



Parliamentarians for Global Action
Acción Mundial de Parlamentarios
Action Mondiale des Parlementaires

PGA Secretariat's Statement - For Immediate Release

International Law and Human Rights Programme

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PARLIAMENTARIANS FOR GLOBAL ACTION (PGA) CALLS FOR BRINGING TO JUSTICE THE PERPETRATORS OF THE TUNIS ATTACKS

New York/The Hague, 20 March 2015: PGA calls for bringing to justice all perpetrators of the shocking attacks in the Bardo Museum, either before a domestic or an international jurisdiction.

PGA believes that this week's attacks against civilians in Tunisia, which have been claimed by ISIS, might fall under the definition of 'crimes against humanity' as defined in the Rome Statute, to which Tunisia has acceded in 2011. In case of 'crimes against humanity', individual criminal responsibility is affirmed not only for the direct perpetrators who have planned, ordered, executed, aided or abetted inhumane acts such as "murder, extermination and severe deprivation of physical liberty" (Art. 7, Rome Statute of the ICC), but also for the superiors who knew or should have known about their subordinates' criminal actions and did not take measures to prevent or repress them (Art. 28, Rome Statute of the ICC).

The added-value of applying the law of 'crimes against humanity' and 'war crimes' as defined in the Rome Statute vis-à-vis anti-terrorism legislation is related to the application of the general principles of International Criminal Law:

- First, according to the principle of command responsibility, the military commander or civilian superior is responsible for the crime even if he/she did not order, plan or instigate its commission as long as the commander could have prevented or repressed the direct perpetrators;
- Second, the non-applicability of Statutes of Limitation, which means that crimes can always be investigated and tried as they are 'imprescriptible';
- Third, the non-applicability of immunities, which ensures the equal application of the law to all individuals notwithstanding the position held, including Heads of States or other Officials; and
- Fourth, the irrelevance of domestic criminalization (Principle II, Nuremberg Principles) and of other bars or obstacles to effective prosecutions, which means that it does not matter whether these crimes under International Law have been incorporated in the relevant National Law(s).

Public information sources indicate that Tunisian nationals represent the largest contingent of the so-called foreign-fighters who are active in the ranks of Daesh/ISIS-ISIL/'is': All the mass-atrocity

crimes of genocide, crimes against humanity and war crimes allegedly committed by these individuals on the soil of Syria, Iraq and Lebanon – three States that have not yet ratified the Rome Statute of the ICC – are fully under the jurisdiction of the Hague-based Court in light of the ratification of their State of Nationality, Tunisia.

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About PGA

Parliamentarians for Global Action (PGA) is the largest transnational network of Members of Parliaments from all regions of the world who, in their individual capacity, support the effective operation of the ICC and domestic jurisdictions to end impunity. The PGA network is supported by a small secretariat that facilitates the cooperation and exchange by member MPs to achieve these goals and provides technical assistance on legal advice and pro-active cooperation on advocacy.

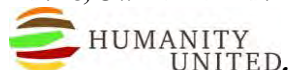
Members of PGA have contributed to 76 of the 123 ratifications of, or accession to the Rome Statute to date. PGA is a member of the Steering Committee of the Coalition for the ICC.

THE PGA CAMPAIGN FOR THE UNIVERSALITY AND EFFECTIVENESS OF THE ROME STATUTE SYSTEM
(2013-2015) RECEIVES SUPPORT FROM:

***THE EUROPEAN UNION** (EUROPEAN INSTRUMENT FOR DEMOCRACY AND HUMAN RIGHTS)*



*THE GOVERNMENTS OF **THE NETHERLANDS, SWITZERLAND, ESTONIA AND LIECHTENSTEIN** AND*



*PGA RECEIVES CORE SUPPORT FROM THE GOVERNMENTS OF **SWEDEN AND DENMARK.***

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<http://www.pgaction.org/programmes/ilhr/overview.html>

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