



Parliamentarians for Global Action
Parlamentarios para la Acción Global
Action Mondiale des Parlementaires

PGA ICC Campaign for the Effectiveness and Universality of the Rome Statute System

PGA 8TH CONSULTATIVE ASSEMBLY OF PARLIAMENTARIANS ON THE ICC AND RULE OF LAW CONCLUDES IN THE PARLIAMENT OF MOROCCO

Moroccan Government, Parliament and Opposition Leaders commit to ratify the Rome Statute

Prominent Government Officials and MPs from Jamaica and Nepal announce, respectively, their ratification of and accession to, the Rome Statute within 2015;

Parliamentarians from Lebanon and Iraq re-launch multi-partisan efforts to join the ICC

Rabat/New York/The Hague: 6 December 2014 - On 4 and 5 December 2014, the Parliament of Morocco hosted PGA's 8th Session of *The Consultative Assembly of Parliamentarians for the ICC and the Rule of Law*, a biennial event organized since 2002 with a principle objective of generating and harnessing transnational parliamentary support and action, through the Rome Statute system, in the fight against impunity for the most serious crimes of concern to humanity.

More than 130 Legislators participated in the Rabat Session of the *Consultative Assembly*, the first Session to be held in the Middle East and North Africa (MENA) region, representing countries from all regions of the world, including prominent Members of Parliaments and Government officials from Non-State Parties CAMEROON, EL SALVADOR, IRAQ, INDONESIA, JAMAICA, LEBANON, MALAYSIA, MAURITANIA, MOROCCO, NEPAL, OMAN, PAKISTAN, SRI LANKA, TURKEY, TOGO AND YEMEN.¹

During the course of the *Consultative Assembly*, Legislators interacted extensively with senior officials of the ICC, including President Sang-Hyun Song and the Office of the Prosecutor (OTP), as well as with experts drawn from Governments and civil society. The session was opened by the Speakers of the Lower and Upper House of the Moroccan Parliament, in the presence of the Prime Minister, with a substantive opening address by the Minister of Justice of Morocco, who affirmed that Morocco will join the Rome Statute.

The *Consultative Assembly* focused on the main challenges and achievements of the Rome Statute system, including (i) **universality**, (ii) effective **national implementing legislation** to secure **cooperation** with the Court and among States in the fight against impunity and to apply the principle of **complementarity** through national prosecutions, (iii) maximizing the impact of the ICC system to deter crimes and advance peace and security under the Rule of Law, (iv) protecting the rights of victims into national laws and policies, and (v) the promoting law-reforms on gender justice on the basis of Rome Statute standards.

¹ Ukrainian MPs could not attend due to the fact that, on the dates of the CAP ICC, leadership of Parliamentary Committees was being discussed in the new Rada (Parliament) of Ukraine. All Speakers from democratically elected Parliaments worldwide were invited by the Speakers of both Houses of the Moroccan Parliament and the PGA President with a joint letter transmitted from Rabat on 1 July 2014.

The need for concrete action in all these areas was a recurring and frequently revisited area of emphasis throughout the two days of the Consultative Assembly leading up to the adoption of the comprehensive Rabat Plan of Action.

Some of the more important achievements on universality of the Consultative Assembly include the following:

- 1) JAMAICA: Minister of State for Foreign Affairs and PGA member expressed the commitment of the Government to ratify the Rome Statute in the first half of 2015 after the fulfillment of the national process of implementation. The commitment was supported by the decision to invite ICC President Song in January 2015 to Kingston in order to accelerate the ratification process and promote further political will towards this goal
- 2) NEPAL: PGA Members from the ruling party committed to include an ICC clause in the new Constitution, currently being finalized within the Parliament of Nepal, which will affirm the supremacy of International Law, and rededicated themselves to accomplishing Nepal's accession to the Rome Statute, as soon as the process of drafting the new Constitution is complete. The PGA Members from Nepal signaled that the Constitution will enshrine Rome Statute Crimes under the section setting out 'serious crimes' in the Fundamental Human Rights section of this new Constitution. The MPs also indicated their view that accession to the Rome Statute should transpire before the end of 2015.
- 3) MOROCCO: Cabinet Members and leading MPs with responsibility for Justice and Human Rights portfolios from all the main political parties (majority and opposition) took the floor to affirm their unconditional support to align national laws with the Rome Statute with the view to achieve ratification of the latter. This process is in line with the ongoing Rule of Law reforms that are placing Morocco in an ideal position to ratify, on the basis of Article 23 of the new Constitution, which outlaws Genocide, Crimes against Humanity and War Crimes. The Minister of Justice announced that the Government will introduce in Parliament, at the beginning of 2015, a new/revised criminal code that will include specific provisions implementing the Rome Statute crimes and general principles of law.
- 4) MALAYSIA: The Secretary of the bipartisan PGA Malaysia National Group rebutted all arguments stalling ratification by Malaysia, as they were recently communicated to Parliament by a Cabinet member reporting on objections raised within the Attorney General's Chambers. In his strong statement, the leading PGA MP (opposition) explained: "*The Attorney General's qualms over the wider scope given to the definition of 'international crimes' are based on a misperception. The AG feels that the wider scope and imprecision of the definitions render them broader than the definitions given them by customary international law to which Malaysia subscribes. Actually, the Rome Statute narrows the definitions especially with respect to persecution and other inhuman actions under crimes against humanity. Previous exercises of these statutes at Nuremberg in 1945 and in ICC trials for Yugoslavia in 1993 and those for Rwanda in 2002 saw a wider definition given to 'crimes against humanity' than are presently provided for under the Rome Statute. Our experience with MH17 shows our lack of clout in pursuing the culprits. We would not have been this defenseless had we been members of the ICC.*"
- 5) INDONESIA: The leading PGA Member, newly elected Chairperson of Commission III (Law, Justice and Human Rights") in Indonesia's Parliament affirmed his personal commitment to re-launch the ICC Accession process in the fourth largest country of the world, and discussed with the PGA Secretariat ways and means to host an international parliamentary forum in Jakarta.
- 6) EL SALVADOR: The PGA El Salvador National Group re-affirmed a strong commitment to accession, while highlighting obstacles that still exist in the Legislative Assembly of El Salvador ahead of a single majority vote that will pave the way to Rome Statute membership – Since 1

December, 2014, the vote has been tactically postponed. Efforts to accomplish accession to the Rome Statute in 2015 will be undertaken notwithstanding difficulties posed by some opposition parties (The Government does not have a majority in Parliament). The ICC Bill has been in the agenda of Parliament since May 2014 and significant progress has been attained.

- 7) Leading MPs from LEBANON and IRAQ mentioned the importance of ICC ratification and acceptance of jurisdiction to bring about accountability and the end of impunity for ISIS/ISIL mass atrocities. To raise awareness and promote ratification, in Oct.-Nov. 2014 a PGA Member from Iraq held a briefing in parliament of Iraq, transmitted a Report on the ICC to all MPs with the support of the Speaker, and held bilateral meetings with Ministers in charge of Rome Statute dossier and the new Prime Minister of Iraq. To ensure that a truly comprehensive response is levelled against the widespread and systematic attacks against civilians perpetrated on a daily basis by the ISIS/ISIL and its allies in the North of Lebanon, the Parliament and Government of Lebanon have requested the ICC-OTP to urgently intervene with an investigation in the situation, regarding which acceptance of jurisdiction and ratification of the Rome Statute have been announced as imminent, should international pressure adequately sustain domestic political will.
- 8) Regarding TOGO and CAMEROON, leading MPs, including PGA Members chairing relevant parliamentary Committees, committed to ratify the Rome Statute to ensure accountability in their own country and to strengthen the support for the ICC in Africa. In Togo, this would particularly be a tool to reinforce the reconciliation process and to complement the current reform of the judicial system.
- 9) MPs from OMAN, MAURITANIA and YEMEN stated their firm commitment in support of ratification, and their readiness to partner with civil society and the International Community of law-abiding nations. The Rome Statute ICC Ratification Bill has been under parliamentary treatment in Yemen since the end of 2013, but the current security-situation in Sana'a is impeding institutional developments.

In respect of the effective domestic implementation of the Rome Statute,

- 10) DRC: PGA Members from majority and opposition re-affirmed their strong commitment to adopt legislative measures to ensure accountability for international crimes committed in the DRC, through the final passage of the Bill implementing the Rome Statute (proposed by a PGA Member, currently in Plenary's agenda after Committees' adoption) and the new parliamentary treatment of the Bill creating Specialized/Mixed Chambers (to be re-tabled by Cabinet).
- 11) DOMINICAN REPUBLIC: PGA Members committed to the submission of a Bill to allow full co-operation of Dominican Republic with the ICC. This commitment is in line with the process of implementation for the Rome Statute that has already achieved adoption of the new Criminal Code that includes Rome Statute crimes, including the crime of aggression.
- 12) COSTA RICA: Leading PGA member, who was the *Rapporteur* of the Kampala Amendments' ratification dossier in the Legislative Assembly in the second half of 2014, undertook to continue working, together with other PGA MPs, on the adoption of the Bill on cooperation with the ICC within 2015. The Bill includes provisions on the enforcement of sentences, freezing of assets, interim release, privileges of ICC officials and protection of witnesses related to the ICC processes.
- 13) MALI: The Chairs of the Foreign Affairs Committee and the Justice and Legislation Committee (PGA Members) pledged to work together on the adoption of a Cooperation Bill (for which they received prior technical assistance from PGA's Secretariat) to facilitate the cooperation with the Court within the framework of its investigations on the territory of Mali.
- 14) COTE D'IVOIRE and GUINEA: PGA Members committed to adopt the relevant implementing legislation to ensure the full implementation of the principle of complementarity in order to

complement the Court's efforts in their territories to bring to justice alleged perpetrators of international crimes.

- 15) JORDAN and TUNISIA: As the only two countries that ratified the Rome Statute in the MENA region, MPs from Jordan and Tunisia encouraged other countries from the region to ratify the Rome Statute and pledged to complete their ICC process by incorporating the Rome Statute's obligations (cooperation and complementarity) in their national legislation.
- 16) ARGENTINA: PGA Board Member and the PGA bipartisan National Group re-affirmed its commitment to work, together with MPS from all political parties, in the Bill for cooperation with the ICC as the last stage to assure full and effective implementation of the Rome Statute in the Argentinian national legislation.

*The 8th Session of the Consultative Assembly of Parliamentarians for the ICC and the Rule of Law
was held with the support for the PGA ICC Campaign from*



European Union ([European Instrument for Democracy & Human Rights](#))

Humanity United

The Netherlands (Ministry of Foreign Affairs)

Switzerland (Ministry of Foreign Affairs)

Estonia (Ministry of Foreign Affairs)

Liechtenstein (Permanent Mission to the UN)

And with the core support to PGA from

Sweden (Swedish International Development Cooperation Agency)

Denmark (Ministry of Foreign Affairs)