



High Level Parliamentary Delegation from Jamaica to the ICC

The Hague, 8-10 January 2014

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I. PRESENTATION

The Rome Statute adopted in 1998 established a new system of international criminal justice by creating the International Criminal Court (ICC), the only independent, permanent court can exercise jurisdiction over prospective individuals who commit the most serious international crimes (genocide, crimes against humanity, war crimes and crimes of aggression) and it operates with the cooperation of states and it is complementary to them. The Rome Statute system, besides having a repressive function on the most serious international crimes committed after the entry into force of the Statute (1 July 2002), fulfils also the policy-goals of crime prevention and victims' rights.

The ICC functions however cannot be exercised to the fullest while universality of the system is not achieved through the ratification of the Rome Statute by the highest possible number of states. The universality of the Rome Statute is also a tool to enhance the “legitimacy” of the institution and is vital for its effectiveness. To date, the Rome Statute has 122 States Parties, including most of the countries of The Americas (the ratifications that are still pending in the American hemisphere are: Bahamas, Cuba, El Salvador, Haiti, Jamaica, Nicaragua and United States).

Parliamentarians for Global Action (PGA) is a multi-party network of legislators , including those from the regions most affected by the current conflicts, who in their individual capacity since 1998 have pledged to work towards the universality of the Rome Statute. PGA is currently working in 4 of the 7 remaining countries to ratify in The Americas. These 4 countries are democratic states where, according to our analysis, there is not a situation that effectively justifies the absence from the ICC system.

Jamaica has previously indicated its support for the Rome Statute of the ICC and its object and purpose. Initial procedural and substantive steps have already been undertaken, which it is hoped will lead to ratification of the Rome Statute by Jamaica in the near future. A PGA Delegation was received by the Minister of State for Foreign Affairs in Kingston, Jamaica in May 2012 (<http://www.pgaction.org/activity/2012/kingston-05-24-12.html>). A prominent Jamaican Member of Parliament and Government official participated in, and addressed PGA's 7th *Consultative Assembly of Parliamentarians for the ICC & the Rule of Law* held in the Parliament of Italy in Rome on 10-11 December 2012.

Ratification by Jamaica will also be another important advance in securing greater universality of the Rome Statute of the ICC. In particular, it is expected that the ratification of Jamaica will have an immediate positive effect and impact in the Caribbean region that may also lead to Haiti and Bahamas to follow suit. More broadly, the consolidation of an ‘impunity free’ zone for international crimes in the Caribbean and Latin America may also have a salutary effect, in due course, on prospects for ratification of the Rome Statute the United States.

With this background in mind, PGA desires to generate a private space for this High Level Parliamentary Delegation from Jamaica to meet with senior officials of the ICC and hold an informal exchange of information, opinions and clarifications which it is hoped may facilitate, in turn, the Rome Statute ratification process in Jamaica.

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II. OBJECTIVES OF THE MISSION TO THE HAGUE

- To provide a dialogue space between high-level Parliamentarians from Jamaica, ICC officials and other stakeholders, in order to generate a fuller and better understanding of the mandate and operation of the ICC;
 - To provide a space for the exchange of views and clarifications between the Delegation and the ICC with respect to the Rome Statute and the ICC;
 - To address and eliminate any possible lingering concerns regarding ICC ratification;
 - To convey the importance and interest that other States Parties attach to Jamaica's ratification of the Rome Statute of the ICC;
 - To promote and enhance the role of parliamentarians in reaffirming, strengthening and protecting the justice mandate of the Court.
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