

EUROPEAN NEWSLETTER

The European bimonthly publication on the International Criminal Court

The Rome Statute of the ICC has:

105 ratifications

The Agreement on Privileges and Immunities of the Court has: **50 Ratifications & 62 signatories**

EUROPE UPDATES

EU Portuguese Presidency
Priorities 1

EU FOCUS

EP adopts its yearly report on
Human Rights 2006 2

Report of the Cojur meeting 2

Meeting of the EU Network of
Contact Points 3

ICC Diplomatic Briefing in
Brussels 3

EU Strategy for Central Asia 3/4

EP Discussion on Northern
Uganda 4

Highlight on EU statements in
support to the ICC 4/5

COUNTRY INFORMATION

Ukraine maintains its commit-
ment to ratify the Rome Statute
in the near future 5

NGO ACTIONS

Efforts for the Czech Republic
Ratification 6

Turkey national coalition
strengthen its efforts 6

AI recommendations to Portu-
guese Presidency 7

Macedonia: steps to correct
mistranslation of the Rome
Statute 7

EVENTS: CICC REPORTS

Turin Conference on the ICC 7/8

Carla del Ponte assessed eight
years at the ICTY 8

ICC UPDATES

ICC Updates 8

17 JULY 2007

Planned activities by CICC local
members 8

Editor: Maria Cavarretta

Europe Coordinator: Luisa Mascia

CICC European Office: Avenue des
Gaulois, 7

1040 Bruxelles

Tel: 0032 2 502 62 15- Fax: 0032 2 502
62 38- Email: cavarretta@iccnw.org

EU PORTUGUESE PRESIDENCY PRESENTS ITS PRIORITIES ON THE ICC

Portugal holds the EU Presidency in the second semester of 2007, from the 1st of July until the 31st of December.

The EU has a strong commitment to ending impunity for the most serious crimes of concern to the international community and gives its entire support to the International Criminal Court (ICC) and its activities.

In accordance with the Council Common Position on the ICC of 16 June 2003 and the EU Action Plan, the Portuguese Presidency will continue to promote co-operation of both the EU and its Member States with the ICC.

The Portuguese Presidency will carry on the promotion of the universality of the Rome Statute. In this regard, demarches in several target countries will be conducted after consultations with EU Member States and NGOs and the EU will include references to the ICC in its contacts with third countries and international organizations. Whenever appropriate, it will also address concerns regarding bilateral non-surrender agreements and urge third parties to join to the Agreement on Privileges and Immunities of the Court.

The EU also attaches great importance to the UN support to the ICC by the United Nations General Assembly's annual resolution in favour, notably of the universality of the Rome Statute. The Portuguese Presidency will support the adoption of such resolution in the upcoming General Assembly.

During the Portuguese Presidency, the COJUR sub-area ICC working group will convene in Brussels for two meetings in September and December and in The Hague for one meeting in November. Several issues will be addressed such as the

EU Action Plan, Cooperation with the ICC, the Review Conference, the crime of aggression, etc. At those meetings, representatives of the ICC and other relevant guests will be invited to address the group and informal exchanges of views with NGOs will take place.

A key priority of the September and November COJUR/ICC meetings will be the preparation among EU Member States of the Assembly of State Parties scheduled to take place in New York between 30 November and 14 December, which includes many important items in its agenda including, for the first time, an item on the Review Conference of the Rome Statute.

EU Portuguese Presidency

For more information on the European Union support to the ICC, please visit the CICC's website at: <http://www.iccnw.org/?mod=eu>

EU FOCUS

THE EUROPEAN PARLIAMENT ADOPTS YEARLY REPORT ON HUMAN RIGHTS

The Human Rights Report in the World 2006 and the EU policy on that matter adopted on 26 April 2007 by the European Parliament confirms the great commitment of the European Parliament to international justice and the ICC. Besides calling on the EU Commission and Council to continue their vigorous efforts to promote ratification and implementation in the world, it also calls on the Czech Republic to ratify the Statute as soon as possible. It welcomes the inclusion of the commitment to ratify the Rome Statute in the New Neighboring Action Plans negotiated with Egypt, Jordan, Moldova, Armenia, Azerbaijan, Georgia, Lebanon and Ukraine, and welcomed the support provided by the European Commission to NGOs working on ICC related issues, in particular to the Coalition for the ICC, No Peace Without Justice, FIDH and Parliamentarians for Global Actions. The reports also expresses the great disapproval of the European Parliament for the US policy that try to actively prevent countries from joining the ICC, but it recognises the importance for the Commission and the Council to push the US ratification forward.

Further, the report regrets the decision of the Finnish Presidency not to organise the fourth meeting of the EU

Network of Contact Points in respect of persons responsible for genocide, war crimes and crimes against humanity. The Network represents an invaluable means of strengthening cooperation among EU Member States in the investigations and prosecutions of international crimes at national level. The European Parliament in its report draws attention to the commitment in the Network conclusions to hold one meeting during each Presidency, and calls for the effective implementation of the conclusions of previous EU Network meetings while asking each Presidency to make this a standard point in their programmes.

The whole report can be found at:

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2007-0165+0+DOC+XML+V0//EN&language=EN>.

THE COJUR SUB-AREA ICC MEETS AGAIN

The German Presidency of the EU called the second COJUR, sub-area ICC meeting on June 7th, 2007. As in the past, the CICC, HRW, PGA, AI and NPWJ were invited for an exchange of views with EU Member States, the European Commission and the EU Council Secretariat. During the meeting, NGOs highlighted current ratification and implementation developments in the different regions and countries of the world and identified situations that would warrant close EU attention at that stage, in particular Yemen, Indonesia and Bahrain, and Lusophone countries. NGOs also strongly condemned the recent conclusion by Montenegro of a Bilateral Immunity Agreement with the USA and encouraged the EU to call for the immediate termination of the deal. Further, it was reminded how crucial cooperation is for the success of the Court's operations: EU MS should ensure they have in place the necessary legislative framework to be able to respond to the Court's cooperation requests; as of today, only 17 of the 27 EU MS have fully implemented the RS; and only 18 have enacted cooperation legislation. Other forms of assistance by the EU and its member states will also be vital in the implementation of arrests and surrenders, especially following the formal request for cooperation with the arrest of Kosheib and Harun, which the OTP formally transmitted to Sudan at the beginning of July.

The situation in Uganda was also raised, along with the need

to ensure that any peace deal be in the absolute respect of the ICC and its underlying principles.

Finally, NGOs provided a brief update on the SCSL and the trial against Charles Taylor, and highlighted how the absence of the principal defender (due to lack of financial resources) might affect the ability to give full and visible effect to the rights of the accused, which risks altering the perception by the people of Sierra Leone and of Liberia of any upcoming verdict.

The Presidency and individual MS reacted to the different issues raised; in particular, they provided NGOs with a brief overview of their exchange with John Bellinger, which was deemed positive and constructive. The CICC and its members look forward future exchanges in the framework of COJUR; the next one under the aegis of the Portuguese Presidency is planned on September 5th, 2007.

Luisa Mascia, Europe Coordinator, CICC

FOURTH MEETING OF THE NETWORK OF CONTACT POINTS FOR GENOCIDE, CRIMES AGAINST HUMANITY AND WAR CRIMES

The CICC was invited to participate to the fourth meeting of the EU Network of Contact Points for genocide, war crimes and crimes against humanity that took place in The Hague on May 7th and 8th, 2007 and that was entirely devoted to Rwanda and investigations of Rwandan suspects by European states. The meeting was attended by judicial practitioners from 17 Member States, representatives of Switzerland, Norway, Croatia, Canada and Rwanda, representatives of the ICC, ICTY, ICTR, Eurojust, Interpol, the European Commission, the General Secretariat of the Council, the Institute for International Criminal Investigations and by the Coalition for the International Criminal Court, Human Rights Watch, FIDH/ Redress, African Rights and Amnesty International. Issues discussed included the need to step up mutual cooperation, as well as the need to foster a common EU approach on certain issues arising from the investigations, ensuring that immigration services screen asylum and visa applicants for potential involvement in serious international crimes, and the importance of establishment of specialised units within immigration, police and prosecution authorities. At the end of the meeting, the following conclusions were adopted:

The Members of the Network welcome the Rwandan prosecutors' and courts' efforts and success in investigating and prosecuting the crimes committed in Rwanda in 1994. The Members of the Network are of the opinion that European countries should continue to offer support and assistance to the Rwandan judicial authorities in order to strengthen these efforts. The Members of the Network emphasize that legal assistance from Rwandan authorities is essential for successful prosecution. Therefore continued contacts with Rwandan authorities in investigative, prosecutorial and diplomatic levels could facilitate assistance.

The Members of the Network note that the problems arising from the completion strategy of the International Criminal Tribunal for Rwanda are not yet solved. The Appeals Chamber's decision on rule 11bis of the

International Criminal Tribunal Rules of Procedure in the case against Bagaragaza outlined very clearly the possibility of referring a case to a national jurisdiction. National legislation on jurisdiction in several Member States of the European Union and the aforementioned decision of the ICTR limit the possibilities of referral.

Investigators and prosecutors in the Member States of the European Union face special challenges when investigating crimes committed in Rwanda in 1994. Therefore the Members of the Network deem it essential to co-operate and exchange knowledge, practical experience and best practices within the Network, with third countries, international tribunals and organisations. The Members of the Network concluded that they should meet on a regular basis and that meetings should focus on special situations or aspects of investigations or prosecutions as stated in the Council Decision of 8 May 2003 (2003/335/JHA). A future meeting should focus on specific methods of exchange of information between the members of the Network.

The Network appreciates the valuable contributions of NGOs to the investigation and prosecution of genocide, crimes against humanity and war crimes, in particular by identifying witnesses and victims of such crimes and encouraging them to co-operate with national authorities, taking full account of the local situation in the country, inter alia the situation of ethnic groups in the countries concerned. The Network also appreciates the participation of NGOs in the open part of the meeting and welcomes their participation in open parts of future meetings.

Victims and witnesses are essential participants in the investigation and prosecution of crimes committed in Rwanda. Therefore the protection of victims and witnesses is a priority issue. When the witnesses and victims are under potential threat they should benefit from adequate protection as long as necessary for their own safety. Information concerning procedures as regards the hearing of witnesses in Rwanda should be openly exchanged within the Network.

Luisa Mascia, Europe Coordinator, CICC

ICC DIPLOMATIC BRIEFING

On June 26th, 2007, the ICC held its seventh diplomatic briefing in Brussels, Belgium, in an effort to keep the diplomatic community in Brussels updated on major ICC developments. The ICC President Mr P. Kirsch, Chief Prosecutor L. Moreno Ocampo and Registrar Bruno Cathala presented in turn progresses and activities occurred within their respective organs during the past months. Following, a session of ques-

tions and answers took place, whereby delegations had the chance to discuss at greater length and seek clarifications on the issues raised by the ICC. NGOs continuously welcome the opportunity to participate to those briefings as observers.

EU INCLUDES ICC IN ITS STRATEGY FOR A NEW PARTNERSHIP WITH CENTRAL ASIA

The European Council adopted at its 21-22 June meeting a EU strategy for a new partnership with Central Asia. This strategy will serve as an overall framework for EU relations with Central Asia, including among others in the fields of human rights, rule of law, good governance and democracy. The strategy defines the EU's priorities for its cooperation

with the region as a whole, but implementation will be tailored to the specific requirements and performance of each Central Asian state. The European Council asks the Council and the Commission to regularly review progress in implementing this strategy and to submit a first progress report to the European Council by the middle of 2008.

Following the advocacy work of the CICC Brussels Office and the good cooperation with the EU Council Secretariat, the final version of the strategy includes language on the ICC in which the EU pledges its commitment to ‘promoting the consolidation of peace and international justice’, and further ‘the EU and its Member States are determined to share, with the Central Asian States their experience in the adoption of the necessary legal adjustments required to accede to the Rome Statute of the International Criminal Court, and in combating international crime in accordance with international law’.

Moreover, the EU and Member States will ‘provide technical assistance and establish close cooperation aimed at making

the legislative and constitutional amendments required for accession to and implementation of the Rome Statute’. The CICC hopes that the EU and its Member States will effectively implement this important new commitment by making the Central Asian governments aware of this new opportunity, and put forward the importance that the EU attaches to the ICC. International and local NGOs should also take full advantage of this new opportunity in order to foster the political will of those governments to accede to the Rome Statute in the near future.

DISCUSSION ABOUT THE SITUATION IN THE NORTH OF UGANDA AT THE EUROPEAN PARLIAMENT

On June 4th, 2007, the Committee on Development of the European Parliament held a session on Northern Uganda, where MEPs, the Ugandan Ambassador in Brussels and civil society sought to analyse the human rights situation there, as well as the ICC role and impact at that stage of the peace talks.

Human Rights Watch reminded that ‘*the ICC arrest warrants have been critical to push the LRA leaders to the negotiation table*’ and that while the Juba talks represent the most important effort we’ve seen in the last years, a peace built on impunity will not last. International justice is clear in not condoning grave crimes such as those committed by the LRA; but justice should also be made for the victims of those crimes, as they expect peace AND justice.

The Ugandan Ambassador stressed that impunity shall not be allowed to stand. He reminded that the Ugandan Government has already punished Ugandan soldiers, who therefore do not need to be tried by the ICC, whereas the Court had to be triggered for the LRA leaders, as they were not on the Ugandan territory and Uganda had no means to bring them before the national judiciary. On the peace and justice debate, the Ambassador reminded that ‘*we have been the ones to ask the ICC to intervene; we should be the last ones to ask for the dropping of the warrants*’. However, peace should be

concluded first. The Ugandan Government is also currently looking at ways to make the mato oput meets international standards.

Several MEPs intervened, among others: MEP Van Hecke, who had just returned from Northern Uganda, expressed its pessimism on the Juba talks and emphasised that there won’t be lasting peace without accountability. Also, he expressed the view that Mato Oput can never be a viable alternative to the ICC and concluded by asserting that ‘*better not to have an agreement in Juba than having an agreement based on impunity*’. Further, British MEP Nirj Deva stressed that impunity should not be a debatable question in the 20th century and that perpetrators should face the full force of the rule of law.

Analia Banfi, CICC Brussels Office, Intern

HIGHLIGHTS: EU STATEMENTS IN SUPPORT OF THE ICC

Javier Solana, the EU High Representative for the CFSP, met recently with the President of the International Criminal Court, Judge Philippe Kirsch, the registrar, Mr Bruno Cathala and the Prosecutor, Mr Luis Moreno Ocampo. The meeting was mostly devoted to discuss the EU’s support to the International Criminal Court including implementation of the EU-ICC cooperation agreement that was signed in April 2006. Mr Solana stressed during the meeting that the ‘ICC is a success story’ and welcomed the progresses made by the Court to establish a system based on the rule of law in line with the EU core values.

A press release can be found at:

http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/declarations/94982.pdf.

The Council of the European Union (heads of State and Governments) adopted Conclusions on Sudan and Uganda on 18th of June, that include language on the ICC:

On the Council conclusions on Sudan, the EU reminded ‘its continued commitment to a peaceful resolution of the crisis,

and recalled that ‘its the primary responsibility of the Sudanese parties to end the suffering of the people of Darfur by finding a sustainable political solution to the root causes of the conflict. In line with Resolution 1591, the Council will consider any party failing to constructively engage in this process as an obstacle to peace and will promote appropriate further measures against them, notably in the UN framework.

Those violating the human rights of civilians must be held responsible. In this context, the Council reiterates its support for the International Criminal Court in its efforts to end impunity for atrocities committed in Darfur. Following the Court’s decision to issue arrest warrants against two individuals, the Council urges the Government of Sudan to comply with the requests for their extradition.”

Please find the press at:

http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressData/en/gena/94765.pdf

Regarding the council conclusion on Uganda, the text states that “The Council underlines the continued importance of reaching a peace deal which provides both peace and justice to the local communities, and which is compatible with the wishes of the local communities, national laws and the Rome Statute of the International Criminal Court.”

Please find the press release at:

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/gena/94803.pdf.

The EU Presidency also issued a Statement on Japan’s accession to the Rome Statute of the International Criminal Court on 17 July 2007:

‘The Presidency of the European Union warmly welcomes today’s accession of Japan to the Rome Statute of the International Criminal Court. Japan’s accession, bringing the number of ICC States Party to 105, marks a further significant step forward in the international community’s efforts to combat impunity for war crimes, crimes against humanity and genocide. The European Union is convinced that Japan will make a highly valuable contribution to the Court’s work and we hope that Japan’s accession will encourage other countries in Asia to consider joining the Court. On this occasion, marking also the 9th anniversary of the adoption of the Rome Statute and the 5th year since its entry into force, the Presidency would like to reiterate the European Union’s commitment to the universality and integrity of the Rome Statute and calls upon States which have not yet done so to accede to the Rome Statute in due course’.

Please find the statement at:

http://www.eu2007.pt/UE/vEN/Noticias_Documentos/Declaracoes_PESC/20070717PECSJP.htm

COUNTRY INFORMATION

UKRAINE MAINTAINS ITS COMMITMENT FOR THE RATIFICATION OF THE ROME STATUTE

Although the political crisis in Ukraine has slowed down the process of ratification of the Rome Statute that had started last year, recent signs give hope that Ukraine will hold up its commitment and join the ICC’s system in the near future.

Firstly, in the framework of a Roundtable discussion on the ‘Constitutional Aspects of Judicial Reform’, organised by USAID Rule of Law Project and that took place in Kiev, Ukraine, on June 27th, 2007, Ukrainian experts called for the adoption of the necessary constitutional amendments to allow the ratification of the Rome Statute. The following recommendation was included in the outcome document of the event: ‘Create constitutional preconditions for ratification of the Rome Statute of the International Criminal Court in accordance with the relevant judgment of the Constitutional Court of Ukraine, by providing that Ukraine can recognize of the said Court’. Participants to the Round Table comprised former judges of the Constitutional Court, current judges, other representatives of the judiciary and scholars. No Parliament representative was invited to attend as the Parliament is inoperative at the moment.

The set of final recommendations were sent to the Government, President, Parliament, Supreme Court and other bodies of the judiciary, and oppositional parties. The Round Table

was organised in the context of the ongoing campaign in Ukraine to revise the Constitution or even adopt a new one via referendum. These recommendations though unofficial, are supposed to provide guidance to the drafters of constitutional amendments.

Moreover, on July 17th, 2007, Arseniy Yatsenyuk, the Ukrainian Foreign Affairs Minister, visited Brussels and was invited to a Round Table to discuss the current political situation in Ukraine; participants included representatives from the European Commission, the EU Council, state officials, and civil society. The CICC was also invited to attend and intervened during the debate to ask what steps were being undertaken to advance the ratification of the Rome Statute; the Minister confirmed that the amendments needed for the ICC ratification shall definitely be included in the next package of constitutional amendments.

For more information please contact: cavarretta@iccnow.org.

NGOs ACTIONS

EFFORTS FOR THE RATIFICATION OF THE ROME STATUTE BY THE CZECH REPUBLIC INTENSIFY

Pressure on the Czech Republic government for the ratification of the Rome Statute is intensifying both at the national level and in Brussels, as the Czech Republic turn to take over the EU Presidency in 2009 is hastily approaching.

The national NGO coalition for the ICC has been loud in denouncing the lack of ratification, echoed by local media that has published several interviews with CICC local members and members of the government. The Czech Republic is the only EU country not to have joined the ICC system yet somehow undermining the coherence behind the strong support the EU has always provided to the Court and this new system of international criminal justice.

The CICC Brussels office is currently strenghtening its efforts trying to build the support of the Czech Members of the European Parlimanet (MEPs), and to create a group of like-minded Czech Parliamentarians in Brussels that would be able to widen the support among their peers in Prague, once the national Parliament will convene to vote. Some MEPs

have already taken some important initiatives: Libor Roucek, the Vice Charmain of the Foreign Affairs Committee of the European Parliament, issued a press release calling on Prime Minister Topolaneck 'to submit with dispatched the Rome Statute establishing the Interntional Criminal Court to the Parliament of the Czech Republic for ratification'.

The new ICC ratification package that is supposed to be submitted to Parliament in fall 2007 represents a good opportunity to renew initiatives in the country. The CICC, in cooperation with PGA, plans to hold a NGO side event in the margins of an ICC official seminar, which is organised under the auspices of the Committee on Foreign Affairs of the Czech Parliament (and in cooperation with the Swiss and Dutch embassies in Prague, the ICRC and the Czech MFA) in October 2007, targeting specifically the national media and key national stakeholders.

THE TURKISH NATIONAL COALITION FOR THE ICC COMMITS TO STRENGTHENED EFFORTS

The Turkish Coalition for the ICC was created in Ankara in 2003 by well known and recognised organisations such as Human Rights Association [IHD], Human Rights Foundation of Turkey [TIHV], Organization of Human Rights & Solidarity For Oppressed People [Mazlumder], and Amnesty International branch in Turkey.

Following a period of inaction, also due to the government clear lack of political will to ratify the Rome Statute of the ICC, the national coalition reconvened in September 2006, during which time new members joined, including Diyarbakır Bar Association, the Foundation for Society and Legal Studies [TOHAV] and Izmir Women Solidarity Association [IKDD].

From the beginning of this year, the Turkish coalition has taken therefore the commitment to actively promote the ICC. An Executive Board and a professional secretariat have been established and a part time professional staff took up a position as a general coordinator. The activities of 2007 include launching the web site of the Coalition, available at: <http://www.ucmk-turkiye.org>, with relevant documents related to the ICC in Turkish and all relevant material related to the national coalition's work including statements, press releases, calendar of events, etc. The national coalition has also started to work on the organisation of two conferences on the ICC that will take place both in Ankara and Istanbul University and expected to be held in November 2007. A regular periodical will also be released and promotional CDs, brochures and other information material is being prepared. The activities of the national coalition for 2007 received funding from the Human Rights Joint Platform.

The national coalition organised a press conference on 26 June for the 20th Anniversary of the UN Convention Against Torture, whereby the importance of the ICC in the prevention of the worst crimes known to humanity was raised.

A press release was also issued by the national coalition on 17 July at the occasion of the 9th anniversary of the adoption of the Rome Statute in Rome and the International Day of Justice.

Prime Minister Erdogan had announced in 2004 that Turkey would have joined the ICC promptly, however no steps have been taken so far to do so, but together with the CICC and other international organisations the national coalition will intensify efforts to see the accession of Turkey in the very near future and will work to that end with the newly elected government.

You can get in touch with coordinator of the national coalition by sending an email to ucmk@ucmk-turkiye.org.

Ozlem Altiparmat, Turkish National Coalition Coordinator

AMNESTY INTERNATIONAL RECOMMENDATIONS TO THE EU PRESIDENCY

As with each EU Presidency Amnesty International addressed a set of recommendations on international justice and the ICC to the Portuguese Presidency which took over from the Germans at the beginning of July. AI would like to encourage the Portuguese Presidency to take a number of important steps to implement the European Union Council Common Position 2003/444/CFSP of 16 June 2003 on the International Criminal Court (Common Position) and its Action Plan. The main points of AI recommendations to the Portuguese Presidency include a strong call to promote ICC ratification and implementation as well as the ratification of the Agreement on Privileges and Immunities, including Portuguese speaking countries that have not done so yet. Also, the Portuguese Presidency was urged to organise the 5th Meeting of the European Network of Contact Points for Genocide, War Crimes and Crimes Against Humanity.

STEPS TO CORRECT THE MISTRANSLATION OF THE ROME STATUTE BEING TAKEN IN MACEDONIA

The Governmental Commission under the Ministry of Justice of Macedonia is currently revising the translation of all international conventions and in that framework has asked the Macedonian Helsinki Committee for Human Rights (MHC), a CICC local member, to provide them with an analysis of Macedonian translation of the Rome Statute. Addressing mistranslations of the Rome Statute of the ICC has been a priority for the MHC since October 2004 when, in the framework of a project funded by the CICC, the MHC realized that the official Macedonian version of the ICC contained a number of mistranslations that could have a negative impact on the correct interpretation of the Statute and in turn impact its effective implementation. The MHC will now submit to the Government the list of identified mistranslations and will strongly encourage it to address the problem as a matter of urgency.

AMNESTY INTERNATIONAL MOLDOVA INTENSIFIES ITS ADVOCACY EFFORTS

The official foreign policy of the Republic of Moldova is largely based on the idea of European integration, and yet the Republic of Moldova is not party to the Rome Statute of the International Criminal Court. In 2005, the Republic of Moldova jointly with the European Union adopted the European Union – Moldova Action Plan for 2005-2008, whereby Moldova undertook a number of important commitments, among others, the prompt ratification of the Rome Statute of the ICC.

Despite some promising steps undertaken by the Moldovan Ministry of Justice, the ratification process seems now to be stalling. A draft law amending the Constitution, along with a draft ratification bill, was submitted by the MoJ to the Government (Cabinet) in the first half of 2006 for official approval; however, no concrete advance has been made since then.

Amnesty International Moldova, which is intensively promoting the Rome Statute in Moldova, raised the importance of ICC ratification in numerous letters and meetings with top

Moldovan officials from the Parliament, Government, Ministry of Foreign Affairs and Ministry of Justice, but no real action has been undertaken by the authorities. While officials welcome unanimously the ratification of the Rome Statute, they do little to advance this important human rights instrument in practice.

On July 18th, 2007, Amnesty International Moldova was invited to take part in public hearings on the implementation of the National Human Rights Action Plan and made the issue of Rome Statute ratification one of the main talking points of its intervention. It is important to mention, however, that equally intense efforts by EU governments to encourage Moldova to ratify the Rome Statute can have a much greater impact, since the current Moldovan government is much more responsive to external feedbacks, than to internal inputs.

Veaceslav Balan, Mobilization and Campaigns Coordinator, Amnesty International Moldova

EVENTS: CICC REPORTS

CONFERENCE ON THE ICC IN TURIN

Upon the initiative of the President of the Military Tribunal of Turin, Judge Roberto Bellelli, a Conference on International Criminal Justice was organised in Turin on 14-18 May 2007. It brought together international justice experts and relevant officials from Governments, international tribunals, International Organizations, and civil society, including NGOs and Academia. The event was a stocktaking exercise on the developments and legacy of international criminal justice, through the analysis of investigations and prosecutions strategies and practices, as well as of the case-law of international tribunals and the ICC. Also, a more in depth discussion was devoted to the Review conference of the Rome Statute of the ICC and to the definition of the crime of aggression. David Scheffer, was invited to make an intervention on 'Policy issues under the UN charter and the Rome Statute' relating to the crime of aggression. The CICC was also invited to address participants on NGOs' role in the lead up to the Review Conference. William Pace,

the CICC Convenor underlined the importance of a good preparation for the review conference, including the right venue, the budget and the consideration of the rule of procedures and evidence. Bill Pace also emphasised the need to take advantage of the review conference for spurring

further political support for the Court work in a period of political tiredness. Contribution to the conference including David Scheffer proposal can be found at:

www.torinoconference.com.

CARLA DEL PONTE ASSESSED EIGHT YEARS AT THE ICTY

On July 3rd 2007, Chief Prosecutor of the ICTY, Ms. Carla del Ponte, assessed eight years at the ICTY at a policy briefing organized by the Swiss Mission to the European Union at the European Policy Center in Brussels. European Commissioner for EU enlargement Mr. Olli Rhen and Ambassador Bernard Marfurt from the Swiss Mission to the EU took part in the briefing.

Ms del Ponte analyzed, among other issues, the Tribunal's

achievements, its relations with the EU and the Slobodan Milosevic case. She also called on the EU and its Member States not to sign the Stabilisation and Association Agreement (SAA) without the arrest and transfer of Mladić.

"With the existence of [...] the International Criminal Court, [...] international criminal justice is now on the international agenda", stressed the Chief Prosecutor, and underlined that *"the future of international criminal justice lies in the ICC"*.

ICC UPDATES

New Investigation opens in the Central African Republic

On 22 May 2007, the International Criminal Court announced the opening of a new investigation in the Central African Republic. The prosecutor's announcement points to a focus on sexual violence, referring to hundreds of victims telling of rapes and other abuses committed "with particular cruelty." He also explained that "this is the first time that [he] is opening an investigation in which allegations of sexual crimes far outnumber alleged killings." The government of the Central African Republic referred the situation on its territory to the ICC on 22 December 2004, indicating that national proceedings had begun in relation to serious crimes but that a judicial decision was made to stop those proceedings and instead refer the matter to the ICC. The prosecutor has reviewed information from various sources and now concluded that there is a reasonable basis to believe that crimes falling within the jurisdiction of the Court were committed in the CAR.

The ICC signs the Headquarters Agreement

The ICC President Kirsch and Minister of Foreign Affairs H.E Maxime Verhagen signed the Headquarters Agreement between the ICC and the Kingdom of the Netherlands. The Headquarters Agreement regulates the relationship between the Court and the Netherlands and in particular the privileges and immunities of staff and other categories of persons participating in proceedings before the Court. Its provisions facilitate the smooth and efficient operations of the Court in the Netherlands through, amongst others, ensuring that the needs of all persons required to be present at the seat of Court are met and that information and evidence coming in and out of the Netherlands is protected. In particular, the Agreement recognises the important role played by various independent bodies, including counsel or legal associations; journalists and non governmental organisations and provides for modalities for consultations to ensure the smooth processing of applications for visas and stay of representatives of these bodies in the Netherlands.

For more information on the latest ICC developments please visit the ICC website at: <http://www.icc-cpi.int/>

17 JULY 2007: CICC MEMBERS ACTIVITIES

A press release on the occasion of 17th July urging the Turkish government to join the international community in its endeavour to prevent the worst crimes and fight against impunity. The national coalition for the ICC has also officially launched a website that includes information on their past and future activities and any document related to the ICC and the Rome Statute translated into Turkish. For more information please visit: <http://www.ucmk-turkiye.org> or contact the national coalition coordinator Ozlem Altiparmat at ucmk@ucmk-turkiye.org.

The French coalition also issued an editorial by the President Simon Foreman that in view of the 5th Anniversary of the entry into force of the Rome Statute calls on France to take up their responsibility and promptly amend its legislation to fully align with its obligations under the Rome Statute.

For more information please contact the French coalition at:

cfcpi@amnesty.asso.fr.

Trial has presented the Human Rights Council with a juridical memorandum on which it calls the Council to include in its report on Sudan its obligation to cooperate with the ICC. For more information please visit: http://www.trial-ch.org/fr/actions/details/article/trial-demande-au-comite-des-droits-de-lhomme-de-lonu-de-dire-que-le-soudan-a-lobligation-de-cooperer.html?tx_ttnews%5BbackPid%5D=6&cHash=9ee0555f99.

Moreover, the city of Geneva has positively reacted to a request of TRIAL to carry out a symbolic gesture in solidarity of the victims of Darfur by red lighting the water fountains on the night of 17 July. TRIAL hopes that awareness will be raised on the suffering population in Darfur and calls for justice to be done.



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

Albania

Signature 18 July 1998- Ratification 31 January 2003

The issues that raised constitutional problems were: the transferability of the judicial power' 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). **APIC:** Ratification 2 August 2006. **News:** Following its ratification on 1 February 2007, Protocol No 13 entered into force on 1 May 2007 that will abolish the dead penalty in all circumstances, among others.

Revised: March 2007.

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.



<http://www.iccnw.org/?mod=urc0707>

The Coalition has an exciting Universal Ratification Campaign (URC) focusing on one country each month, rotating to a different region each time. As part of this important campaign, we urge all our members in every region to redouble efforts to ensure universal acceptance of the ICC. Local actions are needed to promote awareness of the International Criminal Court, increase media coverage, urge governments to ratify the Rome Statute, adopt effective implementing legislation and ratify the Agreement on Privileges and Immunities.

Austria***Signature 7 Oct. 1998 – Ratification 28 December 2000**

Substantive Criminal Law: An old initiative by the Ministry of Justice to amend the Austrian Penal Code to put it full in line with the crimes under the Rome Statute has still not received any concrete consideration. **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). **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. **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).

Revised: June 2007.

Azerbaijan**No signature.**

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. **News:** 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. A conference on the ICC organised by the Regional South Caucasus coalition for the ICC aiming at urging the government to ratify the Rome Statute and at raising awareness amongst authorities and civil society on the ICC and the Rome Statute took place in Baku on 5-6 April 2006 .

Revised: May 2006.

Belarus**No signature.**

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. No recent news.

Belgium*

Signature 10 September 1998-Ratification 28 June 2000

Substantive Criminal Law: On 5th August 2003 a law on grave breaches of Humanitarian International Law was adopted. The Bill, called “Loi relative aux violations graves du droit international humanitaire”, can be found at: [www.coe.int/T/E/Legal_Affairs/Legal_cooperation/Transnational_criminal_justice/International_Criminal_Court/Documents/ConsultICC\(2003\)11F.pdf](http://www.coe.int/T/E/Legal_Affairs/Legal_cooperation/Transnational_criminal_justice/International_Criminal_Court/Documents/ConsultICC(2003)11F.pdf). **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. **Universal Jurisdiction:** Under the bill adopted on 5th August 2003, Belgian courts 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). This 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. **APIC:** Signature: 11 September 2002. Ratification: 28 March 2005. **News:** Belgium is in the process of amending its Constitution to insert a new article on the International Criminal Court and International Criminal Tribunals.

Revised: June 2007.

Bosnia and Herzegovina*

Signature 17 July 2000- Ratification 11 April 2002

Substantive Criminal Law: Following the entry into force of the new Criminal Code (CC) and Criminal Procedural Code (CPC) on 24th January 2003, a permanent working group set up by the Ministry of Justice has been working on preparing amendments to the CC and the CPC. The working group includes experts ranging from the government, the judiciary and International Organisations such as the OSCE and the OHR, as well as some university professors, but no NGO representative.

The new criminal 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.

Cooperation: no provisions on cooperation with the ICC are included in the national legislation as yet, but a new draft to incorporate further amendments is planned in the course of the current year and next year. **News:** the Helsinki Committee of the Republic of Srpska together with the support of the Coalition for the International Criminal Court prepared a set of recommendations to be submitted to the government for the promotion of an effective and comprehensive implementing legislation.

Revised: June 2007.

Bulgaria

Signature 11 February 1999-Ratification 11 April 2002

Amendments to the new Criminal Procedural Code to regulate cooperation with ICC and to the 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: **Substantive Criminal Law:** 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. However, 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. 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. **APIC:** Signature 2 May 2003-Ratification 26 July 2006.

Revised: July 2006.

Croatia

Signature 12 October 1998-Ratification 21 May 2001

Substantive Criminal Law: A new criminal code was approved in spring 2004, with dispositions on command responsibility, definitions of crimes as in the Rome Statute, etc. **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. **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 Ministry of Foreign Affairs, in cooperation with the Ministry of Justice, 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 months. **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. **Cooperation:** The Ministry of Justice is preparing draft amendments to Czech Criminal Proceedings concerning cooperation with international criminal courts and ad hoc tribunals. **Universal Jurisdiction:** According to article 20 of the Czech Criminal Code, the Czech law shall apply in the case of an act committed abroad by a foreigner when the offender is apprehended on the territory of the Czech Republic and is not extradited. However, when determining the punishability for, inter alia, genocide and cruelty in war, article 19 stipulates that the Czech law shall apply even if the offence was committed abroad by a foreign national or a stateless person who does not reside in the territory of the Czech Republic.

Revised: June 2007.

Denmark*

Signature 25 September 1998-Ratification 21 June 2001

Substantive Criminal Law: 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). A proposal for changing the rules on jurisdiction to give Denmark universal jurisdiction to ICC crimes will be presented in fall 2007. Source: Danish Ministry of Foreign Affairs. **Victims:** Victims compensation are dealt with under ordinary Danish legislation regarding compensation. **Enforcement of ICC Sentences:** Denmark is in dialogue with the ICC for an agreement. **News:** By Royal Decree of 1 September 2006 entering into force on 1 October 2006, Denmark withdraws its declaration made upon ratification of the Rome Statute excluding the Faroe Islands from the ICC's jurisdiction. The Faroe Islands now fall under the ICC's jurisdiction.

Revised: June 2007.

Estonia

Signature 27 Dec. 1999-Ratification 30 Jan. 2002

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. **Cooperation:** Concurrently to the adoption of the Rome Statute on 5 December 2001, the Parliament of Estonia adopted the Rome Statute Ratification Act. Amendments to the Code of Criminal Procedure were approved in

order to implement the Statute and to ensure proper cooperation 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. **APIC:** Signature: 27 June 2003 - Ratification: 13 September 2004.

Revised: October 2004

Finland

Signature 7 Oct. 1998-Ratification 29 Dec. 2000

Substantive 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. **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). **APIC:** Signature: 10 September 2002 - Ratification: 8 December 2004. **Universal jurisdiction:** 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). **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>. **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.

Revised: November 2005.

France*

Signature 18 July 1998 -Ratification 9 June 2000

Substantive Criminal Law: Following two preliminary drafts (2003 and 2006), a draft was presented to the National Assembly in July 2006. However, as it was not putted on the agenda, the draft was withdrawn from the National Assembly and presented to the Senate in May 2007. 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. **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/UnTexteDEJorf?numjo=JUSXo205311L. **APIC:** Signature: 10 September 2003. Ratification: 17 February 2004. The ratification bill can be found at: www.senat.fr/dossierleg/pil02-438.html.

Revised: June 2007.

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#legaltex. 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: October 2004.

Greece*

Signature 18 July 1998-Ratification: 15 May 2002

Substantive Criminal Law: 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. Ratification on 6 July 2007. **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: June 2007.

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_jp-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

Substantive criminal law: A package of draft amendments to different Acts that relate to the full implementation of the Rome Statute is being discussed at the Parliament. A second reading is expected to have place in 2008. **Cooperation:** No bill has yet been drafted as the Cooperation Agreement with the Court is in a preliminary phase at the interministerial level. However, the provisions of Act No. XXXVIII of 1996 on Criminal Legal Assistance could be applied should any case arise. The Ministry of Justice has put forward a bill which would modify, amongst others, article 32 of the Constitution by adding an additional paragraph 4 saying "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: June 2007.

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**

Substantive Criminal Law and cooperation: 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. The bill has officially entered into force in October 2006, following formal parliamentary approval. It can be found at: <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/2003/3603/default.htm>. (In the middle of the page, under "Report and Final Stages": International Criminal Court Bill 2003 as passed by Dáil Éireann). **Universal Jurisdiction and victims:** Universal Jurisdiction and victims are also partly addressed by the 2004 Bill. **APIC:** Ratified 20 November 2006.

Revised: June 2007.

Italy**Signature 18 July 1998 – Ratification 26 July 1999**

Substantive Criminal Law and cooperation: 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 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.". On 1 February 2007 the Senate adopted the bill amending the law on international treaties of Kazakhstan. The amendments to the law on international treaties were initiated by the MP Sergey Kiselyov, who considers that the law adopted in May 2005 contained inconsistencies with the domestic legal framework. In particular, Article 20 (2) of the law defined that in case of conflict of the international treaties of the Republic Kazakhstan with the laws of Kazakhstan, international treaties were subject to change, suspension or termination of the activity that contradicts Article 4(3) of the Constitution prioritising international treaties ratified by the Republic to domestic legislation. The law has now been submitted to Parliament.

Revised: March 2007.

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- Ratification: 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

Substantive Criminal Law: The Ministry of Justice is currently thinking about working on the harmonisation with the definitions of the Rome Statute. **Cooperation:** On October 2004 Liechtenstein adopted a law on cooperation with the ICC. This law is available at: <http://www.gesetze.li/Seite1.jsp?LGBL=2004268.xml> (only in German). **APIC:** Ratification: 21 September 2004.

Revised: June 2007.

Lithuania

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

Substantive Criminal Law: 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:** The Code of Criminal Procedure adopted on the 14th 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:** Article 7 of the Criminal Code of the Republic of Lithuania provides for the following rule regarding the universal jurisdiction: ‘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’. **Victims:** On 30 June 2005, 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. **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.

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. It is expected that work in this matter will advance fast. 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: June 2007.

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. **News:** The Ministry of Justice is currently reviewing all the international treaties translation including the Rome Statute that contains important inconsistencies. **APIC:** Ratified: 19 October 2005. Revised: November 2005.

Malta

Signature 17 July 1998-Ratification 29 November 2002

Substantive Criminal Law and cooperation: 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 not falling within the Rome Statute, although the offence may have been committed outside Malta. **Universal Jurisdiction:** Malta has a limited universal jurisdiction regarding genocide, crimes against humanity and war crimes (article 54A of the Criminal Code). Article 5 of the Criminal Code provides that a criminal action may be prosecuted in Malta against any citizen of Malta or permanent resident who in any place or on board of any ship, vessel or aircraft wherever it may be, shall have become guilty of any of such offence. Moreover, article 7(3) provides that a criminal action may be prosecuted in Malta against any citizen of Malta or permanent resident who shall have become guilty of an offence falling within the Rome Statute, although the offence may have been committed outside 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. **Enforcement of ICC 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. 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. **News:** Over the last years, 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: The current Criminal Code and Criminal Procedural Code were adopted in 2003, entering into force in April 2004. Chapter 35 of the Criminal Code is dedicated to “Crimes Against Humanity And Rights Guaranteed Under International Law”. **Cooperation:** The Ministry of Justice is preparing the first draft of the new Criminal Procedural Code that should include cooperation with the ICC. **APIC:** Ratified 23 October 2006.

Revised: June 2007.

The Netherlands*

Signature 18 July 1998–Ratification 17 July 2001

Substantive Criminal Law: The International Crimes Act was approved by the Senate on 17 June 2003 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 recognised 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. The APIC has been approved by the (Kingdom) Council of Ministers on 15 June 2007 and will be submitted to the Parliament together with the Headquarters Agreement. Both agreements are expected to be approved by the Parliament before the sixth session of the Assembly of States Parties to the Rome Statute (December 2007).

Revised: June 2007.

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. **News:** 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

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. **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 centers, in enforcement of ICC sentences. **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 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 trial. 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

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. **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. **APIC:** Signature on 30 June 2004. Ratified: 17 November 2005

Revised: September 2004.

Russian Federation

Signature 13 Sept. 2000

Substantive Criminal Law and cooperation: 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 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–Ratification.6 Sept. 2001

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. On the 30th of September 2004 the Ministry of Justice and the OSCE Mission in Belgrade had organised a round table to discuss the draft with the participation of civil society. In 1994 Serbia enacted a Criminal Code that regulates special offences, which has been amended in 2002 and in April 2003. In June 2003 the Serbian Parliament had 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/fr/2003/07/446_en.pdf. **Cooperation:** A “Law on International Legal Assistance in Criminal Matters” is currently being drafted. It will cover international legal assistance in criminal matters in general and will include cooperation with the ICC. **APIC:** Ratified: 7 May 2004.

Revised: June 2007.

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-Ratification. 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: a) 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). b) The possibility of imposing the sentence of life imprisonment under certain conditions in case of crime against humanity has been introduced (§ 29 par.3). c) 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. d) 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

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. **Cooperation:** A Law of Cooperation with the ICC was passed by the Parliament on the 25th of October 2002. An unofficial translation to English is available at: http://web.amnesty.org/pages/int_jus-legislation_slovenia-eng/. **APIC:** Signature: 25 September 2003 - Ratification: 23 September 2004. **Victims:** 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. 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 protec-

tion, 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. **Enforcement of ICC 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.

Revised: January 2006.

Spain

Signature 18 July 1998-Ratification 25 Oct 2000

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. **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.

APIC: Signed 21 April 2003.

Revised: February 2004.

Sweden

Signature 7 Oct. 1999- Ratification 28 June 2001

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/propositionerm/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. **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 sentences 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/propositionerm/propositioner/pdf/p200102_88.pdf. **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

Substantive Criminal Law: The Swiss Administration just published the results of the public consultation on the draft law implementing the Rome Statute crimes into national legislation, more information can be found at: <http://www.admin.ch/aktuell/00089/index.html?lang=fr&msg-id=11209>. The government informs that strong opposition was received on the principle of 'direct link' for the prosecutions of the crimes of genocides, war crimes and crimes against humanity committed abroad included in the draft law. NGOs hope that the government will submit the Parliament with a draft law that would not include the condition of 'direct link' on the contrary the principle of partial universality. For more information please contact David Lounici at TRIAL, Email: david.lounici@trial-ch.org; Tel: 0033 667 45 21 93. **Cooperation:** On the 21st June 2001, Switzerland adopted a Federal Law of Cooperation with the ICC. A sepa-

rate 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. **APIC:** Signature on 10 September 2002. **Universal Jurisdiction:** Following strong pressure on the Swiss government from national NGOs led by TRIAL, a leading Swiss Organisation working for the fight against impunity and member of the CICC and of the national coalition for the ICC, the Federal Ministry of Justice has recently endorsed their recommendation for the adoption of a new article (98a) on the law on asylum seekers that should enter into force on January the 1st 2008. The new article would call on the federal office of migration and/or the federal administrative tribunal to provide relevant information and evidence to the appropriate judicial authorities on asylum seekers suspected of having committed international crimes such as war crimes, crimes against humanity and genocide. **News:** Switzerland is currently considering the establishment of a specialized war crimes unit within their national police.

Revised: March 2007.

Tajikistan

Signature 30 Nov. 1998-Ratification 5 May 2000

Substantive Criminal Law and cooperation: 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>. **News:** a conference on the ICC was 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 is currently in the Cabinet of Ministers and should be submitted to the Presidential Administration for considerations and then to Parliament. The process has been stalled due to the political crises. Early parliamentary elections will take place on the 30 September 2007. 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:** Ratified: 29 January 2007. Ukraine is the first non-state Party to ratify APIC. **News:** President Kirsh visited Ukraine on 13 February 2007 to strengthen the political support to the ICC. A conference on the ICC that should take place in April in Kyev, Ukraine, is currently being organised by the Committee of Justice of the Parliament of Ukraine that will aim at building support for ratification.

Revised: June 2007.

United Kingdom*

Signature 30 Nov. 1998 – Ratification 4 Oct. 2001

Substantive Criminal Law and cooperation: 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 ratification is not expected before the 2007 Autumn Session of Parliament. **Universal Jurisdiction:** While the ICC Act 2001 does not create universal jurisdiction for the offences mentioned under section 51, 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. **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. **Enforcement of ICC Sentences:** 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: June 2007.

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
(105 ratifications as of 23 July 2007)

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
 Congo (Brazzaville) 3 May 2004
 Comoros 18 August 2006
 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
 Japan 17 July 2007
 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
 Tajikistan 5 May 2000

EUROPE/CIS**(39 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 and Montenegro 6 September 2001
 Slovakia 11 April 2002
 Slovenia 31 December 2001
 Spain 24 October 2000
 Sweden 28 June 2001
 Switzerland 12 October 2001
 United Kingdom 4 October 2001

N. AFRICA/ MIDDLE EAST**(1 STATE PARTY)**

Jordan 11 April 2002

TOTAL RATIFICATIONS: 105

**RATIFICATION AND SIGNATURE OF THE
AGREEMENT ON THE PRIVILEGES AND IMMUNITIES OF THE COURT (APIC), BY REGION
(50 ratifications, 62 signatures as of 16 July 2007)**

RATIFICATIONS (44)**AFRICA (8)**

Benin 24 January 2006
Burkina Faso 10 October 2005
Central African Republic 6 October 2006
Democratic Republic of Congo 3 July 2003
Lesotho 16 September 2005
Liberia 16 September 2005
Mali 8 July 2004
Namibia 29 January 2004

AMERICAS (10)

Argentina 1 February 2007
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 (30)

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
Greece 6 July 2007
Hungary 22 March 2006
Iceland 1 December 2003
Ireland 20 November 2006
Italy 20 November 2006

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
Ukraine 29 January 2007

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

May-June

- 11-16 June Intensive lectures at the **International Criminal Court Summer School, Irish Centre for Human Rights**. Delivered by leading specialists in the world, students are provided with detailed knowledge of the establishment of the Court, its applicable law, its structure and operations. Lectures also speak to related issues in international criminal law including universal jurisdiction and immunities.
Galway, Ireland.
- 13 June **Discussion on justice for child soldiers** organized by The Centre. The discussion focused on the role of the European Union and on the new steps taken by the International Criminal Court in the fight against the use of child soldiers.
Brussels, Belgium.
- 3 July **Chief Prosecutor of the ICTY Carla del Ponte assessed eight year at the ICTY** during a briefing organized by the Swiss Mission to the EU at the European Policy Center. Commissioner for the EU extension Mr. Olli Rhen took part at the briefing.
Brussels, Belgium.
- 5 July A **Screening of "The Scorpions"** was organized by No Peace Without Justice (NPWJ) and the Humanitarian Law Center (HLC) at the European Parliament. "The Scorpions" is a documentary about the Scorpions paramilitary unit, which was active during the 1992-1995 war in Bosnia. The screening was followed by a discussion with Natasa Kandic. A copy of the DVD can be requested at ngiovannini@npwj.org.
Brussels, Belgium.
- 18 July **"Accountability for International Crimes in Sudan: the role of the International Criminal Court"**, seminar organized by Redress, Goodenough College and Doughty Street Chambers at Goodenough College.
London, UK.
- 5-17 August **Salzburg Law School on International Criminal Law, Humanitarian Law and Human Rights Law, 9th Summer Session**. This annual course is under the academic supervision of Prof. Otto Triffterer, editor of the Commentary on the Rome Statute of the ICC. This year's session will in particular focus on the initial practice of the International Criminal Court as well as the upcoming Review Conference in 2009.
Salzburg, Austria.

NEW PUBLICATIONS

"ICC in 2006: Year One" (International Justice Tribune Series N 1, 30 May 2007) available at
http://www.justicetribune.com/index.php?page=collection%2Fv2_collectionIJT1_p1

Pablo De Greiff, "The Handbook on Reparations" (Ed. Oxford University Press, 2007) available at:
<http://www.oup.com/uk/catalogue/?ci=9780199291922>

Introduction available on line:

http://www.ictj.org/static/TJApproaches/Reparations/060515_DeGreiff_Intro.pdf

"After Mass Crime. Rebuilding States and Communities" (Ed. By Beatrice Pouligny, Simon Chesterman and Albrecht Schnabel, March 2007) available on: <http://www.unu.edu/unupress/2006/afterMassCrime.html>

Javier Alvarez Chinchon, "Derecho Internacional y transiciones a la democracia y la paz. Hacia un modelo para el castigo de los crímenes pasados a través de la experiencia iberoamericana" (Ed. Parthenon, Madrid, 2007) available at
http://www.intercodex.com/DERECHO-INTERNACIONAL-TRANSICIONES-LA-DEMOCRACIA-LA-PAZ_L9788496226302.html

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



Coalition for the
International Criminal
Court

c/o WFM
777 UN Plaza
New York, NY 10017

Phone: +1 212 687-2176,
Fax: +1 212 599-1332
cicc@iccnw.org

The work of the CICC is funded by:

*European Union;
the Ford Foundation; the John D. and Catherine T. MacArthur Foundation;
the Open Society Institute;
Third Millennium Foundation?
the governments of Canada, Finland, Germany, the Netherlands;
and from individual donors and participating NGOs.*

Visit us on the web:
www.iccnw.org

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 105 States Parties as of the June 2007, 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 2002²⁷. 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 30 January, the Pre-trial Chamber confirmed the charges against T. Lubanga. On 27 February 2007, the Prosecutor Luis Moreno Ocampo, requested that Pre-Trial Chamber I summon two persons to appear before the Court in the Darfur situation in Sudan. The Prosecutor stated that they are reasonable grounds to believe that these two persons bear criminal responsibility for crimes against humanity and war crimes committed in Darfur in 2003 and 2004. On 22 May 2007, the ICC opens a new investigation in the Central African Republic.



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

Visit us on the web:
www.iccnw.org



Steering Committee of the Coalition for the ICC

- Amnesty International;
- Asian Forum for Human rights and Development;
- Asociacion pro Derechos Humanos;
- Civil Resource Development and Documentation Centre;
- Comision Andina de Juristas;
- European Law Students Associations;
- Federation Internationale des Ligues des Droits de l'Hommes;
- Human Rights First;
- Human Rights Network-Uganda;
- Human Rights Watch;
- No Peace Without Justice;
- Parliamentarians for Global Action;
- Rights and Democracy;
- The Redress Trust;
- Women's Initiative for Gender Justice;
- World Federalist Movement

Visit us on the web:
www.iccnw.org

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



Foreign Affairs
Canada

Affaires étrangères
Canada

