

AMNESTY INTERNATIONAL

Public Statement

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Community of Portuguese Speaking Countries: Support to the effective establishment of the International Criminal Court must be reinforced

Amnesty International welcomes the renewed commitment by the Community of Portuguese Speaking Countries (CPLP) to ratify the Rome Statute of the International Criminal Court (Rome Statute), as well as reports that the CPLP plans to invite civil society to participate in its activities, but the organization urged the CPLP to adopt an action plan designed to encourage ratification and implementation of the Rome Statute and the Agreement on Privileges and Immunities of the International Criminal Court (APIICC).

The final declaration of the V Conference of Heads of States and Governments of CPLP (São Tomé Declaration), that took place on 26 and 27 of July 2004, in São Tomé and Príncipe, reaffirmed the paragraph included in last year's resolution. That resolution, approved by the Council of Ministers of CPLP on 18 July 2003, encouraged States, that have not yet integrated international human rights rules in the national constitutions and legislation, to do so, as well as to ratify the Rome Statute of the International Criminal Court (Rome Statute).

Amnesty International believes that the CPLP can play an important role in ensuring that this new system of international criminal justice operates effectively throughout the world. This approach to the establishment of the International Criminal Court (ICC) must be followed by an effective plan of action to guarantee that Portuguese speaking countries, that have not done it yet, ratify and implement the Rome Statute and APIICC.

Amnesty International is calling upon the CPLP to establish a plan of action, as a follow up to the paragraph on the ICC included in the São Tomé Declaration, urging all Portuguese speaking countries to:

- Enact effective implementing legislation on the Rome Statute and other international human rights and international humanitarian law treaties. Such a process should be done in a public and transparent consultation, including civil society;
- Ratify the APIICC and to implement it as soon as possible;
- Resist any attempts which could obstruct the ICC from exercising its jurisdiction;
- Exchange information and cooperate with each other and with intergovernmental organizations and experts in drafting implementing legislation.

Amnesty International is also urging the CPLP Executive Secretariat to develop a transparent action plan, in consultation with civil society, to assist states in ratifying and implementing the Rome Statute and APIICC. In this connection, it looks forward to receiving and studying the final text of the resolution adopted by the Council of Ministers on the role of civil society in the CPLP, mentioned in paragraph 15 (f) of the São Tomé Declaration.

Background

The proposed action plan responds to a pressing need. Only three Lusophone states (Brazil, Portugal and East Timor (Timor Leste)) have ratified the Rome Statute, although the other five Lusophone states (Angola,

Cape Verde, Guinea-Bissau, Mozambique and São Tomé and Príncipe) have signed it. Although Brazil has started to draft implementing legislation, Cape Verde has reportedly incorporated some of the crimes under the Rome Statute, such as genocide, into its new penal code, Timor-Leste is considering including crimes in the Rome Statute in its draft penal code and Portugal has recently enacted an implementing law on complementarity, none of the other Lusophone states have done so. Only Brazil and Portugal have signed APIIC.

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