanzania, Uganda<sup>7</sup> [and other ECOWAS Member States]

<sup>1</sup> As a result of parliamentary involvement at the PGA Asia-Pacific Consultations on the ICC (Kuala Lumpur, March 2011), during the extraordinary session of August 2011, the Parliament of *Vanuatu* discussed and unanimously approve the ratification of the Rome Statute.

<sup>2</sup> Cape Verde’s Parliament unanimously adopted the ICC Ratification Bill on 1 July 2011. On 10 October 2011, it deposited at the UN its ratification becoming the 119<sup>th</sup> state party. In 2009 and 2010 PGA had been instrumental in facilitating a bipartisan agreement on the enactment of an ICC-clause in the revised Constitution that “allows” Cape Verde to accept the ICC’s jurisdiction. Legislation on cooperation and proscribing crimes against humanity and some war crimes is pending in its domestic legislation.

<sup>3</sup> In May 2011, the leading PGA Member in the *Guinea*’s Transitional Parliament deposited a comprehensive bill for the implementation of the RS.

<sup>4</sup> The *Kenyan* Int. Crimes Act, sponsored by the multi-party PGA group, was adopted by Parliament on 11 Dec. 08 and entered into force on 1 Jan. 09. Kenya nevertheless remains as target on implementing legislation in order to ensure provisions to deal with crimes committed before the entry into force of the International Crimes Act, and in particular during electoral violence in 2009.

<sup>5</sup> *Madagascar* joined the Rome Statute on March 14, 2008, after that it had amended its Constitution to finalise the ratification process, regarding which Parliament had approved the ICC Ratification Bill at the end of 2006.

<sup>6</sup> The Parliament of the *Seychelles* adopted the Rome Statute Ratification Bill with a unanimous, bipartisan vote on 13 July 2010, allowing Seychelles to become the 112 State Party in August 2010. PGA worked with majority and opposition in the Seychelles in 2002, 2009 and the first half of 2010.

<sup>7</sup> *Uganda* has been successfully targeted by PGA as the ICC Act (2006) was unanimously adopted by Parliament in third reading on 10 March 2010 thanks to the leadership of PGA MPs led by Mr. S. Tashobya, MP (Chair, Legal and Parliamentary Affairs Committee). Uganda remains as target on

The Americas: Brazil, Chile<sup>8</sup>, Dominican Republic, Mexico, Panama, Paraguay, St. Lucia, Suriname<sup>9</sup>, Venezuela [and other OAS MS]

Asia & the Pacific: Afghanistan, Bangladesh, the Cook Islands<sup>10</sup>, Philippines, the Maldives<sup>11</sup> [and other States, especially Pacific Islands]

Europe: Albania, Czech Rep.<sup>12</sup>, Italy, Moldova, Russian Federation, Sweden [and other Council of Europe Member States]

Middle East and the Mediterranean: Jordan, Tunisia,

**3. 27 ACP countries *not yet* Parties to the RS targeted by cross-regional activities of PGA** [*in italics States that are also specific targets*]

Angola, Bahamas, Cameroon, Cote d'Ivoire<sup>13</sup>, Cuba, Equatorial Guinea, Eritrea, Ethiopia, Guinea-Bissau, Haiti, Jamaica, Kiribati, Mauritania, Micronesia (Fed. States of), Niue [not UN Member], Palau, Papua New Guinea, Rwanda, Sao Tome et Principe, Solomon Islands, Somalia, Swaziland, Togo, Tonga, Tuvalu, Vanuatu and Zimbabwe.

**4. States Parties Target for ratification and domestic implementation of the amendments adopted by the Review Conference on the crime of aggression and use of certain weapons in non-international armed conflicts** (50 out of 119 States Parties)

Albania, Argentina, Australia, Austria, Bangladesh, Belgium, Bolivia, Botswana, Brazil, Burundi, Cambodia, Canada, Central African Republic, Chad, Chile, Comoros, Cook Islands, Costa Rica, Democratic Republic of Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Estonia, Germany, Hungary, Italy, Japan, Kenya, Liechtenstein, Mexico, Mongolia, Namibia, Netherlands, New Zealand, Peru, Portugal, Republic of Korea, Senegal, Seychelles, Slovenia, South Africa, Spain, Suriname, Sweden, Switzerland, Trinidad and Tobago, Uganda, Uruguay and Venezuela

[N.B.: underlined are 13 States that have mentioned their intention to ratify the amendments at the ASP in Dec. 2010].

## B. 2011-MID 2012 CALENDAR OF EVENTS

### ➤ PGA-ORGANISED EVENTS:

**Feb. 9-10, 2011:** Workshop on the Implementation of the Rome Statute and Effective Cooperation with the ICC in West Africa, Parliament of Liberia, Monrovia

**March 7-11, 2011:** Asia-Pacific Parliamentary Consultation on the Universality of the Rome Statute of the ICC, Kuala Lumpur, Parliament of Malaysia & parliamentary meetings with the President of the ICC on the occasion of his visit to Malaysia & The Philippines, Parliament of Malaysia, Kuala Lumpur & Congress of The Philippines, Manila  
- March 11-12, 2011: Additional follow-up consultations with Indonesian MPs, Jakarta, Indonesia

**April 4, 2011:** Round-table on Anti-Impunity Legislation of the PGA DRC National Group with the Ambassador-at-large for War Crimes Issues of the US Department of State, National Assembly of the DRC, Kinshasa

**May 31, 2011:** National Conference/Roundtable on the fight against impunity in the DR Congo, including against gender-based violence – the Role of Parliamentarians, Federal Assembly of the Swiss Confederation, Berne, Switzerland

**June 1, 2011:** Strategy Meeting/Roundtable on EU Support to the ICC at the European Parliament (*joint meeting* of the PGA EP Group, the EP Group of the “Friends of the ICC” and the EP HR Subcommittee’s Delegation to the Kampala Review Conference), Brussels, Belgium

**June 6-10, 2011:** Co-sponsorship & participation of PGA of special sessions of the Sub-Committee on ICC Implementing Legislation within the Committee on Legislation and Public Administration (PAJ) of the Chamber of Deputies, Parliament of the DR Congo, Kinshasa, DRC

**Sept. 5-12, 2011:** Mission to Central America – Ratification of the Rome Statute by El Salvador and Technical Assistance on Implementing Legislation by Dominican Rep. and Panama, San Salvador [Panama City and Santo Domingo]

**Sept. 15-16, 2011:** Visit of Legislators from Nepal to the ICC & other institutions in The Hague, The Netherlands

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implementing legislation as PGA MPs are engaged in promoting political, administrative and budgetary measures to give effect to the ICC Act and new reparations-programmes for the benefit of victims.

<sup>8</sup> In Chile, PGA Members have promoted the adoption of Legislation to implement the principle of complementarity and a constitutional amendment to allow Chile’s membership in the ICC system, which had been identified by the parliamentary opposition as legislative preconditions to ratification. As these steps have been finalised in April and May 2009, ratification occurred in June 2009, as announced by PGA Members in the parliamentary debates. Chile remains as implementation target with respect to provisions on cooperation.

<sup>9</sup> Suriname joined the ICC on 15 July 2008, as a result of the mobilisation of a multi-party group of MPs led by PGA member Dr. R. Wijdenbosch.

<sup>10</sup> In The Cook Islands, Cabinet approved the ICC accession bill on 25 June 2008 and it became a State Party on 18 July 2008. The ICC process was led by Mr. Wilkie Rasmussen, MP, Minister for Foreign Affairs and Co-Chair of the ACP-EU Joint Parliamentary Assembly, who joined PGA after the ICC debate initiated by PGA members at the ACP-EU JAP Session in Ljubljana in March 2008.

<sup>11</sup> On 14 June and 28 April 2011, the Plenary and the National Security Committee of the Maldives’ Parliament respectively approved the ICC Accession Bill, which had been blocked in that Committee by the main political party-group since October 2010. These approvals were made possible thanks to the leadership of PGA member Mr. Ahmed Malhoof, MP, who joined the PGA ICC Campaign in Kuala Lumpur in March 2011. On 21 September 2011 it became the 118<sup>th</sup> state party to the Rome Statute. Substantive and cooperation legislation is pending to be drafted and adopted.

<sup>12</sup> The Czech Republic deposited its instrument of ratification on July 21, 2009, but the Upper House of Parliament had approved the Ratification Bill in July 2008 and the Lower House did the same on October 29, 2008, with a qualified majority vote of 140 MPs in favour and only 6 MPs against.

<sup>13</sup> Cote d’Ivoire has accepted twice, in 2003 and 2011, the ICC jurisdiction under art. 12(3) of the Rome Statute.

**October 13-14, 2011:** Consultations on the Rule of Law & Justice in Central African Republic [in coordination with the Belgian Presidency of the UN Peace-Building Commission Configuration on CAR], Parliament of CAR, Bangui

➤ **UPCOMING ACTIVITIES:**

**Nov. 2011 or early 2012:** Seminar on the Rule of Law and the Implementation of International Legal Standards in National Law, Parliament of Djibouti, Djibouti (dates to be determined)

**Nov. 2011 or Jan.-Feb. 2012:** Working Group on the Universality of the Rome Statute in the Middle East and the Mediterranean (MEMED), venue in the region to be determined [e.g. Morocco]

**Dec. 16, 2011:** Strategy Meeting on the role of International Organisations in the field of Law Enforcement and Cooperation with the ICC – side event to the ICC Assembly of States Parties, New York, United Nations

**March 2011:** National Conference on the Implementation of the Rome Statute and Effective Cooperation with the ICC, Parliament of Chad, Ndjamena (dates to be determined)

**\*March, 2011:** Meeting of Experts and Parliamentarians on the Relationship between the United Nations Security Council and the ICC co-organised by PGA & Chatham House, Chatham House, London, UK [\* tentative – date to be determined]

➤ **ON-GOING ACTIVITIES:**

**Oct.-Dec. 2011:** Ongoing consultations on the ratification of the Rome Statute in Jamaica, El Salvador (and other target countries of the PGA ICC Campaign)

**Oct.-Dec. 2011:** Ongoing consultations for the adoption of implementing legislation in Mexico (and selected South American countries)

Technical assistance, cooperation and advocacy on the preparation, drafting, adoption and/or strengthening of effective implementing legislation of the Rome Statute by Legislators, Countries targeted by the PGA ICC Campaign

Organisation of visits of Legislators to the ICC and other institutions in The Hague (in cooperation with the Dutch Parliament, Standing Committee of Foreign Affairs, Tweede Kamer), The Hague, The Netherlands

➤ **TECHNICAL ASSISTANCE ON ICC IMPLEMENTING LEGISLATION** (specific actions):

**\* End of 2011-Early 2012:** Technical Assistance Mission to Caribbean country(ies) on Ratification and Implementation of the Rome Statute [if possible in cooperation with the OAS, the Commonwealth Secretariat and the ASP Focal Point on Universality and Full Implementation] [\*tentative]

**\*End of 2011-I Half 2012:** Technical assistance Mission to South American country(ies) on Implementation of the Rome Statute [if possible in cooperation with the OAS and other regional organizations], Brazil, Chile, Paraguay and Venezuela [\*tentative]

**\*March / Apr. 2012:** Expert-submission of PGA to the Parliamentary Committee on Constitutional, Legal and Public Administration on the (Draft) ICC Bill (2011), Parliament of the United Rep. of Tanzania, Dar es Salaam/Dodoma

➤ **EVENTS IN WHICH PGA PARTICIPATES:**

**February 4-5, 2011:** PGA Intervention in the Conference on the ICC organized by the Rome Bar Association in cooperation with No Peace without Justice & PGA with the patronage of the Ministries for Foreign Affairs and Justice, Corte di Cassazione, Rome, Italy

**March 10, 2011:** Participation of a PGA delegation at the ICC session of the Organisation of American States (OAS), Washington DC, USA

**April 11-14, 2011:** Participation a delegation of African PGA Members to the “Civil Society Seminar on Addressing Justice and Accountability for the Most Serious Crimes under International Law” organised by the EU, Pretoria, South Africa

Participation of PGA’s Director in the “Experts’ Workshop on the EU Complementarity Tool-Kit”, Pretoria, South Africa

**May 24-25, 2011:** Participation of PGA Member from Lebanon in the first conference on the League of Arab States, co-organised by the ICC and hosted by the State of Qatar, Doha, Qatar

**July 12, 2011:** Address of former PGA ICC Campaign Convenor, Prof. Dr. Herta Daubler-Gmelin, to the joint hearing of the Foreign Affairs and Human Rights Committees on the ICC Report 2011, European Parliament, Brussels

**October 16-18, 2011:** Expert participation in “Retreat on the Future of the International Criminal Court”, organized by the President of the Assembly of States Parties, Vaduz, Liechtenstein

**Nov. 21-23, 2011:** Participation of PGA Members in their official delegations attending the 22nd session of the ACP-EU Joint Parliamentary Assembly, Freetown, Parliament of Sierra Leone

**Dec. 12-21, 2011:** Participation of a PGA delegation to the ICC Assembly of States Parties - X session, ICC Assembly of States Parties, New York, United Nations

**2011 (sessions of II Half of 2011):** PGA Members’ interventions in the session(s) of the Parliamentary Assembly Council of Europe designed to give effect to, and monitor the implementation of, Resolution 1644 (2009) on “Cooperation with the ICC and its Universality”, Strasbourg, France

**I Half 2012:** Participation of PGA Members in their official delegations attending the 23rd sessions of the Africa-Caribbean-Pacific – European Union Joint Parliamentary Assembly (ACP-EU JAP), *venues in Europe (1 semester of the year)*  
**2011-12:** PGA participation in the NGOs' briefings to the meetings of the EU Council COJUR-ICC, Brussels, Belgium

### C. CALENDAR OF EVENTS 2010

**Jan. 27-28, 2010:** Briefings for Members of the US Congress on the ICC and related-legislation ahead of the Review Conference of the Rome Statute, Washington DC, USA

**Jan. 27, 2010:** PGA Intervention at ICC session at the Organisation of American States (OAS), Washington DC, USA

**Feb. 25-26, 2010:** Roundtable Discussion on ICC Implementing Legislation in African Indian Ocean countries (Comoros, Madagascar, Mauritius and Seychelles, as well as Djibouti), Parliament of the Comoros, Moroni

**March 22-25, 2010:** Participation of PGA in the ICC Assembly of States Parties, 8th resumed session; Interventions in the panel of experts on "Identifying and Removing Obstacles to Ratification and Universality of the Rome Statute" (22 Mar.) and the "Working lunch with Pacific States on ratification and full implementation of the Rome Statute hosted by the Permanent Mission of Australia" (24 Mar.), UN, New York

**April 27, 2010:** Participation and intervention of PGA in the European Parliament Human Rights Sub-Committee hearing with the President of the ICC, Judge S.-H. Song, and inclusion of PGA's document on "Sample Parliamentary Questions on the Kampala Review Conference of the Rome Statute" in the EP materials for all MEPs, Brussels, Belgium

**May 27-28, 2010:** VI Consultative Assembly of Parliamentarians for the ICC & the Rule of Law  
Parliament of Uganda, Kampala, Uganda (*dedicated website: <http://www.pgaction.org/CAPVI.html>*)

**May 31-June 11, 2010:** Participation of parliamentary delegation(s) to the Review Conference to the Rome Statute of the ICC, Speke Commonwealth Resort, Kampala, Uganda

**Aug. 9 and Dec. 6, 2010:** "25 years after the historic Military Junta trials?" – two one-day seminars co-organized by PGA Argentina and *Instituto de Estudios para una Nueva Generación (IGEN)*, Chamber of Deputies of Argentina, Buenos Aires

**Sept. 6-8, 2010:** Visit of Legislators from El Salvador to the ICC & other institutions in The Hague, The Netherlands

**Oct. 11-13, 2010:** Visit of Legislators from the DR Congo to the ICC & other institutions in The Hague, The Netherlands

**Oct. 23-24, 2010:** Panel Discussion on Gender Justice and Women Rights in the framework of the 32<sup>nd</sup> Annual Forum of PGA, Istanbul, Turkey

**Dec. 6-7, 2010:** Strategic Consultations on Questions Related to the Cooperation of States Parties to the Rome Statute (i.e. failure to execute ICC Arrest Warrants), New York, UN (*side-event, 9<sup>th</sup> Assembly of States Parties to the Rome Statute*)

**Dec. 2-5, 2010:** Participation of PGA Members in their official delegations attending the 20<sup>th</sup> session of the Africa-Caribbean-Pacific – European Union Joint Parliamentary Assembly (ACP-EU JAP), Parliament of the DRC, Kinshasa

**Dec. 6-10, 2010:** Participation of a PGA delegation to the ICC Assembly of States Parties - IX session, ICC Assembly of States Parties, UN, New York [plus *Resumed session* Jan./Feb. 2011]

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***THE PGA ICC CAMPAIGN (2010-12) RECEIVES SUPPORT FROM  
THE EUROPEAN UNION (EUROPEAN INSTRUMENT FOR DEMOCRACY AND HUMAN RIGHTS),  
THE GOVERNMENTS OF BELGIUM, THE NETHERLANDS, GERMANY AND SWITZERLAND, AND THE PARLIAMENT OF UGANDA***

*PGA RECEIVES CORE SUPPORT FROM THE GOVERNMENTS OF SWEDEN AND DENMARK.  
BETWEEN 2007 AND 2010, PGA HAS RECEIVED THE CORE SUPPORT OF THE MUNICIPALITY OF THE HAGUE.*

**Updated 24 Oct 2011**

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