



# European Newsletter

Coalition for the International Criminal Court

*The European monthly publication on the International Criminal Court  
35<sup>th</sup> Edition, November 2003*

Director: Iruñe Aguirrezabal Quijera

Editor: Rita Patrício

CICC European Office:

Rue Montoyer, 6 - 1000 Brussels, Belgium

Tel: + 32 2 502 62 15 Fax: + 32 2 502 62 38 E-mail: [cicceurope2@iccnw.org](mailto:cicceurope2@iccnw.org)

Website: [www.iccnw.org](http://www.iccnw.org)

## In this Edition:

- **NEWS FROM THE INTERNATIONAL CRIMINAL COURT:** *Deputy Prosecutor for Investigations, Mr. Serge Brammertz, was sworn in on November the 3<sup>rd</sup>, in The Hague. The Presidency of the Court launches first ICC Online Public Hearing on the "Regulations of the Court", p. 4*
- **DEMOCRATIC REPUBLIC OF CONGO:** *ICC Prosecutor Takes Preliminary Steps - EU Condemns Massacres in Ituri, p. 4*
- **UN SECURITY COUNCIL DEBATES "JUSTICE AND THE RULE OF LAW":** *Over 50 Countries In Support to the ICC, p. 6*
- **58<sup>TH</sup> SESSION OF UN GENERAL ASSEMBLY:** *6<sup>th</sup> Committee Adopts Resolution on ICC, p. 7*
- **ACP-EU JOINT PARLIAMENTARY ASSEMBLY:** *Support to ACP Countries Refusing BIAs: p7*
- **109<sup>TH</sup> ASSEMBLY OF INTER-PARLIAMENTARY UNION:** *Call for Universality of ICC, p. 8*
- **DYNAMIC NGO ACTION IN GEORGIA, POLAND AND SWEDEN:** *European NGO Undertake Campaign on ICC, p.8*
- **THE COALITION REPORTS:** *The European Office of the Coalition for the ICC brings to your attention reports of relevant ICC meetings: CICC event at ODIHR 2003 Human Dimension Implementation Meeting - Warsaw, Poland, p.10*
- **UPDATES ON RATIFICATION AND IMPLEMENTATION IN EUROPE:** *More developments in Armenia, Croatia, Ireland, Italy, The Netherlands, Poland, Serbia and Montenegro, p. 12-20*
- **CALENDAR OF ICC EVENTS IN EUROPE,** *p.21*
- **LATEST PUBLICATIONS,** *p.22*
- **BECOME A MEMBER OF THE COALITION FOR THE ICC,** *The CICC Membership Request Form, p. 24*

## CONTACT THE COALITION FOR THE ICC:

Asian Coordinator: Evelyn Serrano, [ciccasia@iccnw.org](mailto:ciccasia@iccnw.org)

European Coordinator: Iruñe Aguirrezabal Quijera, [cicceurope@iccnw.org](mailto:cicceurope@iccnw.org)

Latin American and Caribbean Coordinator: José Guevara, [cicc2@iccnw.org](mailto:cicc2@iccnw.org)

The Hague Office, Legal Adviser: Jennifer Schense, [cicclegal@iccnw.org](mailto:cicclegal@iccnw.org)

New York Office, Program Director: Tanya Karanasios, [cicc1@iccnw.org](mailto:cicc1@iccnw.org)

Convenor of the Coalition: William R. PACE

Website: [www.iccnw.org](http://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 Coalition is working since 1995, towards a common goal: the establishment of a permanent, fair and independent **International Criminal Court (ICC)**. Since the Rome Conference adopted, in July 1998, by an overwhelming majority of states (120) the Rome Statute, the NGO Coalition has been mandated to focus on five interconnected goals:

- **Promoting education and awareness** of 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.
- **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.
- **Assuring the effective establishment** of the ICC.

Since 1999, the **EUROPEAN OFFICE** of the Coalition is based in Brussels with a mandate to further the goals outlined above with a particular focus on this region.

**The Steering Committee of the Coalition for the ICC** : *Amnesty International; Asociacion Pro Derechos Humanos; European Law Students Association; Federation Internationale Des Ligues Des Droits De L'homme; Human Rights Watch, International Center For Human Rights And Democratic Development; International Commission of Jurists; Lawyers Committee For Human Rights; No Peace Without Justice, Parliamentarians For Global Action; Union Interafricaine Pour Les Droits De L'homme, Women's Caucus For Gender Justice; The World Federalist Movement.*

## Historical Overview

With 92 States Parties as of the 5<sup>th</sup> of September 2003, the ICC's jurisdiction continues to broaden its scope and support all over the world. 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 the 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, one

139 countries signed the Court's treaty by the established deadline of December 31, 2000.

With the deposit of the 60<sup>th</sup> ratification instrument on the 11<sup>th</sup> April 2002, the Rome Statute entered into force on the 1<sup>st</sup> 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 1<sup>st</sup> 2002, the ICC established its headquarters in The Hague, the Netherlands, and sworn in its senior officials, including eighteen Judges, the Prosecutor and Registrar. The Deputy Prosecutor for Investigations, Mr. Serge Brammertz, was sworn in on November the 3<sup>rd</sup> in The Hague.

The Court is expected to begin investigating and hearing cases once all its officials are installed.

## What is the International Criminal Court (ICC)?

The International Criminal Court is a treaty-based organisation governed by the countries to have ratified or acceded to its' treaty, the Rome Statute. Unlike the Rwanda and Yugoslavian International Criminal Tribunals, created by a Security Council's Resolution, the jurisdiction of the ICC is not chronologically or geographically limited.

The ICC does not have jurisdiction over crimes committed before the 1<sup>st</sup> July 2002, the date the Rome Statute entered into force. The ICC's jurisdiction encompasses crimes of genocide, war crimes and crimes against humanity. A fourth crime, the crime of aggression, is also listed in the Rome Statute, in article 5 (d). Nevertheless, States need to agree upon a definition of this crime before the ICC can have jurisdiction over it. This could occur in 2009, at the first Review Conference of the Rome Statute. Thus, the ICC is unable to consider any charge of aggression.

### Which are the Triggering Mechanisms to Initiate the Jurisdiction of the ICC?

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 Security Council referral to the ICC:** The Security Council can, acting under Chapter VII of the Charter of the United Nations, refer a situation in which one or more crimes appears to have been committed. No prerequisite of territoriality or nationality is necessary (Article 13 (c) R.S.).

### The System of the Rome Statute

**The Principle of Complementarity:** According to the Rome Statute, national jurisdictions have primacy over the jurisdiction of the ICC. 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 incorporated the necessary implementing legislation.

### What is Next in the 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 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:

1. Obtaining worldwide ratification of the Rome Statute;
2. Ensuring the development of strong implementing legislation in all countries that have signed, ratified or acceded to the Rome Statute for the ICC;
3. Ensuring that the appropriate mechanisms are in place for the Court to begin functioning effectively as early as possible;
4. Monitoring and supporting the work of the Assembly of States Parties.

**NOVEMBER 2003:**

**92 RATIFICATIONS and ACCESSIONS TO THE ROME STATUTE FOR THE ICC.**

**41 SIGNATURES and 2 RATIFICATIONS TO THE AGREEMENT ON PRIVILEGES AND IMMUNITIES (APIC).** The Agreement was adopted on 9 September 2002 and opened for signatures on 10 September 2002. The Agreement enters into force after 10 ratifications. So far only two states have ratified: Norway and Trinidad & Tobago. For more information about the APIC, please contact Cecilia Nilsson at: [ciclegal2@iccnw.org](mailto:ciclegal2@iccnw.org) and visit our website at: [www.iccnw.org/buildingthecourtnew/apic.html](http://www.iccnw.org/buildingthecourtnew/apic.html)

**News From the International Criminal Court:**

The International Criminal Court is now a functioning institution with all its senior officials - Judges, Prosecutor and Registrar- in place. The Assembly of States Parties elected the Deputy Prosecutor for Investigations Mr. Serge Brammertz, from Belgium, on the 9<sup>th</sup> of September 2003, for a period of six years. On the 3<sup>rd</sup> of November 2003, Mr. Brammertz was sworn in during a ceremony in The Hague. Mr. Brammertz will be in charge of the work of the Office of the Prosecutor on the situation in Ituri. Serge Brammertz has worked on matters of cross-border cooperation between prosecutors and police forces. As a National Magistrate in Brussels, his main responsibility was to coordinate criminal investigations at the international level. In May 2002, Mr. Brammertz was appointed Federal Prosecutor of Belgium. For more details about the **Solemn undertaking of the Deputy Prosecutor**, visit: <http://www.icc-cpi.int/php/news/details.php?id=28>

investigation team should be fully operational from January 2004.

The Presidency of the Court is currently working on the "Regulations of the Court", that will enable the Court and its Chambers to be prepared for the first case. In wishing to make this proceeding transparent and open to outside input and expertise, the ICC judges released a public announcement for the **first ICC Online Public Hearing**. Through this consultation mechanism, the ICC Judges wish to obtain "the benefit of all expertise available and consult with civil society and the wider public" before the adoption of the Regulations. Consultation has been open for the issues of victims and defence. Sets of questions around these issues have been posted on the ICC's web page. All interested parties may submit written remarks until the 22<sup>nd</sup> of November 2003. Visit the ICC webpage: [www.icc-cpi.int/php/show.php?id=oph\\_introduction](http://www.icc-cpi.int/php/show.php?id=oph_introduction).

In 2004, the ICC is expected to run one situation and the investigation of three cases. The first

**Democratic Republic of Congo: ICC Prosecutor Takes Preliminary Steps - EU Condemns Massacres**

The massacres in Ituri, a north-eastern district in the Democratic Republic of Congo (DRC), have been target of worldwide condemnation and concern.

In a recent press release,<sup>1</sup> the Office of the Prosecutor announced that the Prosecutor, Mr. Luis Moreno Ocampo, will look for "assistance of African countries in finding African solutions for the problems of the region". In order to do so, the Prosecutor will send letters to African countries,

and to all States Parties to the Rome Statute seeking for support of his work regarding the situation in Ituri. The Government of DRC will also be contacted. During the last Assembly of States Parties in September 2003, the Prosecutor said that crimes committed in Ituri potentially constituted genocide, crimes against humanity, or war crimes - all of which fall within the Court's jurisdiction. If necessary, he stood ready to seek authorization from the pre-trial chamber to start an investigation.

<sup>1</sup>Press release available at: [www.icc-cpi.int](http://www.icc-cpi.int)

Serge Brammertz, the Deputy Prosecutor for Investigations will be in charge of the work of the Office of the Prosecutor regarding the situation in Ituri.<sup>2</sup>

DRC ratified the Rome Statute on April 11, 2001, thus becoming a State Party. The government is still considering national legislation implementing the Rome Statute.

Following reports on recent massacres in the region, the European Union Institutions have expressed great concern while recognising the important role of the International Criminal Court. At the General Affairs and External Relations Council meeting in Luxembourg on the 13<sup>th</sup> of October, Member States discussed the situation in DRC and its relation with the ICC. The European Union's Presidency released a Declaration that follows:

**Declaration by the Presidency on behalf of the European Union on the massacres in the province of Ituri in the Democratic Republic of the Congo<sup>3</sup>**

*The European Union firmly condemns the renewed massacres in Ituri on Monday 6 October 2003, in the village of Katchele. These events, which add to the enormous suffering already sustained by the local populations, demonstrate the persistence of elements opposing the peace process in the Democratic Republic of the Congo, despite the progress made in recent months.*

*The European Union confirms its very strong support for the peace process and its determination to ensure that the perpetrators of these massacres do not go unpunished. In this connection, the EU notes the decision of the International Criminal Court to examine the investigations into the events in Ituri.*

*The European Union calls on the States in the region to cooperate fully with the transitional government of the Democratic Republic of the Congo in its task of restoring order and the authority of the State throughout the territory, and in its eastern provinces in particular. The EU attaches great importance to the strict observance of Security Council Resolution 1493 (2003) which, inter alia, invites all States to take the necessary measures to prevent the direct or indirect supply of arms to armed groups operating in the eastern provinces of the Democratic Republic of the Congo which are not party to the Global and All-inclusive agreement.*

*The European Union encourages MONUC to continue its peace-keeping efforts in Ituri, in the wake of Operation Artemis, and notes with satisfaction the full deployment of the Ituri Brigade.*

*The Acceding Countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia, the Associated Countries Bulgaria, Romania and Turkey and the EFTA countries, members of the European Economic Area, align themselves with this declaration.*

On the 12<sup>th</sup> June 2003, the European Union launched a Military Operation, the Operation ARTEMIS, in the Democratic Republic of Congo. Its mandate, under UN Security Council Resolution 1484 (30 May 2003) and the Council's Joint Action adopted on 5 June 2003, ended officially on the 1 September. The last elements of the force left Bunia, in Ituri, on 6 September. The UN Security Council Resolution authorised the deployment of an interim emergency multinational force in Bunia until 1 September 2003. The European military force worked in close co-ordination with the United Nations Mission in DRC (MONUC). It was aimed at contributing to the stabilisation of the security conditions and the improvement of the humanitarian situation in Bunia.

France acted as the "Framework Nation" for the operation. The headquarters of the military force were installed in Entebbe (Uganda) with a station in Bunia.

The EU has been following the situation in the Great Lakes region and in the DRC in particular with great attention and concern over the last years. Since 1996, the EU has been involved in the efforts towards a peaceful resolution of the conflict in the DRC, especially through the EU Special Representative for the Great Lakes Region, Mr. Aldo Ajello. The European Union has also sent a mission of experts to DRC with the objective of rebuilding the judiciary system in the country.

CICC Members have been actively involved with the ongoing crisis in DRC. Amnesty International, FIDH and Human Rights Watch have recently released reports and analysis on the situation in Congo. At the launching of Amnesty International's report "*Ituri: a need for protection, a thirst for justice*", Amnesty International's Secretary General Ms. Irene Kahn, said: "*Prosecution by the ICC will send an important signal, but it is not enough and other international measures must also be considered. Priority must be given to establishing an effective national system of justice.*"

**CICC Policy on Possible Situations and Communications to be referred to the Court:**

The NGO Coalition for the ICC is dedicated to the establishment of the International Criminal Court as a fair, effective, and independent international organisation. The Coalition will continue to provide the most up to date information about the ICC and to help coordinate global action to effectively implement the Rome Statute of the ICC. The Coalition as a whole, and its secretariat, will not be directly involved in the promotion or development of situations before the ICC. The Coalition will endeavour though to respond to basic queries and to raise awareness about the ICC's complaint system, as it develops. In addition, many individual CICC members will provide legal and other support on investigations and will develop partnerships with local and other organizations in the course of their efforts. Communications to the ICC can be sent to: ICC, P.O. Box 19519, 2500 CM The Hague, The Netherlands.

<sup>3</sup> Doc. 13526/03 (Presse 301), available at: [www.euitaly2003.it/EN/LaPresidenzaInforma/Documenti/20031013\\_020PESSCCongo.htm](http://www.euitaly2003.it/EN/LaPresidenzaInforma/Documenti/20031013_020PESSCCongo.htm)

## UN Security Council Debates "Justice and the Rule of Law": Over 50 Countries in Support to the ICC

### Over 50 Countries Voice ICC Support As U.S. Cuts Aid to ICC States Parties, Global ICC Support is Reinforced

(New York, October 1, 2003) - Statements of strong support for the International Criminal Court (ICC) were heard on behalf of over 50 countries as part of a UN Security Council open debate on the 30<sup>th</sup> of September 2003 on "Justice and the Rule of Law." Statements reiterated countries' support for the ICC and called for increased national and international cooperation, including: Security Council support for and referral to the ICC of situations in which states have accepted its jurisdiction; a strengthened relationship between the UN and the ICC; continued ratification of and accession to the Rome Statute of the ICC; and the strengthening of national jurisdictions to enable states to try the core crimes defined in the Rome Statute, namely genocide, crimes against humanity and war crimes.

Notable speakers included Mr. Atoki Ileka, ambassador of the Democratic Republic of Congo (DRC) to the UN, who encouraged the work of the Office of the Prosecutor of the ICC, which has recently announced that it is examining reports of crimes committed in the Ituri region for possible formal investigation. Ambassador Ileka also called for the creation of an ad hoc war crimes tribunal to deal with the crimes committed in the DRC prior to the July 1, 2002 entry into force of the Rome Statute.

Mr. Paul Heinbecker, ambassador of Canada to the UN, highlighted the role of the Security Council regarding potential referrals, saying, "*in cases where the jurisdiction of the ICC is clearly accepted by the State affected, where that state is unwilling or unable to respond to massive crimes, and where there is no hope for the victims other than the ICC - we assume this Council will set aside its differences and support the work of the ICC to help bring justice for victims. The situation in Ituri, Democratic Republic of Congo, may be one such situation.*"

The relationship of the Security Council to the ICC was also touched upon by the Ambassador of New Zealand to the United Nations, Mr. Don Mackay, who implied that the Security Council should cease from adopting resolutions that request immunity from the ICC: "*the ICC is now in a position to contribute to the international community's shared objective of ending impunity for genocide, crimes against humanity, and war crimes. [...]we hope that the Security Council will cooperate with the ICC within the*

*framework of the Rome Statute and the Charter, and refrain from actions that would undermine the effective operation of the Court.*"

A statement made by Japan called for increased ratification of the Rome Statute. Further statements highlighted the need for a strengthened relationship between the UN system in general and the ICC, and for continued work to strengthen national laws to enable states to try individuals who commit crimes under the Rome Statute.

This overwhelming demonstration of international support for the ICC coincided with the U.S. determined deadline for ICC states parties to sign bilateral non-surrender agreements with the U.S. or risk losing military assistance. More than 30 countries lost a portion of their U.S. fiscal year 2003 funds, totalling approximately \$46 million in International Military Education and Training (IMET), Foreign Military Assistance (FMA) and Arms Export Control Act funds. As the 2004 U.S. fiscal year commences today, these countries stand to lose the entirety of their 2004 U.S. military assistance, which could total an additional \$89.28 million.

*"This is the first sanction in U.S. diplomatic history targeted exclusively at democracies,"* said Heather Hamilton, director of programs at the World Federalist Association. *"The Bush administration's ideological opposition to the ICC is compromising other vital U.S. foreign policy priorities, and putting allies and friendly nations in a difficult position,"* she said.

Italy (on behalf of the European Union, the acceding countries, the associated countries and the European Free Trade Association countries, members of the European Economic Area) stated, "*The EU also strongly believes that the International Criminal Court provides a powerful, permanent instrument of deterrence against such crimes. The EU will remain firmly committed to its effective functioning. The Court does not aim at replacing domestic jurisdictions. It may assume responsibility as a last resort and only when a State is unable or unwilling to do so. The Court is not just a judicial institution, designed to prevent and put an end to the impunity of the perpetrators of serious crimes, it is also an essential means of promoting respect for international humanitarian law and human rights law, thus contributing to freedom, security, justice and the rule of law, as well as to the preservation of peace and strengthening of international security.*"

The meeting records are available on the UN website: [www.un.org/Depts/dhl/resguide/scact2003.htm](http://www.un.org/Depts/dhl/resguide/scact2003.htm)

## 58<sup>th</sup> Session of UN General Assembly: 6<sup>th</sup> Committee Adopts Resolution on ICC

The Sixth Committee of the United Nations' General Assembly adopted, on the 23<sup>rd</sup> of October 2003, a resolution on the International Criminal Court. After the adoption, the US asked for the floor and declared that it dissociated itself from the adoption of this resolution. Following is the text of the Resolution.

03-56624 (E) 171003 \*0356624\*  
Fifty-eighth session Sixth Committee

### Draft resolution International Criminal Court

*The General Assembly,*

*Recalling its resolutions 47/33 of 25 November 1992, 48/31 of 9 December 1993, 49/53 of 9 December 1994, 50/46 of 11 December 1995, 51/207 of 17 December 1996, 52/160 of 15 December 1997, 53/105 of 8 December 1998, 54/105 of 9 December 1999, 55/155 of 12 December 2000, 56/85 of 12 December 2001 and 57/23 of 19 November 2002,*

*Noting that the Rome Statute of the International Criminal Court was adopted on 17 July 1998 and entered into force on 1 July 2002,*

*Noting further that with the election of the judges and the Prosecutor and the appointment of the Registrar, the International Criminal Court is fully constituted,*

*Reiterating the historic significance of the adoption of the Rome Statute of the International Criminal Court,*

*1. Calls upon all States that are not yet parties to the Rome Statute of the International Criminal Court to consider ratifying it or acceding to it without delay and encourages efforts aimed at promoting awareness of the results of the United Nations Diplomatic Conference of Plenipotentiaries on the establishment of an International Criminal Court, held in Rome from 15 June to 17 July 1998, the provisions of the Statute and the process leading to the establishment of the International Criminal Court;*

*2. Calls upon all States to consider becoming parties to the Agreement on the Privileges and*

*Immunities of the International Criminal Court, without delay;*

*3. Welcomes the holding of the first and second resumptions of the First session and the Second session of the Assembly of States Parties, in New York from 3 to 7 February 2003, from 21 to 23 April 2003 and from 8 to 12 September 2003, respectively, the election of judges and the Prosecutor and the adoption of a number of instruments;*

*4. Takes note of the establishment of the Special Working Group of the Assembly of States Parties to the Rome Statute of the International Criminal Court on the crime of aggression, open to all States on an equal footing, and of the possibility that at some future time the meeting of that working group may be held at United Nations Headquarters;*

*5. Expresses appreciation to the Secretary-General for providing effective and efficient assistance in the establishment of the International Criminal Court;*

*6. Welcomes the establishment of the Permanent Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court;*

*7. Recognizes the need for an orderly and smooth transition of work from the Secretariat of the United Nations to the secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court;*

*8. Invites the Secretary-General to take steps to conclude a relationship agreement between the United Nations and the International Criminal Court and to present the negotiated draft agreement to the General Assembly for approval;*

*9. Decides to include in the provisional agenda of its fifty-ninth session the item entitled "International Criminal Court".*

Excerpts from the 58th UN General Assembly (Sept.23-Oct02) referring to the ICC can be found on our website at: <http://www.iccnw.org/documents/statements/governments2002.html>

### ACP-EU Joint Parliamentary Assembly Expresses Support to ACP Countries Refusing BIAs

The ACP-EU Joint Parliamentary Assembly met in Rome for its Fifth Session, from October 11 to 15, 2003. On the initiative of the Swedish MEP Maj Britt Theorin (PSE, member of PGA), an urgent debate on the International Criminal Court was held on October 14, where many Parliamentarians reaffirmed their full support to the ICC, as an essential instrument for the consolidation of the international Rule of Law and for the deterrence of future crimes.

Recognising that the importance of the ICC lies in the fact that the entire Court's system is based on commonly shared values such as the "no impunity principle" and the equality of all before the law, MPs further condemned the practice of bilateral non-surrender agreements.

In this context and as a follow-up to the resolution on the International Criminal Court adopted on the occasion of the ACP-EU JPA held in Brazzaville in April this year, the Assembly included in the *Resolution on the situation in West Africa* (ACP-EU 3627/03/fin, adopted on the 15 October 2003) the principle that developing countries suffering the consequences of not signing a BIA, should receive the support and assistance of the EU and other countries. The relevant paragraphs read:

*"K. Whereas developing countries have been coerced into signing bilateral agreements with the US to grant US citizens immunity from prosecution before the International Criminal Court; and whereas refusal to sign these agreements would have resulted*

in the US cutting off military assistance funding to these countries, (...)

20. Asks that ACP countries that are suffering financially because of their refusal to submit to pressure concerning the International Criminal Court receive compensation through extension of their cooperation programmes;"

The Assembly further noted that "should blatant violations of children's rights occur, the ACP-EU

Joint Parliamentary Assembly may apply to the International Criminal Court to prosecute crimes against children which are crimes against humanity;"

For the text of the Resolutions "On the Situation in West Africa" and "On Children's Rights and Child Soldiers in Particular", please visit: [www.europarl.eu.int/intcoop/acp/60\\_06/resolutions\\_en.htm](http://www.europarl.eu.int/intcoop/acp/60_06/resolutions_en.htm)

## 109<sup>th</sup> Assembly of Inter-Parliamentary Union: Call for Universality of ICC

The 109<sup>th</sup> Assembly of the Inter-Parliamentary Union (IPU), adopted by consensus (with reservations from Syria) on the 3<sup>rd</sup> of October 2003, in Geneva, a Resolution on "**The Role of Parliaments in Assisting Multilateral Organisations in Ensuring Peace and Security and in Building an International Coalition for Peace**" The IPU is an international organisation of Parliaments, established in 1889. Around 130 national parliaments are currently members of the IPU. Five regional parliamentary assemblies are Associate Members.

In the terms of this Resolution, the IPU Assembly "Invites all States to consider, if they have not yet done so, acceding to and/or ratifying international instruments, as appropriate, in

particular the Protocols additional to the Geneva Conventions and the Rome Statute establishing the International Criminal Court, and recalls that, in establishing the crimes falling within the jurisdiction of the International Criminal Court, the latter's Statute defines rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence both as war crimes and, when committed as part of a widespread or systematic attack directed against any civilian population, as crimes against humanity;"

The Resolution is available (in English and French) at: <http://www.ipu.org/conf-e/109-1.htm>

The next Assembly will take place in the United Kingdom from 28 March to 2 April 2004.

## Dynamic NGO Action in Georgia, Poland and Sweden!

Different actors such as NGOs, academics, lawyers, judges and media all over Europe continue to engage in national campaigns of support to the International Criminal Court. In many countries, national Coalitions and networks were created to give a common strong voice to civil society. Often, national Coalitions have showed to be fundamental in speeding up the ratification and implementation process, in creating national awareness on the International Criminal Court, in calling their governments and parliamentarians against Bilateral Immunity Agreements envisaged by the United States.

The European Office of the Coalition wishes to support national NGOs pursuing these efforts and invites NGOs to become members of the Coalition for the ICC (see page 24).

While the most crucial and effective support to accession, ratification and implementation of the Rome Statute is found at the national level, it is crucial that national groups in all countries engage in supporting the ICC.

In this edition, the European Newsletter brings to your attention news on the creation of a Coalition of NGOs in Georgia for the support of the ICC; a project on implementing legislation led by ELSA Poland and The Swedish Peace and Arbitration Society's campaign "Stop war crimes - support the ICC! Join our digital demonstration".

NGOs are invited to send articles, reports on their plans and activities to be included in the next issues of the European Newsletter. For more

information, please contact Rita Patrício at: [ciceurope2@iccnw.org](mailto:ciceurope2@iccnw.org)

## Georgia: International Centre on Conflict and Negotiation

George Khutsishvili, Director of the International Centre on Conflict and Negotiation (ICCN) has recently visited the International Criminal Court in The Hague, the Netherlands. Mr. Khutsishvili was invited by the Justice and Peace Commission, the Netherlands, to visit The Hague as member of the international expert meeting on the establishment of the Center for Justice and Reconciliation (CJR), a network organisation. The International Center on Conflict and Negotiation initiated a gathering at the ICCN office of a number of Georgian NGOs and IO representatives on the 20<sup>th</sup> of October 2003 in order to discuss the role of Georgia, as a country that has recently ratified the Rome Statute of the ICC, in relation to the development of the Center of Justice and Reconciliation, and creation of the Georgian NGO Coalition for the ICC. The participants at the gathering were Prof. George Khustishvili, Ms. Nina Tsihistavi, co-director of the Caucasus Women's Network, Mr. Ucha Nanuashvili, leader of the Human Rights Information and Documentation Center, Mr. Nodar Topuridze and Mr. Zviad Tsagareishvili, representatives of the Georgian Center of International Criminal Law (GCICL), Ms. Natia Gvazava from the ICRC Delegation in Georgia, Mr. Marat Baratashvili of



the Union of Georgian Repatriates (UGR) and Mr. Emil Adelkhanov of the Caucasus Institute for Peace, Democracy and Development (CIPDD). Consultations have also taken place with Ms. Nana Kakabadze, co-director of the NGO "Former Political Prisoners for Human Rights", Ms. Nino Bakakuri of the Georgian Young Lawyers' Association (GYLA), Mr. Alexander Russetsky, leader of the Georgian Helsinki Citizen's Assembly and the South Caucasus Security Institute et al.

There was a generally positive response to the ICCN proposal to work on the action plan to establish a coalition of Georgian NGOs for the support of the ICC, which would take part in development and the work of the CJR. This is an important indicator encouraging us to seek wider response from the Georgian civil society, especially CSO and NGO networks, as well as international organisations and missions operating in our country, towards creating a viable network of experts and organisations to promote the principles of the Rome Statute in our country and present in a qualified way burning issues for Georgia to the international community. For more information, contact: ICCN [<mailto:iccn@iccn.ge>]. Press Release (23.10.2003).

### **ELSA POLAND: Implementing Legislation**

In the spring 2003, ELSA Poland launched its campaign "ELSA Poland for International Justice". Its main goal is to disseminate the idea of the International Criminal Court and to provide information about the Court and its activities. ELSA Poland created Scientific Council for the campaign, consisting of experts in international criminal law and human rights. One of the Scientific Council's members is Professor Eleonora Zielinska, Polish candidate for ICC judge. ELSA Poland started also a co-operation with the Polish government, academics and non-governmental organisations to provide greater support for the campaign and process of implementation of the ICC Statute in Poland.

The Legal Research Group has been formed to analyse Polish criminal law in view of the implementation of the provisions concerning the International Criminal Court. Research covers issues in question, which should be taken into account when considering the amendment of Polish Criminal Code. Research will finish at the beginning of January. Its' results will be presented to the Department of International Co-operation of the Ministry of Justice and will help in the implementation process. Research was agreed with the Department mentioned above.

On the 25<sup>th</sup> November 2003, ELSA Poland will hold a seminar in Warsaw to commemorate the second anniversary of ratification of the Rome Statute by Poland. Amongst the speakers will be Mec. Wojciech Hermelinski, the Vice President of

Polish Bar Association (International Criminal Bar, role of defence); Mr Andrzej Misztal, Ministry of Foreign Affairs (bilateral agreements) and Dr Pawel Wilinski, Adam Mickiewicz University, Poznan (procedure). To confirm are speakers from Ministry of Justice to discuss implementation. The discussion on the future of the ICC will be held with the participation of Professor Eleonora Zielinska, Polish candidate for ICC judge.

The greatest event planned for 2004 is an International Conference, to take place on the 15<sup>th</sup> and 18<sup>th</sup> April 2004: "*International Criminal Court- what's next? Chances and obstacles of internationalisation of International Criminal Law*".

The "ELSA Poland for International Justice" campaign has also its web site <http://www.elsa.org.pl/icc/>, the most up-to-date web site in polish on the ICC. It provides the visitors with news, Legal Research Group's information, documents concerning the ICC in English and Polish, basic information about ICC, articles on ICC written by students and great number of useful links.

ELSA International is a member of Steering Committee of the Coalition for the International Criminal Court. For more information on ELSA Poland, e-mail: [icc@elsa.org.pl](mailto:icc@elsa.org.pl)

*Aleksandra Kacperska, Michal Strzelecki.*

### **Stop War Crimes - Support The ICC! Join the digital demonstration- Swedish Peace and Arbitration Society.**

The International Criminal Court, ICC, was officially inaugurated this year. This independent court will hold individuals guilty of war crimes, genocide and other human rights abuses responsible for their unpardonable crimes. Being the first global, permanent court established to this end, the ICC represents a great advance for international law!

Unfortunately, the court faces serious and active opposition from the Bush administration. Through economic sanctions the US forces small, economically challenged countries into signing impunity agreements granting US citizens immunity from prosecution by the ICC.

This is an opportunity for you to demonstrate your dismay over the American policy on the ICC!

In a digital rally organised by the Swedish Peace and Arbitration Society on the music channel MTV Nordic's home page you can express your support for the International Criminal Court and oppose the aggressive US campaign against it!

To join the rally, enter <http://www.digitalprotest.com/svenskafreds/>

You are of course more than welcome to help us spread information about the protest!

*Frida Blom- President of The Swedish Peace and Arbitration Society.*

## The Coalition Reports

### ODIHR 2003 Human Dimension Implementation Meeting - Warsaw, Poland.

From October 6 to 17, 2003, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) held the 2003 edition of the Human Dimension Implementation Meeting, at its headquarters in Warsaw, Poland.

The European office of the CICC participated to the meeting and organised a side-event on the International Criminal Court.

The side-event was attended by NGOs (mainly from the NIS region), delegates and International Organisations. The participants discussed the importance of the ICC within the International Justice system, the significance of the latest developments of the Court, as well as the necessity of continuing defending the integrity of the Rome Statute. In addition, an overview on the ICC ratification and implementation status in the OSCE region was given and attendants finally agreed on the need to strengthen civil society presence and support in the region, not least through the creation of 'national coalitions'. The ODIHR official session on 'International Humanitarian Issues' was marked by the positive interventions in support of the ICC.

Among others, the Canadian delegate called upon states to provide the fullest support to the Court and to intensify their efforts to promote ratification and implementation. Canada expressed its readiness to work with interested states and organisations, to assist them and share with them experiences. An appeal was also made to consider the OSCE "as a forum through which to promote ratification of the ICC Statute by the OSCE participating States".

France, speaking on behalf of the European Union, urged all states to ratify and promote universal adherence to the Rome Statute. Moreover, states were firmly requested to respect their financial and substantial commitments, as well as their obligations of cooperation, which include the abstention from signing any bilateral non-surrender agreements. Recalling that the real problem "is not that law is lacking, rather the lack of implementation of available law and the lack of respect for law that is implemented", the ICRC urged all States concerned to give domestic effect to the treaties they ratify, by modifying their laws as may be necessary. To this end, the ICRC "stands ready, willing and able through its Advisory Service on International Humanitarian Law, to assist states with ratification, national implementation and dissemination of these laws".

Finally, the Coalition addressed the participating states by mentioning the important role that the OSCE and the ODIHR can have in fostering the ICC process and therefore appealed all states to hold a special session on the Fight Against Impunity on the occasion of the 2004

Human Dimension Implementation Meeting. The Coalition made and circulated the following recommendations:

*Considering our determination to the consolidation of the rule of law in the OSCE region, we are convinced that the compliance with human rights and humanitarian law is crucial for the preservation of peace and the strengthening of international security, in accordance with the principles and purposes of the Charter of the United Nations;*

*Welcoming the OSCE Parliamentary Assembly resolution on the International Criminal Court adopted in July 2003, whereby it recognises the "vital importance of the Court not only for accountability and lasting justice, but also for peace and security" and it calls the OSCE participating states to ratify and implement the Rome Statute of the ICC;*

*Considering that the International Criminal Court is at the heart of the 'international justice system' established by the Rome Statute but has not primacy over national systems;*

*Whereas the International Criminal Court has now been established, with the highest officials of the Court having been elected, and it will be soon become an operational institution;*

*Whereas the Assembly of States Parties approved at its Second session the budget for the second financial year of the Court;*

*Determinant to contribute to the effectiveness of the International Criminal Court and mindful of the importance of the general obligation of State Parties to fully cooperate with the Court, we are concerned by the strong pressures to sign bilateral agreements seeking to exempt nationals of one state from the jurisdiction of the ICC, thus violating the Rome Statute and precluding the complementarity principle;*

*Whereas OSCE members remain fully committed to comply with the obligations to cooperate with the ICC stemming from the Rome State,*

*Considering the determinant role of the OSCE in building democracy, human rights and the rule of law, and acknowledging that these are all interconnected and interdependent:*

- 1. We urge all OSCE participating states to act in consistence with the OSCE Parliamentary resolution and to strengthen this new institution by ratifying or adhering to the ICC as well as by meeting their obligations under the Rome Statute to incorporate into national orders the "most progressive definitions of all crimes under international law";*
- 2. We urge all OSCE participating states to comply with their duty to exercise their criminal jurisdiction over those responsible for international crimes, by implementing the Rome Statute of the ICC and other relevant treaties on international humanitarian law and international criminal law;*
- 3. We call upon all States to promptly ratify the Agreement on Privileges and Immunities of the ICC, without which it will be extremely difficult for the Court to operate outside the territory of the Netherlands;*
- 4. We call upon States Parties to fulfil their financial obligations by paying their assessed*

contributions promptly, so that the Court is not hampered in its functioning by lack of funds;

5. We express our support to those states that resisted the pressure, in respect of the rule of law and we appeal all states to fiercely oppose any attempt to undermine the integrity of the Rome Statute of the ICC;

6. We call upon the OSCE and in particular its Office for Democratic Institutions and Human Rights to include the 'Fight against impunity' of the

most egregious crimes of mankind among the areas of work of its official mandate, and therefore, to include in the Human Rights Dimension Implementation meeting in 2004 a working session on "the fight against impunity".

For further information, please contact Luisa Mascia at [cicceurope1@iccnow.org](mailto:cicceurope1@iccnow.org).

**STATES PARTIES to the Rome Statute of the ICC BY REGION:  
92 Ratifications as of 5<sup>th</sup> of September 2003**

Region	Date of Ratification /Accession		
		Nauru	12 November 2001
		New Zealand	7 September 2000
		Rep. of Korea	13 November 2002
		Samoa	16 September 2002
		Tajikistan	5 May 2000
<b>AFRICA (22 STATES PARTIES)</b>		<b>EUROPE (37 STATES PARTIES)</b>	
Benin	22 January 2002	Albania	31 January 2003
Botswana	8 September 2000	Andorra	30 April 2001
Central African Rep.	3 Octob. 2001	Austria	28 December 2000
Dem. Rep. Congo	11 April 2002	Belgium	28 June 2000
Djibouti	5 Nov. 2002	Bosnia-Herzegovina	11 April 2002
Gabon	20 September 2000	Bulgaria	11 April 2002
Gambia	28 June 2002	Croatia	21 May 2001
Ghana	20 December 1999	Cyprus	7 March 2002
Guinea	14 July 2003	Denmark	21 June 2001
Lesotho	6 Septemb. 2000	Estonia	30 January 2002
Malawi	19 September 2002	Finland	29 December 2000
Mali	16 August 2000	France	9 June 2000
Mauritius	5 March 2002	Germany	11 December 2000
Namibia	25 June 2002	Georgia	5 September 2003
Niger	11 April 2002	Greece	15 May 2002
Nigeria	27 September 2001	Hungary	30 November 2001
Senegal	2 February 1999	Iceland	25 May 2000
Sierra Leone	15 September 2000	Ireland	11 April 2002
South Africa	27 November 2000	Italy	26 July 1999
Tanzania	20 August 2002	Latvia	28 June 2002
Uganda	14 June 2002	Liechtenstein	2 October 2001
Zambia	13 November 2002	Lithuania	12 May 2003
		Luxembourg	8 September 2000
<b>AMERICAS (19 STATES PARTIES)</b>		Macedonia, FYR	6 March 2002
Antigua & Barbuda	18 June 2001	Malta	29 November 2002
Argentina	8 February 2001	Netherlands	17 July 2001
Belize	5 April 2000	Norway	16 February 2000
Barbados	10 December 2002	Poland	12 November 2001
Bolivia	27 June 2002	Portugal	5 February 2002
Brazil	20 June 2002	Romania	11 April 2002
Canada	7 July 2000	San Marino	13 May 1999
Colombia	5 August 2002	Serbia & Montenegro	6 Sept 2001
Costa Rica	7 June 2001	Slovakia	11 April 2002
Dominica	12 February 2001	Slovenia	31 December 2001
Ecuador	5 February 2002	Spain	24 October 2000
Honduras	1 July 2002	Sweden	28 June 2001
Panama	21 March 2002	Switzerland	12 October 2001
Paraguay	14 May 2001	United Kingdom	4 October 2001
Peru	10 November 2001		
Saint Vincent & Grenadines	3 December 2002	<b>N. AFRICA/ MIDDLE EAST (1 STATE PARTY)</b>	
Trinidad & Tobago	6 April 1999	Jordan	11 April 2002
Uruguay	28 June 2002		
Venezuela	7 June 2000		
<b>ASIA/PACIFIC ISLANDS (12 STATES PARTIES)</b>			
Afghanistan	10 February 2003		
Australia	1 July 2002		
Cambodia	11 April 2002		
East Timor	6 September 2002		
Fiji	29 November 1999		
Marshall Islands	7 December 2000		
Mongolia	11 April 2002		

**Note:** The regional groupings used in this document are based on the UN geographical regions (as published by the UN Statistics Division), and have been slightly modified by the CICC.

## 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, please contact Rita Patrício, for Western European, Central Europe and South East European States, at [cicceurope2@iccnw.org](mailto:cicceurope2@iccnw.org) or Luisa Mascia, for Newly Independent States, Central Asian Republics and Western Europe at [cicceurope1@iccnw.org](mailto:cicceurope1@iccnw.org).*

### Albania

Signature 18 July 1998· Ratification 31 Jan. 2003  
The Albanian Parliament ratified the Rome Statute for the ICC on the 23 of December 2002. The Ministry of Foreign Affairs prepared the instrument of ratification and deposited it on the 31 January 2003.  
The Albanian Constitutional Court had concluded, in a verdict from the 23<sup>rd</sup> of September 2002, that the Statute did not contradict the Constitution. Therefore, there were no constitutional obstacles to its ratification. 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; The ICC not abiding the principle *ne bis in idem* in certain cases. Source: Elsa Ballauri, Albanian Human Rights Group. Last revised: January 2003.

### Andorra

Signature 18 July 1998–Ratification 30 April 01.

### Armenia

Signature 1 Oct. 1999  
**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](http://www.legislationline.org/data/Documents/Armenia_Criminal_Code_2003.htm) Last revised: October 2003.

### Austria

Signature 7 Oct. 1998 – Ratification 28 Dec. 2000  
Implementing legislation is under discussion.  
**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 on its territory any convicted person, 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 n.135/2).  
**Substantive Criminal Law:** The Ministry of Justice is currently considering the amendment of the Austrian Penal Code, in order to complement it with the crimes falling under the Court jurisdiction, which are not already covered by the mentioned Code.

**APIC:** Signature: 10 September 2002.

Last revised: January 2003.

### Azerbaijan

At the EU- Azerbaijan Parliamentary Cooperation Committee (PCC), held in Baku on 28-29 April 2003, among other subjects, the PCC underlined the importance of Azerbaijan signing and ratifying the Statute of the ICC.

**Substantive Criminal Law:** A new Criminal Code entered into force on the 1<sup>st</sup> 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 enables the surrender to the ICC. 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. Last revised: May 2003.

### Belarus

Belarus has not signed the Rome Statute.

According to a delegate of the UN Mission, present at the IX PrepCom, Belarus is analysing its national legislation in order to bring it into compliance with the Rome Statute. No recent news on the ratification process. Last revised: May 2002.

### Belgium

Signature 10 Sept. 1998-Ratification 28 June 2000

**Draft Law on Cooperation:** Adopted by the Council of Ministers on January 25<sup>th</sup>, 2002. The advice of the Conseil d'Etat will be requested based on the emergency procedure and will be sent to Parliament. It can be found at:

[www.iccnw.org/resourcestools/ratimptoolkit/nationalregionaltools/legislationdebates/BelgiumProvisionalFren.pdf](http://www.iccnw.org/resourcestools/ratimptoolkit/nationalregionaltools/legislationdebates/BelgiumProvisionalFren.pdf)

**Universal Jurisdiction:** Following a number of complaints lodged against American military and political leaders in respect of the war in Iraq, Belgium had come under diplomatic pressure from the USA to change its legislation and abandon its adherence to a universal jurisdiction independent with any link with Belgium. The new legislation provides for a limited form of extraterritorial jurisdiction, *i.e.* only when the perpetrator or the victim is Belgian or resides in Belgium; in addition, it limits the direct access of victims to justice (through the 'constitution de partie civile') only to cases where the perpetrator is Belgian or resides in Belgium. In all other cases, the decision to prosecute is left to Prosecutorial discretion.

**APIC:** Signature on the 11 September 2002.  
Last revised: July 2003.

#### **Bosnia and Herzegovina**

Signature 17 July 2000- Ratification 11 April 2002.

**Substantive Criminal Law:** The Office of the High Representative (OHR) of Bosnia and Herzegovina enacted a new Criminal Code and a new Criminal Procedural Code on the 24th January 2003. Both entered into force on the 1st of March 2003.

These codes are part of the overall reform of the judiciary in Bosnia and Herzegovina that comprises a new State Ministry of Justice, a State Court with a special war crimes department and a State Prosecutor with competence for war crimes, genocide and crimes against humanity. For the definitions of these crimes in the new Criminal Code, see 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: [cicceurope2@iccnw.org](mailto:cicceurope2@iccnw.org).

Last revised: April 2003.

#### **Bulgaria**

Signature 11 Feb.1999-Ratification 11 April 2002

A new Criminal Procedural Code to regulate **Cooperation** with ICC and a Criminal Code are expected by the end of 2004. There is no legal disposition foreseeing cooperation with the ICC.

**Substantive criminal law:** Regarding the implementation of the crimes in the Rome Statute, the Criminal Code does not foresee crimes against humanity while its definition of "crimes against the laws and customs of conducting war", under Chapter XIV of the Bulgarian Criminal Code does not cover all

situations of Article 8 of the R.S. The new Criminal Code will address discrepancies between the Criminal Code presently in force and the Rome Statute. Source: Conference: "ICC-Implementation in Central and Eastern Europe", Bucharest, 9-11 May 2003.  
**APIC:** Signature on the 2 May 2003.  
Last revised: May 2003.

#### **Croatia**

Signature 12 Oct.1998-Ratification 21 May 2001.

**Cooperation:** A draft law on cooperation was submitted to parliament and the first reading took place on 25 September 2003. The draft was adopted by the Parliament on 1 October. Contrary to what had been announced, the Croatian government put the Draft Law in emergency procedure, thus avoiding a second reading. Thus, the draft should be voted on 17 October.

In September 2003, at the second session of the Assembly of States Parties, Ingrid Anticevic-Marinovic, Minister of Justice, Administration and Local Self-government of Croatia, said her country was undertaking the necessary adjustments of its legislation in order to create conditions for the implementation of the Rome Statute and to reinforce legal mechanisms guaranteeing complementarity between the national jurisdiction and the ICC.

**APIC:** Signature on 23 September 2003.

Last revised: October 2003.

#### **Cyprus**

Signature 15 Oct. 1998-Ratification 7 March 02

There were no major obstacles to ratification and no need to amend the Constitution.

**APIC:** Signature on 10 June 2003.

Last revised: June 2003.

#### **Czech Republic**

Signature 13 April 1999

**Ratification:** After the rejection by the Czech Parliament of the amendments to the Constitution and Criminal Code necessary for ratification in September 2001, the Czech government decided to establish a working group to prepare another Bill amending the Constitution and the Bill of Fundamental Rights and Freedoms. The Government wishes to submit the request for ratification as soon as the parliament passes the constitutional amendment. According to the Ministry of Foreign Affairs, a new proposal for ratification is being prepared. It will be first submitted to the Government and then to Parliament.

**Cooperation:** The Ministry of Justice is preparing draft amendments to Czech Criminal Proceedings concerning cooperation with international criminal courts and ad hoc tribunals.

**Substantive Criminal Law:** A draft criminal code is being prepared.

Last revised: February 2003.

#### **Denmark**

Signature 25 Sept. 1998- Ratification 21 June 2001

On 3 May 2001 the Danish Parliament (“Folketinget”) adopted the Danish Act on The International Criminal Court.

**APIC:** Signature on the 13 September 2002.

Last revised: September 2002.

### Estonia

Signature 27 Dec. 1999–Ratification 30 Jan. 2002  
On 5 December 2001, the Parliament of Estonia adopted the Rome Statute Ratification Act. Concurrently, amendments to the Code of Criminal Procedure were approved in order to implement the Statute and to ensure proper **co-operation** with the Court when the Rome Statute enters into force. Two Acts (“the Ratification Act” and “the ICC Procedure Act”) contain minimal implementing provisions and were enacted in the end of 2001.

**Substantive Criminal Law:** A new Penal Code entered into force in September 2002. It incorporates extensive definitions of genocide, war crimes and crimes against humanity under the section “Offences against Humanity and International Security”. The Penal Code also provides for the non-applicability of statutory limitation to offences against humanity. For the English version of the penal code of Estonia, visit: [www.legislationline.org/data/Documents/Estonia\\_CC.htm](http://www.legislationline.org/data/Documents/Estonia_CC.htm)

**APIC:** Signature on 27 June 2003.

Last Revised: October 2003.

### Finland

Signature 7 Oct. 1998 – Ratification 29 Dec. 2000  
Two Implementing Acts were enacted on 28 December 2000 to enter into force on the 1<sup>st</sup> July 2002: Act No. 1284/2000, “**The Cooperation Act**” and Act No. 1285/2000- “**the Act on Amendment of the Penal Code ICC Crimes Act**”. These Acts and a National Progress Report and translation of the Rome Statute in Finnish are available at the Council of Europe's website:

[http://legal.coe.int/icc/docs/Consult\\_ICC\(2001\)/ConsultICC\(2001\)13\\_E.pdf](http://legal.coe.int/icc/docs/Consult_ICC(2001)/ConsultICC(2001)13_E.pdf)

**APIC:** Signature on the 10 September 2002.

Last revised: June 2002.

### France

Signature 18 July 1998 -Ratification 9 June 2000  
**Cooperation:** The French Parliament adopted on February 19<sup>th</sup>, 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=JUSX0205311L](http://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=JUSX0205311L)

**Substantive criminal law:** the Ministry of Justice, prepared a draft law on substantive adaptation of the Rome Statute. The draft introduces in the French legislation the

definition of war crimes and extends the definition of crimes against humanity; moreover, the crime of “apartheid” should be introduced under the notion of “segregation of an ethnic group”; the crimes of forced pregnancy and sterilisation will also be included. The draft was submitted by the Ministry of Justice to the members of the Commission Nationale Consultative des droits de l’homme (CNCDH), which released its opinion on 15 May 2003. The following shortcomings were identified:

1) Art. 27 of the Rome Statute - on the irrelevance of official capacities - still needs to be incorporated into French national legislation; 2) War crimes are not subject to the same legal regime as genocide and crimes against humanity, being therefore subject to status of limitations; 3) The principle of victim's equal access to justice is not fully retained, whereby the Public Prosecutor would be the only person entitled to initiate a proceeding when the crime is committed abroad; and 4) The scope of universal jurisdiction has been limited with regard to non-States Parties.

The draft was expected to be debated within the Ministries of Foreign Affairs and Defence by the summer of 2003, and should be submitted to the Parliament for scrutiny at fall of this year.

France is the only European country that decided to exclude prosecution of French citizens for war crimes from the jurisdiction of the Court for seven years, by making a reservation under article 124 of the Rome Statute. Source: Jeanne Sulzer, FIDH, ([jsulzer@fidh.org](mailto:jsulzer@fidh.org)).

**APIC :** Signature on 10 September 2003.

Last revised: June 2003.

### Germany

Signature 10 Dec. 1998–Ratification 11 Dec.00

**Substantive Criminal Law:** The Bundestag (Parliament) approved last 25 April, by unanimity, 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). Also, 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) was approved. Both are in force since the 1<sup>st</sup> July 2002. Now, German public prosecutors are allowed to investigate war crimes, genocide and crimes against humanity, regardless of whom, where, when or against whom these crimes were committed. The German law can be found in German, French, English, Spanish, Russian and Arabic at: [www.iuscrim.mpg.de/forsch/online\\_pub.html#legaltxt](http://www.iuscrim.mpg.de/forsch/online_pub.html#legaltxt)  
Still two amendments are foreseen, in order to concentrate the first-instance jurisdiction for crimes against international law at the Higher Regional Courts (Oberlandsgericht) and to confer the competence of prosecution of those crimes to the federal attorney general. The provisions

concerned are art. 96 of the German constitution and those of the Courts Constitution Act. APIC: On 14 July 2003, Germany became the 31st State to sign the Agreement on Privileges and Immunities of the ICC. Source: International Campaign Against Impunity.

**APIC:** Signature: 14 July 2003.  
Last 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, 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.

Last revised: September 2003.

### Greece

Signature 18 July 1998-Ratification: 15 May 2002  
Implementing legislation: according to the Ministry of Foreign Affairs, some efforts are being undertaken.

**APIC:** Signature on 25 September 2003.  
Last revised: September 2003.

### Holy See

A strong endorsement to the ICC by the Pope would be welcome, including a call to the USA Catholic Church to support this newly created institution. No recent news.

### Hungary

Signature 15 Dec. 1998-Ratification 30 Nov. 2001  
The Ministry of Justice has put forward a bill, which would modify amongst others Art. 32 of the Constitution by adding an additional paragraph 4 saying that "the immunity of the President of the Republic does not exclude his responsibility for crimes under the jurisdiction of, and before a permanent international court established by an international treaty." According to a news report, this bill passed the Parliament's Defense Committee for a first reading on the 8<sup>th</sup> of September 2003. Source: Hungarian News Agency and Conference "ICC-Implementation in Central and Eastern Europe", Bucharest, 9-11 May 2003.

**APIC:** Signature on the 10 September 2003.  
Last revised: July 2003.

### Iceland

Signature 26 August 1998-Ratification 25 May 2000  
In autumn 2002 implementing legislation was submitted to Parliament for approval.

**APIC:** Signature on 10 September 2002.  
Last revised: September 2002.

### Ireland

Signature 7 Oct. 1998- Ratification 11 April 2002  
On 11 August, 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 is before the Lower Parliamentary Chamber and is listed for consideration during the current Parliamentary session.

**APIC:** Signature on 9 September 2003.  
Last revised: October 2003.

### Italy

Signature 18 July 1998 – Ratification 26 July 1999  
In May 2002, M. Giovanni Kessler (from the main Italian leftwing party) and other members of the Italian Parliament submitted to the Parliament 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". For the Italian text, please visit the webpage: <http://www.camera.it/dati/leg14/lavori/stampati/sk3000/articola/2724.htm>. No more news is available on that draft text. Last year, two ad hoc interdepartmental commissions both on **cooperation and substantive issues** were set up in order to continue preparing the necessary draft implementing legislation. The Commission on substantive adaptation has finalized its work and will soon submit it to the Ministry of Justice. No real development has been instead achieved as for cooperation, where the need to respect fundamental principles of criminal law is reportedly slowing down the process. Concerning war crimes, there is no news from the Ministry of Defense, where an ad hoc Commission is supposed to be working on the reform of the military code of war.

**APIC:** Signature on 10 September 2002.  
Last Revised: October 2003.

### **Kazakhstan**

Kazakhstan has not signed the Rome Statute. Kazakh MP Khamit Amerguzhin has recently stated that Kazakhstan has a positive approach towards the ICC. He also stated that Kazakhstan needs to adapt its legal order to the Rome Statute and that they are working on legislation. The amendment of the Constitution entails a very complicated process and should be avoided. The government expressed an interest in technical assistance to complete ratification and implementation.  
Last revised: February 2003.

### **Kyrgyzstan**

Signature 9 December 1998.  
Recently, a member of the Kyrgyz Parliament, Mr. A. Beknazarov, made an appeal to President Akaev and to Prime Minister Tanaev to ratify the Rome Statute. He reminded that Kyrgyzstan signed the RS already in 1998 and urged them to speed up the ratification process within the Government.  
Obstacles to ratification: According to officials from the Foreign Affairs Ministry, the only obstacle towards ratification is of financial nature: when an international treaty is sent to the Parliament for ratification, the Parliament has to be informed about the financial consequences of becoming the state party. Generally, it is very reluctant to ratify any new international agreement costing money.  
International treaties are directly applicable. Implementing legislation will be prepared after ratification. The government is in the process of analysing the legislation and will be cooperating closely with NGOs on the issue, since the President of the Republic has issued an order that state organs have to cooperate with NGOs on HR issues. Red Crescent has played very important role in drafting some of legislation connected with incorporating the IHL norms into the domestic legislation. They translated the Geneva Conventions into Kyrgyz and were initiators for the creation of commission for implementation of the IHL norms. Source: Dean Zagorac, member of the Working Group on Impunity and Universal Jurisdiction, 13 July 2002.  
Last revised: September 2002.

### **Latvia**

Signature 22 April 1999-Ratific: 28 June 2002

### **Liechtenstein**

Signature 18 July 1998 – Ratification 2 Oct. 2001

### **Lithuania**

Signature 10 December 1998-Ratific.:12 May 2003  
Lithuania deposited its instrument of ratification of the Rome Statute of the ICC, thereby becoming the 90th State Party to the treaty. A new Criminal Code and Criminal Procedural

Code have been endorsed and entered into force on 1 May 2003. Some amendments are necessary to make the codes fully compliant with the RS.  
Last revised: June 2003.

### **Luxembourg**

Signature 13 Oct. 1998-Ratification 8 Sept. 2000  
**APIC:** Signature on 10 September 2002.

### **Macedonia (FYR of)**

Signature 7 Oct. 1998–Ratification 6 March 2002  
**Cooperation and Substantive Criminal Law:** A Law on Cooperation with the ICC and amendments to the Criminal Code are being considered. Source: Conference "ICC-Implementation in Central and Eastern Europe", Bucharest, 9-11 May 2003.  
Last Revised: May 2003.

### **Malta**

Signature 17 July 1998-Ratification 29 Nov. 2002  
In order to implement the Rome Statute, an ICC Act passed in Parliament in November 2002. The Minister of Justice, in exercise of powers granted in the Act, would issue regulations to bring the Act into force. This Act may be found at: [www.justice.gov.mt/dir2-laws/toppage.asp](http://www.justice.gov.mt/dir2-laws/toppage.asp)  
The ICC Act covers **cooperation** and **substantive criminal law** through amendments to the Criminal Code that introduce the crimes in the Rome Statute; included are provisions on Malta receiving prisoners from the ICC; the arrest and detention warrants for arresting suspects on Maltese territory are also covered. Moreover, crimes against the administration of justice are now foreseen in the Maltese law. Source: Neil Falzon.  
Last revised: January 2003.

### **Moldova**

Signature 8 Sept. 2000.  
The Chair of the Human Rights Committee of the Parliament of Moldova recently announced that his country would soon ratify the Rome Statute.  
Last revised: February 2003.

### **Monaco**

Signature 18 July 1998  
In order to ratify the Statute, Monaco will need to amend the Constitution in relation to the executive powers of the Royal Family. A study on the internal implications of ratification is taking place.  
Last revised: August 2002.

### **The Netherlands**

Signature 18 July 1998-Ratification 17 July 2001  
**Substantive Criminal Law:** The International Crimes Act was passed by the Senate on the 17 of June and formally adopted on 19 June 2003. The International Crimes Act entered into force on 1 October 2003.  
Genocide, crimes against humanity, war crimes and torture are now brought under one bill. Crimes against humanity had not been punishable



in The Netherlands before. The other crimes were already punishable under Dutch law, but were spread over various laws. The Act adds active and passive nationality as bases for jurisdiction. It further allows for universal jurisdiction over the crimes contained in the Act, with one restriction: it allows for the prosecution of an individual with no ties to the Netherlands (meaning that neither the suspect nor the victim has the Dutch nationality), but only if that individual is located on the territory of the Netherlands. The Act contains provisions for immunity from prosecution for one of the offenses contained in the Act. Based on the *D.R. Congo v. Belgium* decision of 14 February 2002 by the International Court of Justice, the Act provides that criminal prosecution is excluded for foreign heads of state, heads of government and ministers of foreign affairs as long as they are in office, as well as other persons whose immunity is recognized under customary international law. Also, immunity is recognised for those individuals who have been granted immunity under a treaty to which the Netherlands is a party.

**Cooperation:** the ICC Implementation Act that entered into force on the 1 July 2002 and the associated Amendment Act, in force since the 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](http://www.minbuza.nl/default.asp?CMS_ITEM=141EF85F8B6A40D49F4592D4E40E6D4FX3X61608X9)

**APIC:** Signed on the 11 September 2003.

Last revised: October 2003.

### Norway

Signature 28 August 1998-Ratification 16 Feb. 2000

**Substantive Criminal law:** A Permanent Commission for Penal Law submitted its reports and a proposal to include the crimes in the Rome Statute in the Norwegian Penal Code.

**Cooperation:** Norway has a law of cooperation and enforcement of sentences since the 15 June 2001 (Act No. 65 of 2001).

**APIC: Ratified on the 10<sup>th</sup> of September 2002.**

Last revised: May 2002.

### Poland

Signature 9 April 1999-Ratification 13 Nov. 2001

**Cooperation:** A draft code on cooperation with the ICC has been prepared and is subject to consultations. Poland adopted a new Code of Criminal Procedure (CCP) on the 10<sup>th</sup> of January 2003 that is in force since 1 July 2003. Art 615 §3 CCP was amended and §4-6 were added. It regulates the co-operation with all the existing international criminal tribunals, including the ICC. The Code stipulates the respective

application of the provisions concerning the co-operation with states in relations with international tribunals and their bodies.

The Code includes the following provisions:

1. It marks a clear difference between surrender and extradition, thus impeding that the grounds for refusing extradition be invoked for refusal of surrender.

2. Investigation: on the request, Polish authorities must allow the Prosecutor (or the competent person) to come on the Polish territory and carry out investigations "on site". The Polish Ministry of Justice will be the contact point with the ICC, following the 'request' of the Court to have one centralized authority to deal with it.

The CCP has been translated into English

**Substantive criminal law:** Criminal Code and the Criminal Procedural Code date back to 1997. In the same year, a chapter on crimes against humanity, war crimes, 'crimes against peace' and genocide was added, in compliance with Poland obligations stemming from the ratification of the Geneva Conventions. Currently, the Polish authorities are dealing with substantial criminal law issues. However, since the legislator in 1997 did not incorporate into national law all provisions entailed in the Geneva Conventions, the problem now arises on whether or not national law (*i.e.* Polish Criminal Code) is fully compliant with the prescriptions of the Rome Statute, in particular with art. 5 to 8.

In the Summer 2003, the Ministry of Justice asked a University Professor to make a legal analysis on the extent to which the Criminal Code complies with art. 5-8 of the RS. Source: Ministry of Justice- Poland. Last revised: October 2003.

### Portugal

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

**Substantive Criminal Law:** Three drafts - one from the Government, one from PSD (Social Democrats) and one from PC (Communist Party), have been sent to the parliamentary committee of Constitutional Rights and Guarantees for harmonization, on the 19th of September 2003.

The Government proposal, called "Law proposal regarding violations of International Humanitarian Law", was approved by the Council of Ministers on the 20th May 2003 and was after sent to the Parliament. Amnesty International sent a letter to parliamentarians asking for specific amendments and reconsiderations. The government's law proposal is available at:

[www.parlamento.pt/legis/inic\\_legis/20030520.09.1.0072.2.05](http://www.parlamento.pt/legis/inic_legis/20030520.09.1.0072.2.05)

The two other proposals have been presented to the Parliament with amendments to the Criminal Code. These proposals have been submitted by the Party of the Social Democrats and by the Communist Party. For the text of the Social Democrat proposal, please visit:

[www.parlamento.pt/legis/inic\\_legis/20030206.09.1.0224.1.09](http://www.parlamento.pt/legis/inic_legis/20030206.09.1.0224.1.09)

For the Communist Party's proposal, please visit:

[www.parlamento.pt/legis/inic\\_legis/20030318.09.1.0262.1.06](http://www.parlamento.pt/legis/inic_legis/20030318.09.1.0262.1.06)

**APIC:** Signature on the 10<sup>th</sup> December 2002.

Last revised: September 2003.

## Romania

Signature 7 July 1999–Ratification 11 April 2002  
No recent news.

## Russian Federation

Signature 13 Sept. 2000

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

In February 2003 a conference on ratification and implementation of the Rome Statute took place in the Moscow Duma. Many MPs took the floor in favour of the earliest ratification possible of the RS by Russia.

According to a recent declaration of an official at the MFA, the priority is to bring Russian legislation into conformity with the provisions of the Rome Statute, otherwise Russia will not be able to implement it. Most of the necessary amendments concern the Russian criminal code. Proposals for amendments should be sent soon to the Presidential Administration along with a formal proposal to launch the ratification of the Rome Statute. Once the President has reviewed the proposals, they will be sent to the Duma, where they will be submitted to several committees (International Affairs Committee, Legal Affairs Committee, Security Committee). The timeframe is very uncertain, also due to the upcoming elections in the Duma, foreseen in December this year. Last revised: July 2003.

## San Marino

Signature 18 July 1998 – Ratification 13 May 1999

## Serbia and Montenegro

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

On 5 February 2003, the State of Serbia and the State of Montenegro proclaimed the coming into force (with immediate effect) of the Constitutional Charter of the State Union of Serbia and Montenegro. Following this changes, jurisdiction in the area of the Criminal substantive and procedure law belongs to the Republics, which are members of the state union of Serbia and Montenegro.

**Cooperation:** Currently (October 2003), a working group is preparing the finalised draft text of Serbia and Montenegro Law on Cooperation with the ICC. The draft should be finalised in December 2003, after which it should follow the legislative procedure. Amendments to the Law on Criminal Procedure have been made e.g. on the possibility of surrendering domestic citizens to a “recognised international court”.

**Serbia: Substantive Criminal Law:** According to B92 News, on July 2, the Serbian Parliament approved war crimes legislation enabling local prosecutions of war crimes suspects. According to this media report, the bill envisages the forming of a special war crimes prosecution office to cover the whole of Serbia and dedicated detention centres.

**Montenegro:** Montenegro has started with the harmonisation process of legislation with the Rome Statute. In the end of 2002, working groups were formed to draft **substantive criminal law**, and procedure Criminal Law regarding also **Cooperation** with the ICC. Source: Conference "ICC-Implementation in Central and Eastern Europe", Bucharest, 9-11 May 2003.Revised: July 2003.

**Kosovo / UNMIK:** The United Nations Interim Administration for Kosovo has drafted a Criminal Code and a Criminal Procedural Code.

**Substantive Criminal Law:** The Criminal Code defines war crimes and introduces new offences, such as crimes against humanity. On 28 March 2003,the SRSG presented these draft Codes to Prime Minister Bajram Rexhepi for consideration by the Government and the Assembly of Kosovo. These texts are still in draft form and under active consideration. Both Codes incorporate the criminal offences defined in international conventions, including the Rome Statute for the ICC. UNMIK called the two codes temporary, in order not to prejudice the Kosova status. Source: KosovaLive web site, Pristina, in English 1 Apr 03.

**APIC:** Serbia and Montenegro signed on 18 July 2003. Last revised: October 2003.

## Slovakia

Signature 23 Dec. 1998-Ratific. 11 April 2002

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

1. Crimes: Introduction of crimes against humanity;
2. Acting under lawful orders” does not constitute a full defence in case of genocide and crimes against humanity (§ 15a);
3. Universal jurisdiction: introduced also for the crimes against humanity (for war crimes and crime of genocide the universal jurisdiction already existed) (§19).
4. The possibility of imposing the sentence of life imprisonment under certain conditions in case of crime against humanity has been introduced (§ 29 par.3).
5. 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 the Chapter X (Chapter X contains crimes under international law) (§ 265a). The definition of internal armed conflict has been specified in this context.

The Law No. 253/2001 Coll. of Laws (effective as of 1st August 2001) also amended the Penal Code. This law enables to extradite or surrender the citizen of the Slovak Republic if such an obligation exists stemming from the international treaty or the binding decision of the international organization.

**Cooperation:** The following amendments to the Code of Criminal Procedure (Law No. 422/2002 Coll. of Laws) has been 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 of 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.

Last revised: May 2003.

### Slovenia

Signature 7 Oct. 1998 – Ratification 31 Dec. 2001

Law of **Cooperation** with the ICC: Passed by the Parliament on the 25<sup>th</sup> of October 2002. It is published in the Official Gazette. An unofficial translation to English is available at: [http://web.amnesty.org/pages/int\\_jus-legislation\\_slovenia-eng/](http://web.amnesty.org/pages/int_jus-legislation_slovenia-eng/)

**Substantive Criminal Law:** The Criminal Code comprises some crimes of the Rome Statute but not all. There is a Draft Project at the Government to amend the Criminal Code but it has not yet been sent to Parliament.

**APIC:** Signature on 25 September 2003.

Last revised: September 2003.

### Spain

Signature 18 July 1998 – Ratification 25 Oct. 2000

**Cooperation:** On October 2, the parliament approved the Law on Cooperation with the International Criminal Court. The law is called "Proyecto de Ley 121/000156 Orgánica de Cooperación con la Corte Penal Internacional".

**Substantive criminal law:** The proposal to reform the criminal code is before the Parliament. Various amendments have been introduced, adding, inter alia, new definitions of war crimes and the principles of international criminal law introduced in the Rome Statute.

**APIC:** Signed on 21 April 2003.

Last revised: October 2003.

### Sweden

Signature 7 Oct. 1999- Ratification 28 June 2001

**Cooperation:** On the 25<sup>th</sup> 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 1<sup>st</sup> of July 2002 and can be found, in draft form and in Swedish, at:

[http://justitie.regeringen.se/propositionermm/propositioner/pdf/p2001\\_02\\_88.pdf](http://justitie.regeringen.se/propositionermm/propositioner/pdf/p2001_02_88.pdf)

**Substantive Criminal Law:** The Commission in charge of revising the criminal code for the implementation of international crimes and jurisdiction over such crimes submitted its report on the 31st October 2002. Swedish Amnesty International lawyers' group, who has been very involved in this process, points out the major considerations:

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). When this work started last autumn, NGOs were invited to a meeting at the Ministry of Justice to give their comments and input. The inquiry published its report on 8 November and until April 2003, NGOs will have the opportunity to study and comment on it. The report is published, with a summary in English (page 21) at:

[http://justitie.regeringen.se/propositionermm/sou/pdf/sou2002\\_98a.pdf](http://justitie.regeringen.se/propositionermm/sou/pdf/sou2002_98a.pdf). Source: Swedish Amnesty's lawyers' group.

Last revised: December 2002.

### Switzerland

Signature 18 July 1998 – Ratification: 12 Oct. 2001

**Cooperation:** On the 21<sup>st</sup> June 2001, Switzerland adopted a Federal Law of Cooperation with the ICC. A separate law implemented Art. 70 of the Rome Statute. In order to establish effective cooperation, a central service has been created under the Federal Justice Office. It is competent to deal with ICC demands e.g. on transfer of individuals, proof and audition of suspects. This office also decides when collaboration is admissible, order the necessary measures and

demand a federal authority or Canton to execute the request. **Substantive Criminal law:** the interdepartmental working group headed by the Federal Office of Justice is continuing its work. The main focus is on revising provisions of the general part of the Swiss penal code and penal military code. The public consultation procedure for these legislative measures is due to begin during the coming year (spring/summer 2004). Source: Swiss Federal Department of Justice and Police.

**APIC:** Signature on 10 September 2002.

Last revised: August 2003.

### **Tajikistan**

Signature 30 Nov. 1998-Ratification 5 May 2000.

In occasion of a conference organised in the Russian Duma (Moscow) in February 2003, Tajik MP Faizullo Amiraliyev, representative from the Committee on Constitution, Law and Human Rights, welcomed the Government's decision to establish a special Committee to draft ICC-related legislation. Last revised: February 2003.

### **Turkey**

According to the Turkish Minister of Justice, Mr. Cemil Cicek, in a statement at the Turkish Parliament on the 19<sup>th</sup> February 2003, the Turkish Criminal Code and the Military Criminal Code do not foresee the crimes in the Rome Statute. According to the Minister, a detailed amendment of the two codes is being planned and the signature of the Rome Statute should take place after it. For the full statement, in Turkish, please visit:

[www.tbmm.gov.tr/develop/owa/tutanak\\_g.birlesim\\_baslangic?P4=8605&P5=B&page1=7&page2=7](http://www.tbmm.gov.tr/develop/owa/tutanak_g.birlesim_baslangic?P4=8605&P5=B&page1=7&page2=7) Source: Amnesty International- Turkey.

Last revised: February 2003.

### **Turkmenistan**

Turkmenistan did not sign the Rome Statute.

No recent news.

### **Ukraine**

Signature 20 Jan. 2000

The draft law on constitutional amendments is currently under scrutiny of the Constitutional Court of Ukraine. It was prepared by the Ministry of Foreign Affairs and the Ministry of Justice and presented to the Supreme Court by the Presidential administration.

Once the Constitutional Court rules that the proposed amendments do not restrict the rights and freedoms of Ukrainian nationals, the draft will be submitted to the Parliament for approval. This would be the only way for Ukraine to be able to ratify the Rome Statute according to the Constitutional Court's opinion on the constitutional compatibility (that followed a request by the President). Ratification is expected in 2003. Source: Natalia Dulnyeva, Ukrainian Association of Amnesty International. Last revised: January 2003.

### **United Kingdom**

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

The ICC Act 2001, allowing ratification, incorporates into domestic law the offences in the ICC Statute and makes provision for them to be dealt with domestically in the Crown Court. The Act makes provision for the arrest and surrender of persons in the UK wanted by the ICC and for the serving of custodial sentences in the UK of persons convicted by the Court.

**APIC:** Signature on 10 September 2002.

### **Uzbekistan**

Signature 20 December 2000

ICC ratification has not been included in the political agenda for 2003. Source: Nozima Kamalova, Legal Aid Society.

### **Acronyms:**

**APIC:** Agreement on Privileges and Immunities.

**ICC:** International Criminal Court;

**RS:** Rome Statute.

## CALENDAR OF EVENTS ON THE ICC

## Conferences in 2003

November:**Swearing in of the Deputy Prosecutor**

3 November, The Hague, The Netherlands.  
For more information, visit <http://icc-cpi.int>

**COJUR – Sub-area ICC- EU Council Working Group on Public International Law.** 3 November, Council of the European Union, Brussels, Belgium.

**The Relevance of the ICTY: Promoting Peace in the Balkans - Developing International Law?**

7 November, 17.00, Berlin, Germany.  
Deutsche Gesellschaft für die Vereinten Nationen e.V. For more information, please contact [info@dgvn.de](mailto:info@dgvn.de).

**Legal Remedies for Victims of International Crimes, *Fostering an EU Approach to Extraterritorial Jurisdiction***, 24-25 November, Brussels. Organised by FIDH and Redress. For more information, please contact: Sébastien Bourgoin, [sbourgoin@fidh.org](mailto:sbourgoin@fidh.org).

**The Grotius Centre for International Legal Studies, The T.M.C. Asser Institute and the Coalition for the International Criminal Court (CICC), present:**

**The Supranational Criminal Law Lecture Series**

Every Thursday night at 19:00 in The Hague, at The Hague Campus of Leiden University, Lange Houtstraat 5, The Hague (near the Houses of Parliament).

**13 November:**

Mathias Marcussen, Legal Advisor Appeals, ICTR – OTP, “Genocide definition - Impact of different factual background driving the Jurisprudence of the ICTY and the ICTR”.

**27 November**

Evelyn Ankumah, Executive Director, Africa Legal Aid, “The Cairo-Arusha Principles ».

For more information, please contact the Grotius Centre at: [grotiuscentre@campusdenhaag.nl](mailto:grotiuscentre@campusdenhaag.nl)

**Documentaries Festival: International Justice, Four Documentaries about Justice around the World**

The Hague, 24 October 2003

The French Embassy is organising a series of film documentaries on justice issues:

Wednesday 12 November at 19:30 :Opening session (invitation only)

Wednesday 12 November at 21:45: Le Combat des Juges

Monday 17 November at 20:00 La loi des plus faibles

Monday 24 November at 20:00: Un spécialiste

Monday 1 December at 20:00: Audiences des journalistes au procès Papon

For more information: [www.filmhuisdenhaag.nl](http://www.filmhuisdenhaag.nl)

December:

**11<sup>th</sup> OSCE Ministerial Council meeting to develop strategy on threats to security and stability in 21st century**, Organization for Security and Cooperation in Europe (OSCE)- Maastricht, 1 and 2 December 2003, at the invitation of the Netherlands Foreign Minister, Jaap de Hoop Scheffer, the OSCE's Chairman-in-Office during 2003.

**The International Criminal Court from the Perspective of Defence Lawyers, *Opening Ceremony of legal training courses.***

Organised by the Academy of European Law Trier (ERA), jointly with the Council of Bars and Law Societies of the European Union (CCBE), 4 December, Ausonius Auditorium of the Academy, Trier, Germany. For more information, visit: [www.icc-era-ccbe.net](http://www.icc-era-ccbe.net)

**The Complementarity Regime of the ICC,**

17-19 December, Peace Palace, The Hague, The Netherlands. Organised by the International Criminal Law Network (ICLN), the 2003 ICLN Annual Conference includes sessions on evidence and forensics, International legal Cooperation and Defence Lawyer's point of view on complementarity. For more information, visit: [www.ICLN.net](http://www.ICLN.net)

**Seminars, Masters and Training Courses****2003:**

**Second edition of the Law School "LAW IS BETTER THAN WAR!", on Protection of the Civilian Population During Armed Conflicts, organised by The European Law Students' Association-ELSA Bucharest.**, Bucharest 30th November- 11th December 2003.

Applications must be sent to: [bucuresti@elsa.ro](mailto:bucuresti@elsa.ro) until November 1, 2003.

Agenda: Protection of the Civilian Population in International Humanitarian Law; Fundamental Distinctions between Civilians and Combatants; Protection of the Civilian Population and Human Rights Law; \* Protection of the Civilian Population and International Criminal Law; Moot Court Competition on International Humanitarian Law (president of the jury is Mr. Almiro Simoes Rodrigues, former ICTY judge). For further information visit [www.elsalawschool.unibuc.ro](http://www.elsalawschool.unibuc.ro), [www.elsa.ro/lawschool](http://www.elsa.ro/lawschool) or e-mail [bucuresti@elsa.ro](mailto:bucuresti@elsa.ro).

**2004:****High Level Training Course in International Criminal Law,**

organized by the ETHICS project, to be held at the European University Institute (EUI), Florence, Italy. For further information and application forms, please visit the ETHICS project

website at:

[www.iue.it/RSCAS/ProfessionalDevelopment/ETHICS](http://www.iue.it/RSCAS/ProfessionalDevelopment/ETHICS)

**The University of Nottingham - Human Rights Law Centre** offers a three-month course on International Criminal Justice. The course runs from the first week of January 2004 until mid-March 2004. Applications should be made to Gail Evans, Human Rights Law Centre, School of Law, University of Nottingham, Nottingham, NG7 2RD, UK. Tel: +44 115 84 66310. Fax: +44 115 84 66 579. Email: [Gail.Evans@nottingham.ac.uk](mailto:Gail.Evans@nottingham.ac.uk) For more details visit: [www.nottingham.ac.uk/law/hrlc/hrlc\\_short\\_courses.htm](http://www.nottingham.ac.uk/law/hrlc/hrlc_short_courses.htm)

**Training Programme for Defence Lawyers of Central and Eastern Europe**, organised by ERA

and CCBE, with the financial support of the European Commission, Academy of European Law, Trier, Germany, 2003 – 2005.

Training courses: The training courses are divided into 4 seminars of 5 days. Place of training: Academy of European Law Metzger Allee 4, 54295 Trier, Germany. Costs: All expenses paid. Selection procedure: Lawyers interested in attending the training courses should complete the application form and return it before 6 October 2003 to: Ms Leyre Maiso, CCBE Project Co-ordinator, 45 rue de Trèves, B-1040 Bruxelles, Tel: +32 (0)2 234 65 10, Fax: +32 (0)2 234 65 11 or 12, e-mail: [maiso@ccbe.org](mailto:maiso@ccbe.org). The Application form and further information at the projects website: [www.icc-era-ccbe.net](http://www.icc-era-ccbe.net).

## PUBLICATIONS: Articles and Books

### **Human Rights and Criminal Justice for the Downtrodden: Essays in Honour of Asbjørn Eide**

Edited by Morten Bergsmo. The first part of this book contains eight essays by leading publicists in international criminal law: Dr. Payam Akhavan: The origin and evolution of crimes against humanity: an uneasy encounter between positive law and moral outrage; Professor Antonio Cassese: The influence of the European Court of Human Rights on international criminal tribunals - some methodological remarks; Rolf Einar Fife: Criminalizing individuals for acts of aggression committed by States; Justice Hanne Sophie Greve: Acts of terrorism and crimes within the jurisdiction of the International Criminal Court; Christopher Keith Hall: Contemporary universal jurisdiction; Dr. Frederik Harhoff: The first ever international trial on genocide: notes on Akayesu; President Theodor Meron: How do human rights humanize the law of war?; and President Erik Møse: Impact of human rights conventions on the two ad hoc Tribunals. Other relevant chapters in the book include: Dr. Uwe Kracht: Human rights and humanitarian action: the right to food in armed conflict; Professor David Weissbrodt and Muria Kruger: Business and human rights; Dr. Vojin Dimitrijevic: Terrorism and human rights after 2001; Justice Louis Joinet: La lutte contre l'impunité; Dr. Bertrand G. Ramcharan: Leadership in human rights; Justice Allan Rosas: The sources of fundamental rights of the European Union: a structural overview; and Dr. Danil Türk: Reflections on human rights, sovereignty of states and the principle of non-intervention. Martinus Nijhoff Publishers 2003. ISBN 90-04-13676-2. Distribution: [brill@turpinltd.com](mailto:brill@turpinltd.com) or [cs@brillusa.com](mailto:cs@brillusa.com) (NA).

### **The Pinochet case: Origins, Progress and Implications**

This volume was launched in London on 16 November 2003 - the 5th anniversary of Pinochet's arrest - at a conference on historical memory issues which drew participants from Argentina, Chile and Peru (see [www.sas.ac.uk/ilas](http://www.sas.ac.uk/ilas) 'Seminars and conferences' for downloadable conference papers) The book includes chapters from Juan Garces (Kissinger, Pinochet and universal jurisdiction); Francisco Bravo (the Pinochet case in the Chilean courts), Naomi Roht-Arriaza (transnational prosecutions and impunity, focusing on Argentina and Guatemala) and Antonio Remiro (international law after the Pinochet case). Cover price US \$19.95, Euro 20.00, GBP14.95. ISBN 1 900039 52 4. Order through: Plymbridge for the UK and Europe [www.plymbridge.com](http://www.plymbridge.com) or direct from: Institute of Latin American Studies, 31 Tavistock Square, London WC1H 9HA, Tel +00 44 (0) 207862 8870 [www.sas.ac.uk/ilas](http://www.sas.ac.uk/ilas) go to publications catalogue for online order form.

### **New Approaches in International Criminal Justice: Kosovo, East Timor, Sierra Leone & Cambodia,**

Freiburg im Breisgau, Germany (Max Planck Institute for Foreign and International Criminal Law) 2003, Kai Ambos/Mohamed Othman (EDS.) The book has 298 pp. and costs 31 Euro. Review copies can be ordered from: [verlag@iuscrim.mpg.de](mailto:verlag@iuscrim.mpg.de) Table of Contents: Kai Ambos/Mohamed Othman: Introduction; Part I: Prosecution of International Crimes within the Framework of a UN Transitional Administration; *Kosovo; East Timor*; Part II: Prosecution of International Crimes on the Basis of an Agreement Between the UN and the Territorial State; *Sierra Leone; Cambodia*.

### **Report from the 2002-03 sessions of the Assembly of States Parties, by ELSA International**

The report includes updates as of June 2003 and can be downloaded in its full 150-page version at:

[http://www.elsa.org/archive/External\\_Relations/ELSA\\_report ASP 2003.zip](http://www.elsa.org/archive/External_Relations/ELSA_report ASP 2003.zip)

A 20-page handout version can be downloaded from:

[www.elsa.org/archive/External\\_Relations/ELSA\\_report ASP 2003 Handout.zip](http://www.elsa.org/archive/External_Relations/ELSA_report ASP 2003 Handout.zip)

### **International Criminal Court- Guide launched for victims of abuses seeking redress**

The Damocles Network, the legal arm of Reporters Without Borders, launched a guide for victims of abuses who wish to seek redress before the ICC. The guide explains how the Court works, what its jurisdiction is and how to bring a case before it, as well as describing the challenges and obstacles it faces. It can be downloaded as a pdf file from [www.damocles.org](http://www.damocles.org) in English, French and Spanish.

The author, Pierre Hazan, has written a book about the history of prosecution of war crimes ("La Justice face à la guerre, de Nuremberg à La Haye," published by Stock, Paris, 2000). He has also made a film about problems of universal jurisdiction in hunting down Chad's former dictator-president, Hissène Habré (for Arte/Télévision Suisse Romande - TSR) and is completing a documentary for Arte, TSR and the electronic media agency, Article Z, about the International Criminal Tribunal for Rwanda. Download the Victims' Guide to the ICC on [www.damocles.org](http://www.damocles.org) Contact: Laurence Deguitre: [damocles@rsf.org](mailto:damocles@rsf.org) / + 33 1 44 83 84 64.

### **International Crime and Punishment: Selected Issues, Volume one**

Edited by Sienho Yee. The research papers in this collection address several important and less-treated questions of international criminal law: International Committee of the Red Cross as a witness before international criminal tribunals; the definition of aggression, mistake of law as a defense, and the doctrine of command responsibility. List of Contributors: Joshua McDowell, Michael Roseberry, Scott Vogeley, and Brandy Womack. The author, Sienho Yee is Associate Professor, University of Colorado School of Law. University Press of America, \$32.00 Paper 0-7618-2570-3 May 28, 2003 182pp. For more information, please visit: [www.univpress.com/Catalog/TOC.shtml?command=Search&db=^DB/CATALOG.db&eqSKUdata=0761825703](http://www.univpress.com/Catalog/TOC.shtml?command=Search&db=^DB/CATALOG.db&eqSKUdata=0761825703)

### **Rule of Power or Rule of Law - An Assessment of U.S. Policies and Actions Regarding Security-Related Treaties**

Apex Press, 2003, 272 pp. This publication examines U.S. undermining of multilateral treaty regimes on nuclear, chemical, and biological weapons, landmines, global warming, and international justice. Includes chapter on the ICC by Pam Spees, Program Director, Women's Caucus for Gender Justice. Updates 2002 report released by Institute for Energy and Environmental Research and Lawyers' Committee on Nuclear Policy. "This book provides a comprehensive overview of how, at a time when Americans are keenly aware of international threats to peace and security, the United States is systematically undermining the ICC and other mechanisms that would reduce those threats." - Jayne Stoyles, former Program Director, NGO Coalition for the ICC. For more information, including on purchase: [www.lcnp.org/pubs/rpbflier.htm](http://www.lcnp.org/pubs/rpbflier.htm)

### **Brussels Principles Against Impunity and for International Justice**

Adopted by the "Brussels Group for International Justice" following on from the colloquium "The fight against impunity: stakes and perspectives" (Brussels, March 11-13, 2002)" The principles have been translated into four languages: French, Flemish, Spanish and English. To purchase: Publisher Bruylant 67, rue de la Régence 1000 Brussels, [www.bruylant.be](http://www.bruylant.be), [info@bruylant.be](mailto:info@bruylant.be) Contact Mrs. Monserrat Carreras: [mcarreras@aibf.be](mailto:mcarreras@aibf.be)

### **INFORMATION ON THE ICC VIA E-MAIL:**

**European list:** English language: To subscribe, send an email to: [icc-info-europe-subscribe@yahoogroups.com](mailto:icc-info-europe-subscribe@yahoogroups.com).

**ICC World list:** English language: To subscribe, send an e-mail to: [icc-info-subscribe@yahoogroups.com](mailto:icc-info-subscribe@yahoogroups.com)

**Réseau CPI :** French language : Pour souscrire, envoyer un e-mail a: [reseau-cpi-subscribe@yahoogroups.com](mailto:reseau-cpi-subscribe@yahoogroups.com)

**TPI-Port list :** Portuguese language: Para se subscrever, envie um e-mail para: [tpi-port-subscribe@yahoogroups.com](mailto:tpi-port-subscribe@yahoogroups.com)

**Noticias CPI:** Spanish language: Para suscribirse, envie un e-mail a: [noticias-cpi-subscribe@yahoogroups.com](mailto:noticias-cpi-subscribe@yahoogroups.com)

**Polish list:** Polish language: To subscribe, send an e-mail to: [icc-info-pl-subscribe@egroups.com](mailto:icc-info-pl-subscribe@egroups.com)

**Africa List:** English Language. To subscribe, send an e-mail to: [icc-africa-subscribe@yahoogroups.com](mailto:icc-africa-subscribe@yahoogroups.com)

**Asian List:** English Language. To subscribe, send an e-mail to: [icc-info-asia-subscribe@yahoogroups.com](mailto:icc-info-asia-subscribe@yahoogroups.com)

**Middle East List:** English language. To subscribe, send an e-mail to: [icc-mideast-subscribe@yahoogroups.com](mailto:icc-mideast-subscribe@yahoogroups.com)

**THE INTERNATIONAL CRIMINAL COURT ON THE INTERNET**

- Amnesty International: [www.amnesty.org/icc/](http://www.amnesty.org/icc/)  
 Asociacion Pro Derechos Humanos (Aprodeh): <http://aprodeh.org.pe>  
 Benjamin Ferencz's website: <http://members.aol.com/benferen>  
 Coalition for the ICC: <http://www.iccnnow.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](http://europa.eu.int/comm/europeaid/projects/eidhr/conferences_cpi_en.htm)  
 European Commission , European Initiative for Democracy and Human Rights:  
[www.europa.eu.int/comm/europeaid/projects/eidhr/index\\_en.htm](http://www.europa.eu.int/comm/europeaid/projects/eidhr/index_en.htm)  
 Fédération Internationale des Ligues des Droits de l'Homme: [www.fidh.org](http://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.ici.org/](http://www.ici.org/)  
 International Criminal Court : [www.icc-cpi.int/](http://www.icc-cpi.int/)  
 Lawyers Committee for Human Rights: <http://www.lchr.org>  
 No Peace Without Justice: [www.npwj.org](http://www.npwj.org)  
 The Netherlands, Ministry of Foreign Affairs' website on the ICC: [www.minbuza.nl/default.asp?CMS\\_ITEM=MBZ453053](http://www.minbuza.nl/default.asp?CMS_ITEM=MBZ453053)  
 United Kingdom Foreign and Commonwealth Office on the ICC: [www.fco.gov.uk/news/keythepage.asp?PageId=158](http://www.fco.gov.uk/news/keythepage.asp?PageId=158)  
 United Nations ICC website: <http://www.un.org/law/icc/statute/status.htm>  
 Women's Caucus: <http://www.iccwomen.org>

**THANK YOU FOR SUPPORTING THE CAMPAIGN ICC NOW!**

We would very much appreciate any information you might want to share with our members, either on the ratification process, your own activities, seminars on the ICC and/or on implementing national legislation, etc. We apologize for sending this newsletter only in English. You may nevertheless contact this office in English, French, Spanish, Portuguese, Italian or German.

To contribute to the Coalition: if you are interested in making a tax-deductible contribution to the international secretariat of the coalition, please send a check payable to the CICC to WFM, 777 UN Plaza, 12th Floor, New York, NY 10017, USA.

**We Would Like to Offer Special Thanks to Our Current Funders:** The John D. & Catherine T. MacArthur Foundation; The European Union; The Ford Foundation; The Open Society Institute; Third Millennium Foundation; The Governments of Canada, Denmark, Finland, Germany, Liechtenstein, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Sweden, Switzerland, the United Kingdom; and individual donors and participating NGOs.

**The views expressed herein are those of the CICC and can therefore in no way be taken to reflect the official opinion of the funders.**

**The total or partial reproduction of the European Newsletter is authorised when the source is mentioned.**

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

\_\_\_\_\_ 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, 777 UN Plaza, New York, NY 10017, USA  
 Fax +1 212 599 1332; Or send an email to [cicc@iccnnow.org](mailto:cicc@iccnnow.org)