

ICC CAMPAIGN UPDATE

PGA ICC CAMPAIGN

for the Effectiveness and Universality of the Rome Statute

JANUARY - APRIL

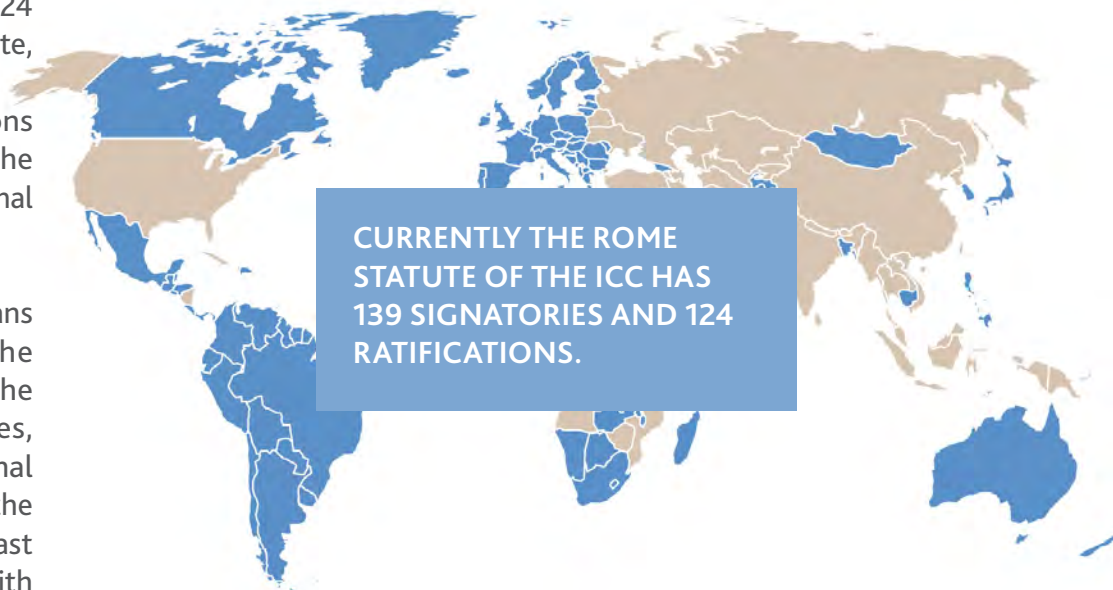
2017



A Universal Court with Global Support

PGA's ICC Campaign has so far been instrumental in 77 of the 124 ratifications of the Rome Statute, through which States provide their territories and populations with legal protection against the most serious crimes of international concern.

PGA's network of Parliamentarians furthermore assisted in the domestic implementation of the Rome Statute in 32 countries, therewith strengthening national legislative systems. Read about the campaign's highlight from the last four months and take action with the PGA ICC Campaign!



PGA Welcomed South Africa's Decision to Halt the Exit-Process from the Rome Statute of the ICC

On 7 March 2017, a notification of to the Secretary General of the UN was submitted, reversing the Instrument of Withdrawal from the Rome Statute that had been submitted on 19 October 2016.

This followed a decision of the High Court of Gauteng (Pretoria), which found that the Executive's decision to withdraw from the Rome Statute was unconstitutional, hence null and void as it was not duly authorized by the South African Parliament that had enacted a law authorizing ratification in the year 2000.

PGA Members from the South African opposition actively supported the petition that led to this finding of unconstitutionality, while some MPs from the ruling party decided to engage with PGA in the months leading this important decision.

In parallel, PGA worked with Civil Society Organisations and representatives of the International Community, including the Council of the European Union (chaired by Malta) and the European External Action Service, to protect the integrity of the South African domestic legal framework against impunity. This framework was threatened by the decision of the Government to table a bill to repeal the ICC Act (2002). PGA Members had promoted the drafting and enactment of this truly effective implementing legislation of the Rome Statute between 1999 and 2002.

On 8 March 2017, while PGA, the Southern African Litigation Center and the International Commission of Jurists/South Africa Chapter were depositing their submissions to provide arguments against the Repeal Bill of the ICC Act, the Government of South Africa decided to withdraw the Repeal Bill, which, if adopted, would have created the conditions for a constitutionally valid withdrawal.

Read more: www.pgaction.org/news/south-africa-halts-rome-statute-exit.html

See the PGA submission to the Portfolio Committee on Justice and Correctional Services of the Parliament of South Africa: www.pgaction.org/pdf/2017-03-Submission-of-PGA-on-RSA-Bill-to-Repeal-the-Implementation-of-ICC-Act-2002.pdf

PGA sent a congratulatory letter to H.E. Mr. Adama Barrow, President of the Republic of The Gambia, on his election victory and welcomed the decision to retract its withdrawal from the Rome Statute

In the letter dated 7 February 2017, PGA warmly congratulated Mr. Adama Barrow, the newly elected President of the Gambia, for the efforts of his administration to re-join the International Criminal Court (ICC) and the Commonwealth.

PGA welcomed the very positive statement made by Mr. Barrow during a meeting with the diplomatic community in Banjul, through which he committed to strengthen the Rule of Law, the judiciary, law enforcement and security forces, and asked support by the International Community for a successful transition to, and consolidation of, democracy in The Gambia.

Read more: www.pgaction.org/news/gambia-set-retract-its-withdrawal-from-icc.html

Mission of ICC President to Malaysia to meet with the Speaker of Parliament, the Minister of Law, the PGA National Group and High-level Officials

HONOURABLE MR. KULA SEGARAN, MP (MALAYSIA),
PGA BOARD MEMBER:

"Progress comes with patience, and despite the concerns regarding sovereignty, Malaysia is advancing in the direction of a future without impunity. It is our hope that the victims of atrocious acts will receive justice, and the future generations will be protected under the Rome Statute.

"(...) Since Malaysia has yet to become a member of the ICC, atrocities on Malaysian territories, such as the MH 17 flight, may be committed without international justice consequences. By becoming a member of the ICC, victims can gain access to justice and apply for reparations before the ICC as the 'Court of last resort', which complements the domestic Court's system and intervenes only if domestic remedies are unavailable."



From 5 to 7 April 2017, the President of the ICC, Judge Silvia Fernández de Gurmendi conducted a mission to Malaysia upon invitation of the PGA National Group, to discuss the ratification and implementation of the Rome Statute of the ICC. As a result of the mission, the Speaker of Malaysia and concerned Members of Parliament reconfirmed the importance of international rule of law to fight mass atrocities and called on government to take action on the 2011 Cabinet decision to accede to the Rome Statute.

The new Minister of Law expressed support for Malaysia's process to join the Rome Statute system against impunity and is planning a follow-up visit to the ICC in The Hague. The PGA Malaysia National Group, through its strong multi-partisan membership, will continue to support the national process of accession.

Read more:

www.pgaction.org/news/icc-president-visit-malaysia.html



Chair of PGA Ukraine National Group Demands ICC Ratification

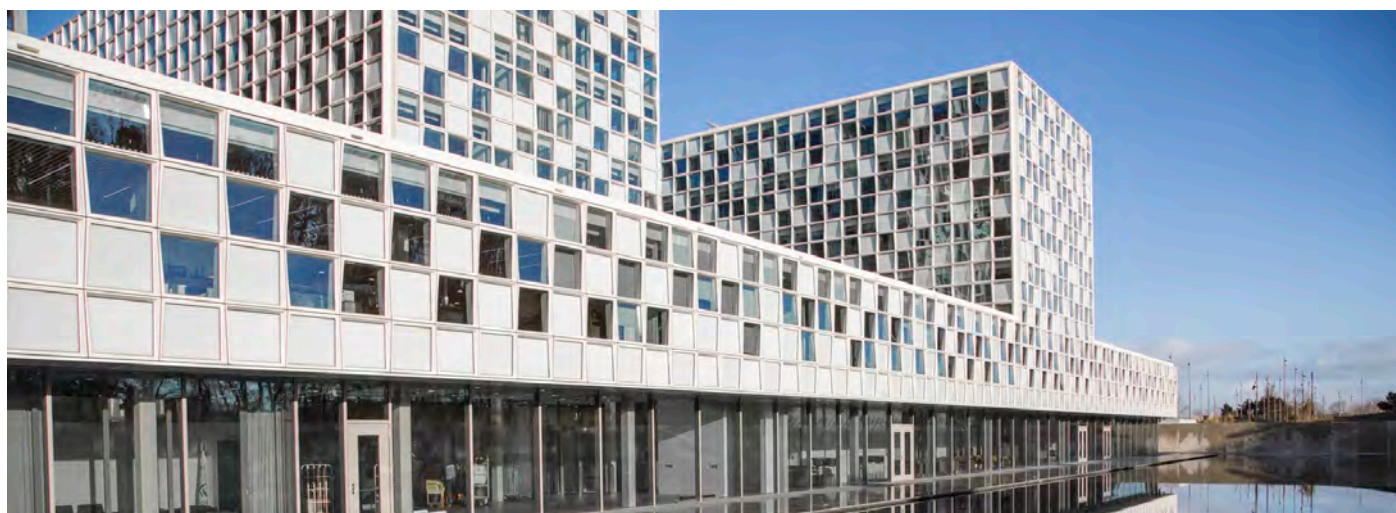


HON. HRYHORIY NEMYRIA (UKRAINE), MP:

“Ratification of the Rome Statute and joining the International Criminal Court is a strong argument in our struggle against Russia’s aggression, which the Ukrainian government doesn’t use.

The ratification has been postponed for three years. Who will gain from it and why?”

On 20 February 2017, Hon. Hryhoriy Nemyria, MP, Chair of the Committee on Human Rights, National Minorities and Interethnic Relations of the Parliament of Ukraine and Chair of PGA’s Ukraine National Group, during a meeting of the Verkhovna Rada Coordination Board, urged its members to join the Rome Statute and reminded that the ratification of the Rome Statute is a commitment Ukraine made under the Association Agreement between Ukraine and the EU.





Seminar on Cooperation with the ICC for parliamentarians, judges and prosecutors

On 20 April 2017, PGA President Dip. **Margarita Stolbizer** (Argentina) addressed the Opening Session of a national Seminar to strengthen the engagement of all branches of the Argentinean Government in the fight against impunity, initiated by the PGA Argentina National Group.



It featured the President of the ICC **Silvia Fernandez de Gurmendi** as key note speaker. Supreme Court President Justice **Ricardo Lorenzetti**, Justice Minister **German Garavano**, Deputy-Minister for Foreign Affairs **Pedro Raul Villagra Delgado** and Deputy-Speaker of the Chamber of Deputies **Patricia Jimenez** addressed an audience of 200 Magistrates (Judges and Prosecutors), Government officials, Parliamentarians and representatives of civil society, academia and the legal professions.



This event, promoted and initiated by PGA, was marked by the conclusion of a cooperation agreement on the enforcement of sentences between Argentina and the ICC, a development strongly advocated for by PGA Members.

Read more: www.pgaction.org/news/cooperation-icc-for-parliamentarians-judges-prosecutors.html

PGA Delegation met with the Minister of Justice and Attorney General of Sierra Leone, Hon. John Fitzgerald Kamara

On the occasion of the *Regional Africa Parliamentary Workshop to Promote Ratification and Implementation of the Biological and Toxin Weapons Convention (BWC)* organised by PGA in Freetown, Sierra on 27- 28 March, a PGA Delegation led by Hon. Bernadette Lahai, Minority Leader, met with the Minister of Justice and Attorney General of Sierra Leone, Hon. John Fitzgerald Kamara, to discuss the advancement of the implementation process of the Rome Statute of the ICC in Sierra Leone.



PGA MEMBERS IN HONDURAS:

“With the inclusion of this offense in our criminal law, Honduras advances on one of the commitments made ratifying the Rome Statute, to adapt its domestic legislation to the provisions of the Statute.

“It also represents an important progress in international criminal law, since the crime of aggression had never been considered a crime under our domestic law. We will continue to work to align our legislation with the Rome Statute in the key areas of cooperation and complementarity.”

Inclusion of the Crime of Aggression in the New Criminal Code of Honduras



On 19 April 2017, PGA Members Dip. Jorge Cálix and Dip. Oswaldo Ramos Soto informed the Secretariat of PGA that the Plenary of the Honduran Congress unanimously approved the inclusion of the crime of aggression in the new Criminal Code.

Read more: www.pgaction.org/news/crime-of-aggression-included-in-honduras-criminal-code.html

PGA addresses the Justice Committee of Ecuador’s National Assembly on the full implementation of the ICC Statute into the Organic Criminal Code



On 20 March 2017, the Justice Committee of the National Assembly of Ecuador held a Hearing to discuss the reforms introduced by Dip. Marisol Peñafiel, PGA Member, to amend the Organic Integral Criminal Code (COIP) aimed at implementing the crimes and principles under the Rome Statute as well as the cooperation mechanisms with the International Criminal Court into Ecuadorian Law. Dip. Ronny Monge Salas (Costa Rica), PGA Board Member and Dr. David Donat Cattin, PGA Secretary-General, were heard at hearing, together with Ms. Michelle Reyes, Coordinator for the Americas of the Coalition for the International Criminal Court (CICC), and Mr. Juan Hernández, Coordinator of Prevention Programs of the International Committee of the Red Cross (ICRC).

Read more: www.pgaction.org/news/pga-addresses-justice-committee-ecuador-icc-statute.html

DIP. RONNY MONGE, PGA BOARD MEMBER, WHO IS THE AUTHOR OF BOTH INITIATIVES COMMITTED TO ADVANCE THE PARLIAMENTARY PROCESS, IN COLLABORATION WITH OTHER MEMBERS OF THE PGA NATIONAL GROUP IN COSTA RICA:

“We need to advance in the review of these draft pieces of legislation, and a strong commitment of the executive to present them during the extraordinary period. We would like Costa Rica to be active in the international context in which conflicts and human rights violations compel us not to remain aloof.”

The Legislative Assembly of Costa Rica commits to boosting the parliamentary process of the draft implementing legislation of the Rome Statute and that on Cooperation with the ICC

On 16 March 2017, the President of PGA, Dip. Margarita Stolbizer, met with the President of the Legislative Assembly of Costa Rica, Dip. José Alberto Alfaro Jimenez, to discuss inter alia the draft bill implementing the Rome Statute of ICC in the country's national legal order as well as the draft legislation on cooperation with the ICC.

Parliamentary Commission on Security and Drug Trafficking of Costa Rica approves the Draft Law on Cooperation

On 19 January 2017, the Secretariat of PGA was informed by the President of the Parliamentary Commission on Security and Drug Trafficking of the Legislative Assembly of Costa Rica, Dip. Ronny Monge, PGA Board Member, that the draft legislation n° 19.665 on cooperation and relation with the ICC has been approved by the Members of his Commission.

The draft legislation creates specific mechanisms to cooperate with the Court in the domestic legal order for more efficiency and legibility of the Law in the paramount exercise of carrying out justice to victims of international crimes.

Read more: www.pgaction.org/news/cooperation-with-icc-priority-for-costa-rica.html



ICC signs enforcement agreement with Argentina

On 18 April 2017, Judge Silvia Fernández de Gurmendi, President of the Court, and H.E. Susana Malcorra, Minister of Foreign Affairs and Worship of the Argentine Republic, signed the agreement at a ceremony held in Buenos Aires, Argentina. Under the agreement, persons convicted by the ICC may serve their sentences of imprisonment in Argentina if so decided by the Court and accepted by Argentina.

Read more: www.icc-cpi.int//Pages/item.aspx?name=pr1297

ICC signs enforcement agreement with Sweden

The ICC and the Kingdom of Sweden have concluded an agreement on the enforcement of sentences. Under the agreement, persons convicted by the ICC may serve their sentences of imprisonment in Sweden if so decided by the Court and accepted by Sweden. The agreement has entered into force on 26 April 2017.

Read more: www.icc-cpi.int//Pages/item.aspx?name=PR1299



Argentina ratifies Kampala Amendments on Crime of Aggression



On 28 April 2017, Minister of Foreign Affairs and Worship of Argentina, Ms. Susana Mabel Malcorra, deposited the Instrument of Ratification of Kampala Amendments on the crimes of Aggression, becoming the 34th State Party to the Kampala Amendments.

The ratification followed a PGA Seminar held by the PGA President and was promoted by the legislative action of Argentinean Parliamentarians.

PGA sends letter to the Government of Portugal congratulating on the ratification of the Kampala Amendments and Amendment to Article 124 of the Rome Statute to the Crime of Aggression

In a letter dated 12 April 2017, PGA expressed its warmest congratulations to the Government of Portugal for the decision on 11 April to ratify the Amendment to Article 124 of the Rome Statute of the International Criminal Court and Amendments on crimes of aggression and on article 8 of the Rome Statute related to war crimes, adopted in Kampala in 2010.

PGA sends letter to the Government of the Netherlands congratulating on the ratification of the Amendment to Article 124 of the Rome Statute

On 23 March, PGA sent a congratulatory letter to the Government of the Netherlands for the decision adopted on 20 March 2017 to ratify the Amendment to Article 124 of the Rome Statute of the International Criminal Court which removes the possibility for a State, upon becoming Party to the Rome Statute, to opt out from the ICC's jurisdiction with respect to war crimes for a period of seven years after the ratification.

Statement by PGA on the Current Situation in Venezuela

In a statement dated 21 March 2017, PGA expressed its profound concern regarding alleged repeated failures of the Executive power of Venezuela to respect the proper functioning of the legislative branch of power as well as actions, which negatively impact the effective and independent working of judiciary.

PGA affirmed that politically motivated charges against parliamentarians or threats against their physical integrity are unacceptable and called for the release of political prisoners who have been deprived of basic human rights. It urged the Government to move away from criminalizing of dissent and to respect the fundamental human rights and the principles and norms enshrined in the national Constitution and in International Law.

Read more: www.pgaction.org/news/statement-pga-current-situation-venezuela.html

PGA calls for respect of fundamental human rights and democratic framework in Guinea Bissau

DIP. MARGARITA STOLBIZER (ARGENTINA), PGA PRESIDENT:

“At PGA we are committed to protecting the human rights of parliamentarians and we call on the relevant authorities in Guinea Bissau to release any parliamentarian that is detained for political reasons. We invoke the popular representation of which parliamentarians are invested and that cannot suffer any impairment by the action of the other powers of the State.”

PGA expressed profound concerns for the repeated failures of the Executive power of Guinea Bissau to respect the Constitution and its checks and balances, which rests on the independence of the judiciary and the sovereignty of Parliament on behalf of the people of Guinea Bissau.

Read more: www.pgaction.org/news/pga-calls-for-respect-of-human-rights-in-guinea-bissau.html

PGA Board Member Mark Pritchard briefs UK Foreign Secretary Boris Johnson on the PGA work to promote and protect human rights worldwide

On 8 February 2017, Mr. Mark Pritchard, MP (UK), Board Member of PGA and co-chair of the UK All Party Group for the Abolition of the Death Penalty, met with Mr. Boris Johnson, UK Foreign Secretary, to discuss human rights issues. Mr. Pritchard highlighted the global efforts of PGA to prevent and counter gross human rights abuses and crimes against humanity through its ICC Campaign.

Read more: www.pgaction.org/news/mark-pritchard-briefs-uk-foreign-secretary-boris-johnson.html

Statement of ICC Prosecutor to the UNSC on the Situation in Libya

On 8 May 2017, The ICC Prosecutor delivered a statement on the situation in Libya saying that the Office of the Prosecution on the ICC is considering launching an investigation into alleged migrant-related crimes in Libya, including human trafficking.

Read the statement:

www.icc-cpi.int/Pages/item.aspx?name=170509-otp-stat-lib

The ICC Prosecutor Fatou Bensouda addresses National Assembly of Niger: we must never forget the victims

On 26 April 2017, the ICC Prosecutor, Mrs **Fatou Bensouda** concluded a two-day visit to Niamey, Republic of Niger. The visit was in response to the invitation of the President of Niger's National Assembly, H.E. Mr **Ousseini Tinni**, to officially address parliamentarians and other distinguished attendees.

In addition to clarifying the jurisdiction of the ICC and outlining the activities of the Office of the Prosecutor of the ICC, the session allowed for an informative and open exchange on a wide range of topics. The OTP recognised that this pivotal visit, which received the highest visibility in Niger's media and institutions, would have not been possible without the PGA ICC Campaign, as it directly followed the participation of the Niger's Speaker in PGA's *9th Consultative Assembly of Parliamentarians on the ICC & the Rule of Law*, held in Dakar in December 2016, where the Speaker attended a vibrant question-time of Prosecutor Bensouda with MPs from all regions of the world.

Read more: www.icc-cpi.int/Pages/item.aspx?name=PR1300

Situation in Libya: ICC Pre-Trial Chamber I unseals a warrant of arrest for Al-Tuhamy Mohamed Khaled charged with war crimes and crimes against humanity

On 24 April 2017, Pre-Trial Chamber I of the ICC unsealed the warrant of arrest for Al-Tuhamy Mohamed Khaled ("Mr Al-Tuhamy") allegedly responsible for war crimes and crimes against humanity in the context of the situation in Libya in 2011.

Read more: www.icc-cpi.int/Pages/item.aspx?name=PR1298

ICC holds High-Level Seminar on Cooperation in Seoul

On 4 -5 April 2017, the ICC- in cooperation with the authorities of the Republic of Korea- held its eighth high-level regional seminar for fostering cooperation with the Court in Seoul, Republic of Korea, on the theme "The ICC and Asia: the joint quest for justice, accountability and prevention".

Government delegates from 13 countries, high-level representatives of the government and judiciary of the Republic of Korea, ICC officials, and representatives of regional and intergovernmental organisations, including PGA Secretary General, Dr. David Donat Cattin, discussed ways of strengthening cooperation in international criminal justice matters as well as increasing ratification of the Rome Statute in the region.

Read more: www.icc-cpi.int/Pages/item.aspx?name=PR1293

Katanga case: ICC Trial Chamber II awards victims individual and collective reparations

On 24 March 2017, ICC Trial Chamber II issued an Order awarding individual and collective reparations to the victims of crimes committed by Germain Katanga on 24 February 2003 during an attack on the village of Bogoro, in the Ituri district of the Democratic Republic of the Congo.

The judges awarded 297 victims with a symbolic compensation of USD 250 per victim as well as collective reparations in the form of support for housing, support for income generating activities, education aid and psychological support. Because of Mr Katanga's indigence, the ICC Trust Fund for Victims was invited to consider using its resources for the reparations and to present an implementation plan by 27 June 2017.

Read more: www.icc-cpi.int/Pages/item.aspx?name=pr1288

Bemba et al. case: Trial Chamber VII issues sentences for five convicted persons

On 22 March 2017, Trial Chamber VII of the ICC delivered its decision on sentencing in the case of The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido:

Jean-Pierre Bemba Gombo: addition of one year to his sentence and fine of EUR 300,000, to be paid to the ICC and thereafter transferred to the Trust Fund for Victims within 3 months of its decision. Aimé Kilolo Musamba: 2 years and 6 months of imprisonment and fine of 30 000 EUR; Jean-Jacques Mangenda Kabongo: 2 years of imprisonment, Fidèle Babala Wandu: 11months of imprisonment and Narcisse Arido: 6 months of imprisonment.

Read more: www.icc-cpi.int/Pages/item.aspx?name=pr1287