



European Newsletter

Coalition for the International Criminal Court

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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** on the ICC and the Rome Statute at the national, regional and global level.
- **Facilitating the effective participation of civil society and NGOs** as observers at the Assembly of States Parties, in particular, of representatives from the south.

- **Expanding and strengthening** the global network of organisations working on the ICC.
- **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; Union Interfricaine 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 5th 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, 139

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

With the deposit of the 60th ratification instrument on the 11th April 2002, the Rome Statute entered into force on the 1st July 2002, pursuant to article 126 of the Rome Statute, beginning the jurisdiction of the world's first permanent tribunal capable of trying individuals accused of the most serious violations of International Humanitarian Law: genocide, war crimes, crimes against humanity and once defined, aggression.

Following the entry into force of the Rome Statute on July the 1st 2002, the ICC established its headquarters in The Hague, the Netherlands, and sworn in its senior officials, including eighteen Judges, the Prosecutor and Registrar. The Deputy Prosecutor for Investigations, Mr. Serge Brammertz, was sworn in on November the 3rd 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 International Criminal Tribunals for Rwanda and Yugoslavia, 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 1st 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) RS).

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.

DECEMBER 2003:

92 RATIFICATIONS and ACCESSIONS TO THE ROME STATUTE FOR THE ICC. 41 SIGNATURES and 3 RATIFICATIONS TO THE AGREEMENT ON PRIVILEGES AND IMMUNITIES (APIC). On 1 December 2003, Iceland became the 3rd State to ratify the Agreement on the Privileges and Immunities of the ICC. The Agreement was adopted on the 9th of September 2002 and opened for signatures on 10 September 2002 (until 30 June 2004). The Agreement enters into force after 10 ratifications. So far only three states have ratified: Iceland, Norway Trinidad & Tobago. For more information about the APIC, please contact Cecilia Nilsson at: cicclgal2@iccnw.org and visit our website at: www.iccnw.org/buildingthecourtnew/apic.html

International Criminal Court: Latest Developments

The setting up of the International Criminal Court is moving ahead at a fast pace. Since the 1st of July 2002, when the Rome Statute for the ICC entered into force, the Office of the Prosecutor has received around 600 communications. The construction work of the multi-functional room for the Pre-Trial Chamber is almost finished, while the main courtroom will be ready for use by the summer of 2004. The staff of the Court continues to grow and has now reached 155 (as of 30 November 2003) with a large number of vacancies currently advertised or reviewed.

The Draft Regulations of the Court

The 18 judges of the Court met in plenary session at the Premises of the Court in The Hague from 10 to 28 November to discuss the Regulations of the Court. The Prosecutor and the Registrar also participated in the debates. Topics addressed in the plenary included issues pertaining to the administration of the Court and the proceedings before the Court. It is planned that all Regulations of the Court will be ready for adoption after another plenary meeting of the judges in March 2004. In the event that a situation is presented to the Court, certain core regulations could be applied on an interim basis.

The Online Public Hearing on the website of the Court was open from 29 October to 22 November. During these three weeks, individuals could submit answers to specific questions posed by the judges, as well as ideas and proposals regarding victims' and defence issues. Students, professionals and experts, as well as international organisations and institutions from all around the world contributed. The results of the Online Public

Hearing were compiled and submitted to the judges for their consideration.

Victims and Defence issues

The Registrar of the Court has been consulting civil society on defence and victims issues. In October 2003, two seminars took place at the ICC.

On 22 October 2003, the Registrar consulted experts on the participation of victims in proceedings before the Court. The purpose of this meeting was to develop ideas and to strategise on how to make operational the provisions in the Statute and Rules of Procedure and Evidence regarding victim participation. Under discussion were issues such as target and timelines for outreach to victims about the possibility of their participation in various stages of proceeding; how to access and enable large number of victims to communicate with the Court; the key role of the legal representatives of victims. As a follow up, the Victims Rights Working Group has produced a report with concrete suggestions and recommendations.

A seminar on defence issues was held on the 23-24 October, organised by the Registrar. ICC judges, NGO representatives, representatives from lawyers associations, international defence experts with experience from the ad hoc tribunals and other international courts and tribunals attended. The seminar's goal was to consult with these experts on issues relating to the Code of Professional Conduct for Counsel (the Code), currently being developed by the Court, and on organisation of defence within the Court. The discussions on the Code related to disciplinary measures, legal assistance, qualifications for counsel, the right to choose and change counsel, etc. In the context of organisation of defence, the participants addressed issues of a 'public defender

system', independence of counsel and advisory bodies. Some of these issues were also dealt with on the Court's On-Line Public Hearing, as they

will also be relevant to the Judges in their drafting of the Regulations for the Court.

Cecilia Nilsson, CICC Legal Officer.

Latin America and the European Union keep working together for a fair, effective and independent ICC

Once more, the year 2003 has seen the success of close cooperation between civil society organizations, governments and international institutions to support the newly created ICC, either by advocating for its universal acceptance or by defending the integrity of the Rome Statute.

In Latin America, NGO participation in the process of the establishment of the ICC has become more active not only because of the number of civil society organizations involved but because of its diversity and its untiring work. Around 200 organizations and institutions in Latin America have been working to raise awareness on the ICC among different actors, promote ratification, accession and implementation of its treaty, and denounce the attempts to mine its integrity, among other important issues.

Coalitions and networks created before the Rome Statute was adopted have also been working to put the ICC in the agenda of many different high-level meetings. The CICC offices in Latin American and Europe have been working closely in the following gatherings:

In 1999, the Rio de Janeiro Declaration adopted at the end of the First Summit of Heads of State and Government from Latin America, the Caribbean and the European Union, recognized the importance of the progressive development of the norms related to the criminal responsibility of individuals which commit certain crimes of international concern and expressed interest in the adoption of the Rome Statute.

In 2002, the Second Summit adopted the Madrid Declaration and expressed its satisfaction for the imminent establishment and effective functioning of the ICC as well as for the universal adhesion to the Rome Statute.

Thirty-three Heads of State and Government from Latin American and the Caribbean will meet again with its partners from the European Union in the III Summit that will take place in Mexico. The CICC hopes that support to the ICC will be reflected in another solemn declaration. Countries from Latin American and the Caribbean that will participate are: Antigua &

Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, San Kitts & Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad & Tobago, Uruguay and Venezuela.

Another important high-level meeting is the Summit of Heads of State and Government of Ibero-America. In November 2001, the Lima Declaration, adopted during the XI Ibero-American Summit, underlined the importance of universal accession of the Rome Statute and recognized the importance of the norms that establish the criminal responsibility of individuals for serious crimes.

In 2002, in the Bavaro Declaration adopted by the Heads of State and Government, States expressed their satisfaction for the entry into force of the Rome Statute and called for its universal ratification accession.

This year, during the XIII Summit celebrated in Bolivia, States highlighted the importance of the establishment of the ICC in the investigation, judgement and punishment of crimes of its jurisdiction, welcomed the election of the judges and called for the universal accession and ratification of the Rome Statute.

Finally, the Ibero-American Federation of Ombudsmen, celebrated last year, reiterated the firm support to the ICC to begin working in a permanent way and to develop its mission of imparting justice in a global way regarding genocide, crimes against humanity, war crimes and aggression, once defined. Furthermore, the ombudsmen committed themselves to exercise their influence within their respective countries, in order to achieve the ratification of the Rome Statute and in the countries which have already done so, to adapt their internal legislation so that their States do not enter into bilateral agreements intended to exempt from the jurisdiction of the ICC individuals accused of having committed crimes comprised in the Rome Statute.

Monica Guzman, CICC Outreach Liaison.

European Commission highlights ICC in Reports on Bulgaria, Romania and Turkey

On the 5th of November, the European Commission released three Regular Reports on the progress toward accession to the European Union of Bulgaria, Romania and Turkey for the year 2003. This year the reports contain explicit references to the International Criminal Court

that clearly indicate the Commission's concern regarding the status of support by all EU accession countries, specially in what regards the integrity and universality of the Rome Statute and the importance of implementing legislation that enables States Parties to cooperate fully with the

Court as well as to exercise primary jurisdiction over the crimes foreseen in the Rome Statute.

In the Regular Report 2003 for Bulgaria, the European Commission notes that, in the area of Co-operation in the field of justice and home affairs, *“Amendments were also made to improve the international legal assistance in criminal matters: a mechanism was established for transfer of persons and providing legal assistance in criminal matters to international courts such as the International Criminal Court and the International Criminal Court for ex-Yugoslavia.”* Furthermore, the Commission remarks that Bulgaria has aligned with the EU Common Position on the ICC *“regarding the question of prosecution of US citizens by the ICC.”*

The Regular Report 2003 for Romania highlights that *“Romania has adhered to the Rome Statute establishing the International Criminal Court.*

Although it signed an agreement with the US on the exemption of US citizens, ratification of this agreement has been suspended following the EU Common Position of June 2003.”

On Turkey, the European Commission clearly notes that Turkey is neither a State Party nor a signatory of the Rome Statute. Indeed, the Commission points out that although Turkey has made progress with regard to international conventions on human rights, *“Turkey has not signed (...) the Statute of the International Criminal Court.”* Further ahead, on the Chapter on Common Foreign and Security Policy, the Commission again notes that Turkey has not signed the Statute of the International Criminal Court.

The Regular reports 2003 and ICC references- Bulgaria (p 111-112), Romania (p.112), and Turkey, (p.23-24, p. 124) - are available at: www.europa.eu.int/comm/enlargement/report_2003

European Parliament finds undesirable that a Western Balkan country joins the EU if entered into a BIA

On the 20th of November 2003, the European Parliament approved a Resolution on the Stabilisation and Association Process for South-East Europe whereby it considered as undesirable that *“a SAP country may become member of the EU if it has entered into a bilateral agreement with the USA that jeopardises the full effectiveness of the ICC”*. Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Serbia and Montenegro are the countries engaged in the Stabilisation and Association Process (SAP) for South-East Europe. This is a

strong message from the European Parliament specially when considering that Albania, Bosnia and Herzegovina and FYR of Macedonia have entered into such agreements with the United States.

The Parliament further praised *“the decision of Croatia not to enter into a bilateral agreement with USA on the ICC, despite forfeiting a considerable amount of US financial support”*.

The Resolution (P5_TA-PROV(2003)0523) is available at: http://www3.europarl.eu.int/omk/omnsapir.so/pv2?PRG=CALDOC&FILE=20031120&LANGUE=EN&TPV=PROV&LASTCHAP=18&SDOCTA=15&TXTLST=1&Type_Doc=FIRST&POS=1

3rd Committee of the 58th UN General Assembly: Resolutions on Rights of the Child and DRC refer to ICC

The Third Committee of the 58th UN General Assembly passed two resolutions with reference to the International Criminal Court: one on the Rights of the Child and another on the Human Rights situation in the Democratic Republic of Congo (DRC).

The resolution on Rights of the Child (A/C.3/58/L/29/Rev.1) was approved on November 28, with a vote of 159 in favor and 1 against (United States). It *“Calls upon all States to end impunity for perpetrators of crimes against children, and recognizes in this regard the contribution of the establishment of the International Criminal Court, as a way to prevent violations of human rights and international humanitarian law, in particular when children are victims of serious crimes, including the crime of genocide, crimes against humanity and war crimes, to bring perpetrators of such crimes to justice and not to grant amnesties for these crimes”*

The Resolution further *“Recognizes the inclusion, in the Rome Statute of the International Criminal Court, as a war crime, of crimes involving sexual violence and crimes of*

conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts”

The Resolution on The Situation of Human Rights in the Democratic Republic of Congo (A.C.3/58/L.79/Rev.1), was adopted on December 1, following a vote of 74 in favor to 3 against (Belarus, Rwanda, Uganda), with 85 abstentions. This Resolution *“Condemns the impunity of those responsible for violations of human rights and international humanitarian law, and points out in this connection that the Democratic Republic of Congo is a party to the Rome Statute of the International Criminal Court”*. The resolution further called upon *“the Government of National Unity and Transition to take specific measures to cooperate with the International Criminal Court and to continue to cooperate with the International Criminal Tribunal [for Rwanda]”* For more details, read the UN press release, available at:

www.un.org/News/Press/docs/2003/gashc3775.doc.htm

NGO Action!

NGOs take action in Sweden

In Sweden, several NGOs are working on issues relating to the ICC, from monitoring Swedish implementation to advocacy on issues such as the US campaign against the ICC.

A national NGO network on the ICC has been established on the 25th of August 2003. The network has seven member organisations and its purpose is to provide a focal point for information and cooperation on the ICC in Sweden. The coordinator of the network is the United Nations Association of Sweden.

During the autumn various activities relating to the ICC have been undertaken. The Swedish Peace and Arbitration Society (SPAS) has produced a campaign kit and written articles to the newspapers. Part of their focus campaign has been the EU common position and bilateral immunity agreements. SPAS has, together with MTV Europe, imitated a digital protest in support of ICC and against war crimes. (Website of the SPAS/MTVCampaign: www.digitalprotest.com/protest/668142983FDAF01DCFB1481842981)

UNA-Sweden arranged, on September 29, 2003, a public debate on the ICC regarding the tension between power and justice in the context of the ICC. The participants of the panel were Professor Ove Bring of Stockholm University and Professor Ulf Bjereld from the Göteborg University.

SPAS held a debate on the ICC on December 3 together with the Stockholm Association of Foreign Affairs. Participants in the panel were Pål Wrangé from the Swedish Ministry of Foreign Affairs, Lotta Svedenstedt from Amnesty Sweden and Member of Parliament Birgitta Ohlsson. Students mainly composed the audience. The discussion ranged from the tensions concerning the US relation to the ICC, to what action can be taken in Sweden in order to strengthen the ICC.

The Agreement on Privileges and Immunities

UNA-Sweden has compiled actions to be taken to promote the Swedish accession to the agreement on privileges and immunities (APIC). Sweden is now the only EU Member State that has not signed the agreement. On July 18, 2003, MP Birgitta Ohlsson asked in a parliamentary question to the Minister of Foreign Affairs Anna Lindh when would Sweden accede to the agreement. In her response from August 2003,

Anna Lindh stated that accession could take place during autumn 2003. Following, five Swedish organisations (United Nation's Association of Sweden, Amnesty Sweden, Swedish Red Cross, Swedish NGO Foundation for Human Rights and the Swedish Section of the International Commission of Jurists) co- signed an article urging the Swedish Government to promptly sign the APIC. This article was published in Sweden's largest newspaper Aftonbladet on October 25. Several NGOs have lobbied the government on the issue. Despite the Government's statement made in August according to which the accession to the agreement would take place in the autumn, no progress has been observed.

Regarding future activities and plans, SPAS will have a larger seminar on the ICC on May 15, 2004. UNA-Sweden will arrange a series of breakfast seminars, starting with Maria Kelt from the Ministry of Justice in February 10, 2004.

Although Sweden is already a State Party, there are several issues still on the table, from implementation, accession to the APIC, to technical assistance to non-state parties. Thus, the NGO community of Sweden has an important role in pushing the government forward and creating awareness among the general public in support of the ICC.

Mark Klamberg,

Desk office UNA-Sweden.

ICC's Victims Trust Fund Campaign

Through this campaign, coordinated by the World Federalist Association, thousands of Americans are sending their personal contributions to the Victims Trust Fund and letting their senators know how much they care about international justice and victims' assistance. To view the Victims Trust Fund's impressive two-minute flash video, visit: www.victimstrustfund.org/intro.html

NGOs are invited to send articles as well as reports on their plans and activities to be included in the next issues of the European Newsletter. For more information, please contact Rita Patricio at: cicceurope2@iccnw.org

The Coalition Reports

European Parliament's Friends of the ICC met again at the European Parliament

On Tuesday, December 9, 2003, the informal group of "European Parliament's Friends of the ICC" convened in a two-hours meeting to discuss ICC priorities and challenges for the months to come. That was the second time MEPs met, since they revived the initiative in June this year.

The group gathers about 40 members, from different political factions and nationalities, actively advocating for the ICC.

With the support of human rights NGOs – coordinated by the Coalition for the ICC – the members of the Friends have already successfully undertaken a number of actions, from the adoption of strong ICC language in EP resolutions and reports, to the release of statements, denouncing the attempts to challenge the integrity of the Rome Statute and defending the independence and respectability of the Court.

Now that the Rome Statute has entered into force and that the Court is at its operational stage, the EP Friends of the ICC will be the driving force in supporting the effective implementation of the justice system enshrined in the ICC statute.

On the occasion of their last meeting, the EP Friends of the ICC reaffirmed their readiness to continue acting towards the ultimate objective of ending impunity for serious human rights violations. NGOs proposed Parliamentarians a number of actions to be accomplished in the imminent future and to that end, provided MEPs with a calendar of relevant opportunities for them to seize. Moreover, NGOs offered their expertise and intelligence to assist MEPs in their activities, as need be.

The 'Friends' welcomed the useful exchange of views and information with NGO representatives and by the end of the meeting, agreed on a set of crucial matters, for which immediate and concrete action must be considered.

Whenever the opportunity comes up, MEPs will be calling for worldwide accession, ratification and implementation of the Rome Statute.

Furthermore, they committed to engage in an open and constructive dialogue with their US counterparts and to continue supporting countries that decide not to sign bilateral non-surrender agreements with the USA.

Finally, the EP Friends will encourage EU member states to take a front-runner approach in promoting a coherent and effective ICC policy, and to ensure consistency with the EU Council Common Position on the ICC in regional and international arena, not least in the UN Security Council.

NGOs are grateful for the unremitting support of the European Parliament and are willing to involve in the initiative more MEPs, as well as the EP President, Mr Pat Cox, so to enable the European Parliament to raise its 'impunity concerns' with a unique and strong voice, reflecting the views and beliefs of the majority of its members and of the people it represents.

Luisa Mascia

OSCE 11th Ministerial Meeting Maastricht, December 1-2, 2003

Foreign Ministers from OSCE participating states convened in Maastricht on December 1-2, 2003, in correspondence to the conclusion of the Dutch Chairmanship. The meeting gave OSCE states the opportunity to identify, analyse and react to the emerging threats to security and stability in the 21st century.

Ministers reaffirmed the central role of the OSCE in addressing responses to such threats, in particular due to the OSCE inclusive membership and flexibility, as well as to its comprehensive concept of security, which includes respect for human rights and fundamental freedoms, democracy and the rule of law.

Inter-state and intra-state conflicts were deemed as an enormous threat to states and individuals, drawing instability and other types of menaces such as gross human rights violations and mass expulsion. Among the major causes lying behind such violent conflicts is non-compliance with international law and with other human rights and humanitarian commitments, endorsed by all OSCE participating States.

In this context, Ministers emphasised that strengthening democratic institutions and the rule of law (not least, by reinforcing national judiciaries and promoting universally recognised values of human rights and humanitarian law) will remain fundamental in the strategy to prevent threats from arising, thus allowing for lasting peace and stability.

A NGO conference was organised, upon the initiative of the International Helsinki Federation, in the fringe of the Ministerial meeting. NGOs confronted themselves on different issues, such as trafficking in human beings, impunity in Europe and freedom of religion.

The European office of the CICC participated at the meeting and reaffirmed that combating impunity for the most serious human rights

violations should be considered a priority by the OSCE and its various institutions and field operations, as well as by its participating states. An appeal was made to all NGOs present there to engage in the universal campaign on fighting impunity and global justice, both at national and international level. This objective should be pursued by encouraging states to render domestic justice or, in alternative, to resort to international instrument such as the ICC.

NGOs delivered a final statement to the Ministerial meeting. In their recommendations, they expressly called upon the OSCE and its institutions to play a leading role in ensuring that its states will be able to hold perpetrators accountable for their crimes and in continuing fostering the respect and implementation of their international commitments.

Legal remedies for victims of “international Crimes”: ‘Fostering an EU approach to extraterritorial jurisdiction’

Experts gathered in Brussels for a two days conference organised by the non-governmental organisations REDRESS and FIDH on the 24 and 25 of November 2003. The conference, which followed a preparatory Experts Meeting in Paris on 16 and 17 July, aimed at developing a consistent approach at the European Union to ending impunity of international crimes and redress human rights and humanitarian violations through the approximation and/or harmonisation of European standards concerning the exercise of universal jurisdiction. The European Parliament Citizen’s Freedom and Rights, Justice and Home Affairs Committee offered the venue for the first day sessions. This was particularly meaningful as one of the goals of the conference was to build bridges between the two pillars, foreign and security policy and justice and home affairs, in matters related to international crimes and the ICC.

While EU Member States have declared to be firmly committed to putting an end to impunity, yet only a few of them have fully implemented the Rome Statute as well as other obligations stemming from other international treaties. It is worrisome how some of them are interpreting the principle of complementarity, specially, after the ‘defeat’ of the Belgian law on universal jurisdiction, by simply sending all information related to international crimes to the ICC. While the Experts Meeting analysed the problems of the law and its difficulties to avoid misuses and political interferences, it was also clear that EU

Member States showed no solidarity with Belgium, leaving this country completely isolated.

The conference assessed the situation in Member States in order to initiate a discussion over a strategy to ensure Member States legislations put an end to safe havens for alleged perpetrators of violations of international crimes. After analysing internal and external factors, experts developed some ideas to move forward in the positive direction towards an EU approach, inter alia, by developing legislation for an efficient cooperation with the ICC, by creating mechanism for victims access to justice and to effective and enforceable remedies, by building upon the existing tools, mechanisms and networks in Europe to share information related to international crimes. One of the conclusions of the conference was the need to include “international crimes” in Art. 172 of the Draft Treaty establishing a Constitution for Europe, under Title III, Chapter IV, Section 4, judicial cooperation in criminal matters. In this regard, following the conference, a letter was sent to the Prime Ministers of the fifteen EU Member States.

The conference was certainly an excellent meeting, achieving both its goal to contribute to networking between officials and experts from foreign affairs and justice departments, and developing ideas for what is certainly a long term strategy and action plan to approach Member States legislations in addressing impunity of international crimes.

Irune Aguirrezabal Quijera

EU Council Working Group on Public International Law- ICC Subarea

The EU Council Working Group on International Public Law, COJUR Subarea ICC, met at The Hague on December 8 and 9. The first COJUR-ICC meeting at the Court premises demonstrates the Union's support of the Court and its interest in following closely the Court's developments. Legal advisers of the fifteen Member States as well as Commission and Council Secretariat officials held informal meetings with representatives of the three organs of the Court, the Council of Europe, the International Committee of the Red Cross and the NGO Coalition and its members. An Action Plan implementing the Council Common Position on the International Criminal Court (2003/444/CFSP) will be adopted soon by the Council.

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

Region / /Accession	Date of Ratification		Date of Ratification		Date of Ratification
AFRICA (22 STATES PARTIES)		Colombia	5 August 2002	Bosnia-Herzegovina	11 April 2002
Benin	22 January 2002	Costa Rica	7 June 2001	Bulgaria	11 April 2002
Botswana	8 September 2000	Dominica	12 February 2001	Croatia	21 May 2001
Central African Rep.	3 Octob. 2001	Ecuador	5 February 2002	Cyprus	7 March 2002
Dem. Rep. Congo	11 April 2002	Honduras	1 July 2002	Denmark	21 June 2001
Djibouti	5 Nov. 2002	Panama	21 March 2002	Estonia	30 January 2002
Gabon	20 September 2000	Paraguay	14 May 2001	Finland	29 December 2000
Gambia	28 June 2002	Peru	10 November 2001	France	9 June 2000
Ghana	20 December 1999	Saint Vincent & Grenadines	3 December 2002	Germany	11 December 2000
Guinea	14 July 2003	Trinidad & Tobago	6 April 1999	Georgia	5 September 2003
Lesotho	6 Septemb. 2000	Uruguay	28 June 2002	Greece	15 May 2002
Malawi	19 September 2002	Venezuela	7 June 2000	Hungary	30 November 2001
Mali	16 August 2000			Iceland	25 May 2000
Mauritius	5 March 2002	ASIA/PACIFIC ISLANDS (12 STATES PARTIES)		Ireland	11 April 2002
Namibia	25 June 2002	Afghanistan	10 February 2003	Italy	26 July 1999
Niger	11 April 2002	Australia	1 July 2002	Latvia	28 June 2002
Nigeria	27 September 2001	Cambodia	11 April 2002	Liechtenstein	2 October 2001
Senegal	2 February 1999	East Timor	6 September 2002	Lithuania	12 May 2003
Sierra Leone	15 September 2000	Fiji	29 November 1999	Luxembourg	8 September 2000
South Africa	27 November 2000	Marshall Islands	7 December 2000	Macedonia, FYR	6 March 2002
Tanzania	20 August 2002	Mongolia	11 April 2002	Malta	29 November 2002
Uganda	14 June 2002	Nauru	12 November 2001	Netherlands	17 July 2001
Zambia	13 November 2002	New Zealand	7 September 2000	Norway	16 February 2000
		Rep. of Korea	13 November 2002	Poland	12 November 2001
		Samoa	16 September 2002	Portugal	5 February 2002
		Tajikistan	5 May 2000	Romania	11 April 2002
AMERICAS (19 STATES PARTIES)				San Marino	13 May 1999
Antigua & Barbuda	18 June 2001	EUROPE (38 STATES PARTIES)		Serbia & Montenegro	6 Sept 2001
Argentina	8 February 2001	Albania	31 January 2003	Slovakia	11 April 2002
Belize	5 April 2000	Andorra	30 April 2001	Slovenia	31 December 2001
Barbados	10 December 2002	Austria	28 December 2000	Spain	24 October 2000
Bolivia	27 June 2002	Belgium	28 June 2000	Sweden	28 June 2001
Brazil	20 June 2002			Switzerland	12 October 2001
Canada	7 July 2000			United Kingdom	4 October 2001
N. AFRICA/ MIDDLE EAST (1 STATE PARTY)					
Jordan	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.

Agreement on the Privileges and Immunities of the ICC (APIC)

Signatures and Ratification of the Agreement on the Privileges and Immunities of the ICC, Alphabetical (3 ratifications, 41 signatures as of 4 December 2003)

Ratifications Ratification date

Iceland	1 December 2003
Norway	10 September 2002
Trinidad and Tobago	6 February 2003

Signatories Signature Date

Argentina	7 October 2002
Austria	10 September 2002
Belgium	11 September 2002
Benin	10 September 2002

Belize	26 September 2003
Bulgaria	2 May 2003
Costa Rica	16 September 2002
Croatia	23 September 2003
Cyprus	10 June 2003
Denmark	13 September 2002
Ecuador	26 September 2002
Estonia	27 June 2003
Finland	10 September 2002
France	10 September 2002
Germany	14 July 2003
Ghana	12 September 2003
Greece	25 September 2003
Hungary	10 September 2002
Ireland	9 September 2003
Italy	10 September 2002
Luxembourg	10 September 2002
Madagascar*	12 September 2002

Mali	20 September 2002
Mongolia	4 February 2003
Namibia	10 September 2002
The Netherlands	11 Sept. 2003
New Zealand	22 October 2002
Panama	14 April 2003
Peru	10 September 2002
Portugal	10 December 2002
Senegal	19 September 2002
Serbia & Montenegro	18 July 2003
Sierra Leone	26 September 2003
Slovenia	25 September 2003
Spain	21 April 2003
Switzerland	10 September 2002
United Kingdom	10 September 2002
Venezuela	16 July 2003

* Signatory to the Rome Statute; the other listed states are States Parties to the Rome Statute

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 or Luisa Mascia, for Newly Independent States, Central Asian Republics and Western Europe at 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 23rd 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 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 1st of September 2000 and a Criminal Procedural Code has been adopted. The Criminal Code provides for criminal responsibility for crimes against humanity and war crimes reflecting the definitions of the Rome Statute.

Cooperation: The Law on Extradition of Criminals of 15 May 2001 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 September 1998- Ratific. 28 June 2000

Draft Law on Cooperation: The bill is being examined at present by the Council of Ministers and should soon be sent to the Parliament. Debates both at the Parliament and Senate should take place early in 2004, its final approval being expected around April 2004. The draft can be found at:

www.iccnw.org/resourcestools/ratimptoolkit/nationalregionaltools/legislationdebates/BelgiumProvisionalFren.pdf

Complementarity: Under the new Bill, adopted on August 5 2003, Belgian courts will have jurisdiction over international crimes if the accused is Belgian or has his primary residence in Belgium; if the victim is Belgian or has lived in Belgium for at least three years at the time the crimes were committed; or if Belgium is required by treaty to exercise jurisdiction over the case. Under Art 12 bis of the preliminary Chapter of the Criminal Procedural Code, Belgian courts remain competent for all International Humanitarian Law cases if the accused is found in Belgian territory, even with no other nexus with Belgium, unless the person is subject to an international immunity (according to the ICJ).

The new law also considerably reduces victims' ability to obtain direct access to the courts, unless the accused is Belgian or has his primary residence in Belgium, the decision whether or not to proceed with any complaint rests entirely with the Federal Prosecutor. The Bill, called "Loi relative aux violations graves du droit international humanitaire", can be found at:

[www.coe.int/T/E/LegalAffairs/LegalCooperation/TransnationalCriminalJustice/InternationalCriminalCourt/Documents/ConsultICC\(2003\)11F.pdf](http://www.coe.int/T/E/LegalAffairs/LegalCooperation/TransnationalCriminalJustice/InternationalCriminalCourt/Documents/ConsultICC(2003)11F.pdf)

APIC: Signature on the 11 September 2002.
Last revised: December 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: ciceurope2@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

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 1st 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 19th, 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?numio=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 RS. Source: Jeanne Sulzer, FIDH, jsulzer@fidh.org.

APIC: Signature on 10 September 2003. The Senate adopted, on the 10 December 2003, the parliamentary bill for the ratification of the APIC
Last revised: December 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 1st July 2002. Now, German public prosecutors are allowed to

investigate war crimes, genocide and crimes against humanity, regardless of whom, where, when or against whom these crimes were committed. The German law can be found in German, French, English, Spanish, Russian and Arabic at:

www.iuscrim.mpg.de/forsch/online_pub.html#legaltext

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

H.H. Pope John Paul II included in his "Message for the World Day of Peace" from January 1, 2000 a statement in support of the ICC, that reads as follows: *"... an offence against human rights is an offence against the conscience of humanity as such, an offence against humanity itself. The duty of protecting these rights therefore extends beyond the geographical and political borders within which they are violated. Crimes against humanity cannot be considered*

an internal affair of a nation. Here an important step forward was taken with the establishment of an International Criminal Court to try such crimes, regardless of the place or circumstances in which they are committed. We must thank God that in the conscience of peoples and nations there is a growing conviction that human rights have no borders, because they are universal and indivisible."

His full remarks are located at http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_08121999_xxxiii-world-day-for-peace_en.html.

In 2002 the Holy See contributed to the Trust Fund to support the participation of Least Developed Countries in the ICC Preparatory Commission.

A strong call by the Pope to the USA Catholic Church to support the ICC would be welcome.

Last revised: December 2003.

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 8th 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. **On the 1st of December 2003, Iceland became the 3rd State to ratify the Agreement on the Privileges and Immunities of the ICC.**

Last revised: December 2003.

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

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

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 10th 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 10th 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: On the 18th of September 2003, the plenary of the Parliament approved by unanimity the law proposal 72 / IX for implementation of the Rome Statute. This is a government's proposal titled "Law proposal regarding violations of International Humanitarian Law". It is available at: www.parlamento.pt/legis/inic_legis/20030520.09.1.0072.2.05 This proposal was sent to the parliamentary committee of Constitutional Rights, Freedoms and Guarantees for discussion in speciality. It will be discussed with the proposals presented by the Party of the Social Democrats (224 / IX) and by the Communist Party (262 / IX), both consisting of amendments to the Penal Code. The Committee shall approve one final text that afterwards shall be submitted to final vote in the plenary session.

On the 10th of November, Amnesty International sent a letter to the President of the Committee with comments on the three aforementioned proposals, namely on the definitions of crimes, universal jurisdiction, criminal responsibility, impunity, immunities and guarantees of fair trials. This letter is available at:

[http://web.amnesty.org/aidoc/aidoc_pdf.nsf/Index/EUR380052003POR_TUGUESE/\\$File/EUR3800503.pdf](http://web.amnesty.org/aidoc/aidoc_pdf.nsf/Index/EUR380052003POR_TUGUESE/$File/EUR3800503.pdf)

For the text of the Social Democrat proposal, please visit:

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

APIC: Signature on the 10th December 2002.

Last revised: December 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: In June 2003, the Serbian Parliament approved war crimes legislation, allowing for the local prosecutions of war crimes suspects: "Law on the Organization and Jurisdiction of Government Authorities in Prosecuting Perpetrators of War Crimes." Under this law, the Serbian authorities set up a legal and institutional framework for the successful conduct

of war crime trials. The law creates the Office of the War Crimes Prosecutor, the War Crimes Investigation Service, the War Crimes Panel at the Belgrade District Court, the Special Detention Unit as well as some procedural innovations, such as the questioning of witnesses via video link, the audio recording of the main hearing proceedings (already applied in organised crime trials), etc. The "Law on Organisation and Jurisdiction of Government Authorities in Prosecuting Perpetrators of War Crimes", 7 July 2003, is Available at: http://www.osce.org/documents/fry/2003/07/446_en.pdf

Cooperation: Presently, there is no law regulating cooperation with the ICC. A working group is preparing the finalised draft text of Serbia and Montenegro's Law on cooperation with the ICC. The work should be concluded in November or December 2003. After, the draft should go to Parliament.

Montenegro:

Substantive criminal law: A new Criminal Code will be enacted in December 2003. On the 11th December 2003, the draft criminal code passed the Parliament's Legislative Committee. Chapter 35 is dedicated to "Crimes Against Humanity And Rights Guaranteed Under International Law". The Draft Criminal Code is available at: <http://www.gom.cg.vu/files/1063208955.doc>

Cooperation: The drafting procedure of a cooperation law should start in the beginning of 2004. However, a solution must be found regarding competences. According to the Constitutional Charter of State Union of Serbia and Montenegro this question might be interpreted as part of the State Union's jurisdiction. However, the Ministry of Justice has been considering that cooperation would fall under the competence of the Republic of Montenegro.

Kosovo / UNMIK:

Substantive Criminal Law: A new Criminal Code defines war crimes and introduces new offences, such as crimes against humanity.

According to UNMIK's Regulation UNMIK/REG/2003/25, the Provisional Criminal Code shall enter into force nine months after the date of signature on 6 April 2004. The Criminal Code is available at: www.unmikonline.org/regulations/2003/RE2003_25_criminal_code.pdf

Cooperation: The issue of cooperation with the ICC has not yet arisen, according to UNMIK (May 2003). UNMIK would be open to cooperation with the ICC where appropriate, though the legal framework for such cooperation would first need to be established directly between UNMIK and the ICC.

According to a UNMIK's Regulation UNMIK/REG/2003/26, a Provisional Criminal Procedure Code shall enter into force nine months after the date of signature on 6 April

2004. The Provisional Criminal Procedure Code of Kosovo is available at:

www.unmikonline.org/regulations/2003/RE2003_26_PCPC.pdf

Under Chapter XVIII, on "Procedures for the Transfer of Defendants and Convicted Persons to and from Foreign Jurisdictions", the CPC's Article 516 reads: "(2) *The procedures regarding the cooperation with the International Criminal Court, (...) lie outside the scope of the present Code and are governed by separate legal arrangements.*"

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 25th 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/

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: The Draft Law on Cooperation with the International Criminal Court titled "Proyecto de Ley Orgánica de Cooperación con la Corte Penal Internacional (number 121/000156)" has been debated both at the Parliament (Congreso de los Diputados) and the Senate. The draft law with the amendments included by the Senate shall be sent back to the Parliament (Congreso) for its final adoption in the coming weeks. The Justice and Home Affairs Committee issued a legal report on the draft law which has been published at the Boletín Oficial de las Cortes Generales on 30 September 2003.

Substantive criminal law: The new Penal Code has been published in the "Boletín Oficial del Estado". 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: December 2003.

Sweden

Signature 7 Oct. 1999- Ratification 28 June 2001

Cooperation: On the 25th of April 2002, the Swedish Parliament adopted the new *Act on Cooperation with the International Criminal Court*. It covers arrest and surrender to the Court, other forms of Cooperation and enforcement of sentences and other decisions. It entered into force on the 1st of July 2002 and can be found, in draft form and in Swedish, at:

http://justitie.regeringen.se/propositionermm/propositioner/pdf/p2010102_88.pdf

Substantive Criminal Law: The Ministry of Justice has indicated that the draft criminal code will be sent to the Parliament in the autumn of 2004. Until April 2003, NGOs had the opportunity to study and comment on the draft criminal code. A report is published, with a summary in English (page 21) at:

http://justitie.regeringen.se/propositionermm/sou/pdf/sou2002_98a.pdf

The Commission in charge of revising the criminal code for the implementation of international crimes and jurisdiction over such crimes had first submitted a report on the 31st October 2002. Swedish Amnesty International lawyers' group, who has been very involved in this process, pointed out some major concerns:

Sweden has not changed its immunity regulations, which are not in accordance with the RS. The Constitution must be amended but that will happen only in 2006 with the next elections. When Sweden ratified the Statute, the government stated that it might not be necessary to change the immunity regulations, since it would be unlikely that Swedish members of government would commit crimes against the statute. AI Sweden is urging for the necessary changes. There is one inquiry about penalising crimes against the Court's jurisdiction; a memorandum is expected. There is a memorandum about the necessary changes in the Swedish Penal Code and Procedural Code (new crimes, universal jurisdiction etc). Source: Swedish Amnesty's lawyers' group and UNA-Sweden.

Last revised: December 2003.

Switzerland

Signature 18 July 1998 – Ratification: 12 Oct. 2001

Cooperation: On the 21st 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 Amiraliev, 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 19th 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 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

December:

11th OSCE Ministerial Council meeting to develop strategy on threats to security and stability in 21st century, Organization for Security and Co-operation 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

International Committee for the Red Cross, Advisory Service, 4-5 December, Geneva.

An informal meeting between several NGOs and the ICRC Advisory Service took place to discuss and share plans on the implementation of the Rome Statute.

COJUR – Sub-area ICC- EU Council Working Group on Public International Law. 8 December 2003, ICC, The Hague.

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

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 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, www.elsa.ro/lawschool or e-mail bucuresti@elsa.ro.

2004:

Institute For International Criminal Investigations- Third International Investigator Course(IIC3)- 23 February - 5 March 2004, International Law Faculty of the University of Leiden in The Hague, and at the School for Peace Missions at the Royal Netherlands Army base at Amersfoort, Netherlands.

The course is designed to provide experienced criminal investigators and related experts the additional skills necessary to the successful investigation of serious violations of international humanitarian law, including war crimes, genocide and crimes against humanity. Topics include International Humanitarian and Criminal Law, Military Organizations, Weapons and Modern Warfare, Evidence, Witness Management and Information Gathering. Tuition is 2,500 euros. Interested persons should send an electronic curriculum vitae, a two or three page sample of their writing in English, and referrals to: iici@earthlink.net. For further information visit: <http://www.iici.info/>

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

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 For more, visit: 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. Lawyers interested in attending the training courses should complete the application form and return it before 6 October 2003 to: Ms Leyre Maiso, 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. The Application form and further information at the projects website: www.icc-era-ccbe.net.

PUBLICATIONS: Articles and Books**La Corte penale internazionale: problemi e prospettive**

Vivarium, Napoli, 2003, pp. 638, Euro 54,70. Can be ordered by e mail at: www.vivarium.it/ or by e mail or fax or regular mail at the following address: Mr. Raffaele Schiavone, e-mail: schiavoneraffaele@libero.it

Following are some of the articles contained: Prefazione, di Flavia Lattanzi; *Introduction*, di Francois Rigaux; Gabriele della Morte, *La potestà giurisdizionale della Corte penale internazionale: complementarità, condizioni di procedibilità, soggetti legittimati a richiedere l'esercizio dell'azione penale e ne bis in idem*; Emanuela Fronza, *Il crimine di genocidio*; Roberto Arno' e Andrea Caliguri, *I crimini contro l'umanità*; Frédéric Mégret, *Les crimes de guerre*; Michele Caianiello ed Emanuela Fronza, *Il principio di legalità nello Statuto della Corte penale internazionale*; Siliana Laurenti, *Il principio di irretroattività e la giurisdizione della Corte penale internazionale sui crimini a carattere permanente*; Steffen Wirth, *Immunities, Related Problems and Article 98 of the Rome Statute*; Matthias Neuner, *Superior Responsibility and the ICC Statute*; Antonio Converti, *La responsabilità dei subordinati per i crimini commessi in esecuzione di ordini superiori*; Massimo Scaliotti, *Mens Rea*; Antonio Converti, *La cooperazione internazionale e l'assistenza giudiziaria nello Statuto della Corte penale internazionale*; David Donat Cattin, *The Rights of Victims and International Criminal Justice*; Roland Adjovi, *Les décisions de la Chambre préliminaire dans l'architecture de la Cour Pénale Internationale*; Paolina Massidda, *Appello e revisione*; Alessandra Lanciotti, *Le pene comminabili dalla Corte penale internazionale*; Gaetano Carlizzi, *La collocazione della CPI nel quadro del vigente sistema di giustizia internazionale penale*; *Conclusioni*, di Giovanni Conso.

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. Danilo 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 or 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 '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 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 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 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 A 20-page handout version can be downloaded from: 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 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 Contact: Laurence Deguitre: 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

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/rpbflief.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, info@bruylant.be Contact Mrs. Monserrat Carreras: mcarreras@aibf.be

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- Amnesty International: 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
 European Commission , European Initiative for Democracy and Human Rights:
www.europa.eu.int/comm/europeaid/projects/eidhr/index_en.htm
 Fédération Internationale des Ligues des Droits de l'Homme: www.fidh.org
 Human Rights Watch: <http://www.hrw.org>
 International Centre for Human Rights and democratic development: <http://www.icj.org/>
 International Commission of Jurist: www.ici.org/
 International Criminal Court : www.icc-cpi.int/
 Lawyers Committee for Human Rights: <http://www.lchr.org>
 No Peace Without Justice: www.npwj.org
 The Netherlands, Ministry of Foreign Affairs' website on the ICC: www.minbuza.nl/default.asp?CMS_ITEM=MBZ453053
 United Kingdom Foreign and Commonwealth Office on the ICC: www.fco.gov.uk/news/keythepage.asp?PageId=158
 United Nations ICC website: <http://www.un.org/law/icc/statute/status.htm>
 Women's Caucus: <http://www.iccwomen.org>

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