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Deputy of Antalya (MHP)
The Grand National Assembly of the Republic of Turkey,

3rd January 2013

Distinguished Members of the Parliament,

The 7th Consultative Assembly of Parliamentarians for the International Criminal Court (ICC) and the Rule of Law & the World Parliamentary Conference on Human Rights was hosted by the Parliament of Italy and the Senate with the collaboration of the Parliamentarians for Global Action (PGA) in the Parliament of Italy in Rome between 10th and 11th December 2012.

In this context, the Consultative Assembly met seven times until now:

- I. in 2002 in Ottawa, Canada
- II. in 2003 in New York, USA
- III. in 2004 in Wellington, New Zealand
- IV. in 2006, in Tokyo, Japan
- V. in 2008, in Santo Domingo, Dominican Republic
- VI. in 2010 in Kampala, Uganda
- VII. in 2012 in Rome, Italy

I attended to the Consultative Assembly and the World Parliamentary Conference as an Executive Board Member for the Parliamentarians for Global Action and Deputy Convenor for the PGA Peace and Democracy Program.

Discussions and submitted papers were intensively focused on the Human Rights and the functioning of the International Criminal Court.

Turkey can not be represented in the Assembly of States Party of the International Criminal Court according to the Article 112. It is not possible to influence the Court's further developments unless Turkey signed the Statute.

As of January 2013, a total of 139 states including all of the European Union member states have signed the Statute of Rome and 121 of them have ratified the Statute of Rome being states parties to the Court. It is obvious that Turkey cannot reflect its opinions and thoughts without becoming a States Party as the way it requires at these times when handling of human rights and freedoms are going through serious developments.

First, I would like to give you a brief overview about the Court. The Rome Statute for the International Criminal Court was adopted in Italy on 17th July 1998 as a result of a secret ballot 120 in favor, 7 against, with 20 abstentions. The Statute entered into force after the deposit of the 60th instrument of ratification, acceptance, approval or accession according to the Article 126.

The International Criminal Court is the first permanent, treaty-based, international criminal court, has competent jurisdiction status to prosecute crimes such as genocide, crimes against humanity and war crimes.

Should a state that is not a State Party to the Statute may, “by declaration lodged with the Registrar, accept the exercise of jurisdiction by the Court with respect to the crime in question.” The cases of Darfur and Libya are clear examples for this. The decisions of the Court brought into force by the United Nations Security Council.

Prime Minister Recep Tayyip Erdoğan addressed the Parliamentary Assembly of the Council of Europe at the Plenary Session in Strasbourg on 6th October 2004 as:

“Mr. President,

Legal changes that will enable Turkey to become a Party to the International Criminal Court, as is the case with the majority of the members of the Council of Europe, are among the reforms that we have accomplished. In this context, our new Penal Code includes the crime of genocide and crimes against humanity in line with contemporary norms.

We enacted the necessary amendments to the Constitution. Having completed the domestic legal preparations, I would like to announce today from this rostrum that Turkey will, in the near future, ratify the Rome Statute and become a party to the International Criminal Court.”

I wonder what “near future” means for the Prime Minister? One should clearly remember that Turkey’s reputation is adversely affected when the promises made in the international arena are not fulfilled.

Indeed, in June 2012 a network of over 2,500 non-governmental organizations in more than 150 countries advocating for a fair, effective and independent International Criminal Court asked the Turkish Government to confirm its commitment to the Rome Statute by ratifying and becoming a State Party in participation in the culture of impunity and the rule of law to eliminate.

It is our desire to see the strengthened position of Turkey as a respected member of the international community.

The amendment made in Article 90 of our Constitution provides that in case of a conflict occur between international treaties in the field of fundamental rights and freedoms of national law due to differences in provisions on the same matter, the provisions international treaties shall prevail.

In the fight against torture and ill-treatment, Turkey signed the Optional Protocol to the Convention Against Torture (OPCAT) on 14th September 2005, as testimony to its commitment to strengthening its national and international human rights machinery. The ratification process of OPCAT realized on 27th September 2011 and Turkey became a Party.

A political attitude that avoids recognition of an agreement which has no retrospective meaning as well as no validity since the date Turkey became a party, undermines Turkey's strength in terms of policies pursued against human rights and torture.

With My best Regards

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