



Parliamentarians for Global Action

The National Congress of the Dominican Republic and Parliamentarians for Global Action

PGA 30TH ANNUAL FORUM AND 5TH CONSULTATIVE ASSEMBLY OF PARLIAMENTARIANS FOR THE
INTERNATIONAL CRIMINAL COURT (ICC) & THE RULE OF LAW

National Congress, Santo Domingo, Dominican Republic

October 30-31, 2008

Santo Domingo Plan of Action on the Rule of Law & the ICC

We, the Members of Parliamentarians for Global Action (PGA) participating in the 5th Consultative Assembly of Parliamentarians for the International Criminal Court (ICC) & the Rule of Law, following the deliberations held in Santo Domingo, The Dominican Republic from 30-31 October, 2008, on the occasion of the 30th Annual Forum of PGA:

Expressing sincere appreciation to the Organizing Committee of PGA's 30th Annual Forum for the successful organization of this Forum in the National Congress of the Dominican Republic;

Recognizing that, the international community continues to be confronted with grave human rights abuses and serious violations of human rights and international humanitarian law in different regions of the world, as well as with the breakdown and failure of the Rule of Law within several national frameworks;

Recognizing also that continuing inertia, inaction or delayed response by the international community and certain national governments in seeking to address this tragic reality is inexcusable and, in addition, is a serious indictment of humanity itself;

Recognizing further the overarching imperative of the need to protect people from such violations of basic human rights norms, to seek justice and reparations for the victims and to put an end to impunity while, at the same time, seeking the establishment of lasting peace and the resolution of the root causes of conflict;

Recalling, in this regard, that Parliamentarians for Global Action is an *action-driven* and *results-oriented* group of over 1,300 Parliamentarians from 123 countries worldwide;

Acknowledging the vital role that can be played by us, Parliamentarians, in different ways, to increase the universality and effectiveness of the ICC, to seek to solidify and consolidate the cause of international justice and the establishment, or re-establishment, as the case may be, of the Rule of Law;

Observing that impunity for perpetrators of international atrocities only serves to increase the likelihood of the commission of new, equally horrific crimes and may indeed lead to the re-escalation of violence resulting in the re-occurrence of internal or international armed conflicts;

Observing also the vital deterrent effect, real and potential, that the International Criminal Court has, by virtue of its jurisdiction and very existence, on the commission of war crimes, crimes against humanity and genocide;

Noting, with approval, the growing prominence and entrenchment of the International Criminal Court in global affairs;

Applauding the fact that 108 States have, to date, ratified, or acceded to, the Rome Statute;

Regretting, however, that the regional distribution of States Parties remains mixed, with under-representation in Asia, the Middle East and North Africa, and the Commonwealth of Independent States (CIS);

Reaffirming that States Parties to the Rome Statute have a duty to cooperate fully with the Court and, in particular, to implement legislation aimed at enabling their respective national judicial systems to bring to justice perpetrators of international crimes;

Regretting that, to date, only a third of the existing State Parties to the Rome Statute have introduced comprehensive legislation in order to give effect to, and implement, the Rome Statute of the ICC within their respective domestic legal orders;

Recalling that all States – including those that are not yet Parties to the Rome Statute – have a duty to prosecute or extradite suspected perpetrators of international crimes and protect the rights of victims, so that the principle of ‘no impunity’ is given full and complete effect in each judicial system;

Underscoring that the principle of equality of all before the law is the foundation of the Rome Statute system and that there should, therefore, be no double standards in the application of the law, including in the selection of situations and cases;

Recognizing that the gender justice principles incorporated in the Rome Statute must be utilized not only in the implementation of substantive and procedural norms relating to international crimes, but should also inspire the modification of other laws, as appropriate, in order to ensure the highest possible level of protection for victims of such crimes;

Calling for the reconvening of this essential Consultative Assembly of Parliamentarians on the Rule of Law and the ICC in 2010, at a venue and date to be subsequently determined taking into account the need to meet prior to the Review Conference of the Rome Statute of the ICC, to be convened by the Secretary General of the United Nations in 2010

Agree as follows:

1. To advocate vigorously for prompt ratification of, or accession to, the Rome Statute of the ICC by the governments and Parliaments of our respective countries as well as the Agreement on Privileges and Immunities of the Court.
2. To encourage strongly and, where appropriate, offer technical assistance to other countries not yet party to the Rome Statute, in particular those in our respective regions, and through our different contacts and meetings with nationals and other Parliamentarians in those countries, to ratify, accede to and implement fully the Rome Statute of the International Criminal Court within a short period of time, and not later than early 2010, so that their States may participate as Parties in the Review Conference of the Rome Statute.
3. To advocate and work pro-actively in our different Parliamentary Committees towards the full implementation of the Rome Statute within our domestic legal orders, without undue delay, in

particular where our respective countries are already parties to the Rome Statute of the ICC, including (a) through passing appropriate legislation, (b) reinforcing the capacity of the State to investigate, prosecute and adjudicate, and (c), where appropriate, develop supporting processes for justice and peace such as truth and reconciliation commissions.

4. To insist on the adoption of appropriate procedures to establish justice and fight impunity at peace-talks, negotiations and agreements.
5. To remind, on a regular basis, our respective Governments of the importance of supporting and cooperating with the International Criminal Court in the discharge of its mandate, in particular with respect to the specific obligation of States to arrest and surrender to the Court any individual against whom an Arrest Warrant for the perpetration of the most serious crimes of international concern is pending.
6. To highlight the importance of fulfilling the rights of victims to protection, participation and reparation in any and all proceedings before the ICC and before the complementary jurisdictions of States, now or in the future.
7. To underscore the importance of addressing gender-related crimes in the Rome Statute of the ICC, including in the enactment of new and/or revision of existing relevant domestic criminal legislation.
8. To resist forcefully any attempts or initiatives by any government that has the effect of undermining the integrity of the Rome Statute of the ICC.
9. To promote the universal and pro-active participation of States – namely, the States Parties to the Rome Statute and all other UN Member States – in the Review Conference of the Rome Statute of 2010, which is mandated to reinforce the system of international criminal justice and to adopt, *inter alia*, the definition and the conditions for the exercise of the jurisdiction on the crime of aggression, in compliance with Article 5 of the Statute, and to address the concerns of countries reluctant to ratify the Rome Statute;
10. To call upon our respective governments to consult with both the legislative and judicial branches of government on the agenda of the Review Conference;
11. To keep the PGA Secretariat informed on a periodic basis of the aforementioned different initiatives and activities that we take.
12. To report back also on the nature of these different initiatives and activities during the VI PGA Consultative Assembly of Parliamentarians on the ICC and the Rule of Law to take place in 2010.

Acknowledgement

PGA's 30th Annual Parliamentary Forum and 5th Consultative Assembly of Parliamentarians for the ICC & the Rule of Law has been made possible by the individual and collective mobilization of Members of Parliaments who convened in Santo Domingo, upon invitation of the National Group of PGA in the Dominican Republic and Parliamentarians for Global Action, and with the indispensable support of The European Commission, European Union and the Governments of Belgium, The Netherlands and Switzerland and the support and cooperation of The Congress of the Dominican Republic, as well as the core support of the Governments of Denmark and Sweden.