

ICC CAMPAIGN UPDATE

PGA ICC CAMPAIGN

for the Effectiveness and Universality of the Rome Statute

AUG-MID. OCT

2016



A Universal Court with Global Support

PGA's ICC Campaign has so far been instrumental in 77 Rome Statute ratifications out of 124 states that currently provide their territories and populations with legal protection against the most serious crimes of international concern by being part of the ICC system.

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 highlights from last two months and take action with the PGA ICC Campaign!



CURRENTLY THE ROME
STATUTE OF THE ICC HAS
139 SIGNATORIES AND 124
RATIFICATIONS.

SEN. ALAIN DESTEXHE,
MP (BELGIUM), PGA
INTERNATIONAL COUNCIL
CHAIR

“I am very pleased that the Assembly adopted my resolution, which illustrates that the principles of international justice are closely intertwined with the core values of the Council of Europe- democracy, rule of law and human rights. I believe that the resolution will serve as an inspiration for the Council of Europe Member States, observer States and Assembly observer States, to proceed with the ratification and implementation of the relevant legal instruments. The importance of achieving the universal ratification of the Rome Statute cannot be overstated – it is the essential element in advancing the global fight to end impunity for mass atrocities and war crimes which account for the most severe human rights and humanitarian law violations.”

Parliamentarians Welcome the Adoption of the Parliamentary Assembly of the Council of Europe’s Resolution on Co-operation with the International Criminal Court

On 12 October 2016, the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution titled “Co-operation with the International Criminal Court: Towards a Concrete and Expanded Commitment”, which reaffirms the strong support of the Council of Europe for the International Criminal Court (ICC) and the universal ratification of the Rome Statute of the ICC, while calling for upholding the Court’s integrity and legitimacy.

Parliamentarians for Global Action (PGA) welcomes this significant contribution, which provides a strong basis for ratification and implementation of the Rome Statute and the Kampala Amendments by those States parties to the Council of Europe that not have done so and, in such way contribute to the fight against impunity in the years to come.

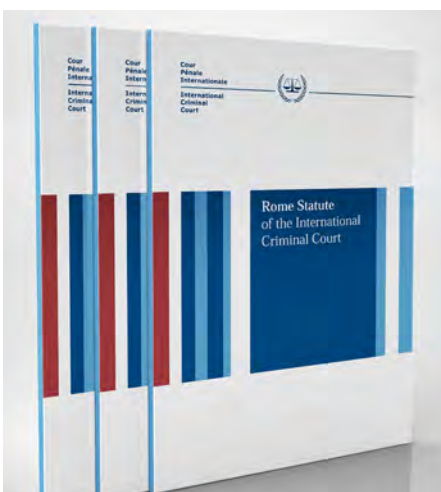
Read more: www.pgaction.org/news/pace-report.html

PGA issued press statement on the overwhelming vote of the Parliament of Burundi in favor of withdrawal from the Rome Statute of the International Criminal Court

On 12 October 2016, the National Assembly and the Senate of the Republic of Burundi voted massively in favour of the country withdrawing from the Rome Statute. This follows a decision made by the government during its Council of Ministers on 6 October, as well as the decision to suspend all cooperation with the Office of the United Nations High Commissioner for Human Rights. The latter has recently released a report condemning grave human rights violations on the part of the Burundian authorities.

The law acting the withdrawal from the ICC will still need to be promulgated by the President Pierre Nkurunziza. Once the withdrawal has been made official and notified to the Secretary General of the United Nations, Article 127 of the Rome Statute still provides that it only takes effect at the earliest one year after the notification.

Read more: www.pgaction.org/news/burundi-withdrawal-from-rome-statute.html



Burundi voted massively in favor of the country withdrawing from the Rome Statute.

Argentinian Ministry of Foreign Affairs has introduced a bill on the Kampala Amendments to the Rome Statute of the International Criminal Court



PGA delegation meets with high level officials of the Ministry of Justice and Human Rights.



Following the meeting held in July by PGA President, Dip. Margarita Stolbizer with the Ministry of Justice officials to discuss the Kampala Amendments and the Voluntary Agreements. The Ministry of Foreign Affairs has introduced a bill to ratify such amendments for the Parliament's consideration. The Bill was approved on 27 September 2016 by the Chamber of Deputies. At the moment it is under the consideration by the Senate.

Read more: www.pgaction.org/news/argentinian-mfa-introduces-kampala-amendments-bill.html

June meeting photos: www.pgaction.org/news/margarita-stolbizer-meets-with-ministry-of-justice.html

The Netherlands and Chile ratify the Kampala Amendments

On 23 September 2016, and H.E. Mr. Albert Koenders, Minister for Foreign Affairs of the Kingdom of the Netherlands and H.E. Mr. Heraldo Muñoz, Minister for Foreign Affairs of the Republic of Chile deposited the Instruments of Ratification of the Kampala Amendments, at the United Nations in New York.

The Netherlands and Chile became the 31st and 32nd country, respectively, to have ratified the Amendments by which they accepted to bind their nationals and territory to the prohibition of the use of certain weapons in armed conflicts of non-international character, as well as to the criminalization of acts of aggression arising from the gravest forms of unlawful use of force in international relations.

Read more: www.pgaction.org/news/kampala-amendments-chile-netherlands.html

Adoption of the Resolution, presented by President of PGA's National Group in Chile urging members of the Andean Parliament to ratify the Kampala Amendments



Parlamentario Andino por Chile
Tucapel Jiménez



On 25 August 2016, the Andean Parliament decided during a plenary session, to urge its members to follow-up on the processes of ratification and implementation of the Kampala Amendments into their national legal frameworks. This is to ensure that the prohibition and criminalization of Aggression is incorporated to international and national law in all Latin American countries as an indispensable tool to promote and protect the fundamental human right to peace of all individuals and groups living in our societies.

This proposition, presented to the plenary by Dip. Tucapel Jimenez, President of PGA's National Group in Chile, also intends for all States Parties to the Rome Statute system to contribute politically and economically to preserve the Special Trust Fund for the Relocation of Witnesses as well as the Trust Fund for Victims.

Read more here (ES): <http://parlamentoandino.org/index.php/gestion/noticias-y-actualidad/424-el-parlamento-andino-invita-a-los-estados-a-ratificar-el-estatuto-de-roma-de-la-corte-penal-internacional-cpi>



Legislators from Latin America Reaffirm their Commitment to the Principle of Never Again

On 28-29 September 2016, Parliamentarians for Global Action organized, in collaboration with the Senate of Uruguay and with the significant support of the PGA National Group led by Dip. Berta Sanseverino, a Parliamentary Seminar entitled: Support for the International Criminal Court: say No to impunity for international crimes Yes to reparation for victims.



The seminar was attended by legislators from Argentina, Bolivia, Costa Rica, El Salvador, Guatemala, Honduras, Dominican Republic, Uruguay and Venezuela.

Over two days of intense discussions, experts from ICRC and PGA introduced the topics to be addressed, which included the implementation of crimes and general principles of law enshrined in the Rome Statute, the need for mechanisms of cooperation with the ICC and the Kampala Amendments. Such introductions led to the parliamentary panels, a fundamental part of the activity, during which legislators from Latin American countries shared their national processes, including the progress made and the remaining challenges in relation to the ICC and committed to the Montevideo 2016 Action Plan.



Download the Plan of Action: www.pgaction.org/media/pdf/Action-Plan_Montevideo_2016.pdf

Read more: www.pgaction.org/news/never-again.html

Paraguay

As a direct result of the [Consultations on the Full Implementation of the Rome Statute and the Ratification of the Kampala Amendments on 7 July 2016](#), co-organized by the Chamber of Deputies of Paraguay together with PGA, Sen. Emilia Patricia Alfaro - recognizing the importance of the implementing legislation of the Rome Statute in Paraguay- announced that she would present a motion of preference to the plenary of the Senate for the urgent treatment of the implementing legislation. The motion was accepted by unanimity and the bill was adopted in the plenary of the Senate at the end of August 2016.

Afterwards, the bill was approved in the Legislative Committee of the Chamber of Deputies, presided by PGA member Dip. Barrios Monge. The bill is expected to be discussed in the plenary at the end of October 2016.



Democratic Republic of Congo

In September, a delegation of DRC PGA National Group went to meet with representatives of the Constitutional Court and the Presidency of the Republic in order to discuss implementation of the Rome Statute within military criminal law. A law modifying the Military Justice Code had been adopted alongside the other implementing legislations on 31 December 2015, but had not been promulgated by the President. PGA's delegation found that this law reforming military justice to include international crimes and other relevant principles under the Rome Statute had been blocked at the Constitutional Court and requested all competent stakeholders to ensure that it would soon be promulgated and enter into force, thus finalising the implementation of the Rome Statute in Congolese law.

COOPERATION WITH THE ICC

PGA Members from Paraguay meet with the Minister of Justice to discuss Voluntary Cooperation Agreements



On 13 October 2016, Dip. Clemente Barrios and Dip. Juan Félix Bogado, PGA Members, met with Abg. Ever Martínez, Minister of Justice of Paraguay, to discuss Voluntary Cooperation Agreements with the International Criminal Court.

As a direct result of PGA's Consultations on the Implementation of the Rome Statute and Support for the International Criminal Court in Paraguay, Dip. Barrios and Dip. Bogado, informed the Justice Minister not only of the interest of the Chamber of Deputies in the Rome Statute system but also of the commitments taken by PGA members in Paraguay on Cooperation with the Court.

Read more: www.pgaction.org/news/paraguay-cooperation-agreements.html

Argentina



On 27 September 2016, the Minister of Justice of Argentina, Germán Garavano, held a meeting with the President of the ICC, Judge Silvia Fernández and acting president of PGA, Dip. Margarita Stolbizer, aimed at discussing and specifying actions to support investigations of international crimes.

The discussion focused in particular on the possibility of signing voluntary agreements on cooperation with the ICC. as well as organising seminar to sensitise federal judges and prosecutors together with Parliamentarians on the work of the ICC and the importance of the cooperation with the Court.

Read more: www.pgaction.org/news/investigations-of-transnational-crimes.html

PGA issued a press release on violence occurring in the Democratic Republic of Congo

In the press release issued on 27 September 2016, PGA and its Members expressed their concerns about the violent events that occurred in the Democratic Republic of Congo (DRC) and particularly in Kinshasa, where, according to public available information, at least 40 demonstrators and 6 police officers were killed in clashes. The headquarters of the main opposition parties were also burnt down, and members of the party who remained in the building died during the attack.

Read more: www.pgaction.org/news/violence-drc.html

Meeting with Ghana MPs

On 17 August 2016, PGA office in The Hague received a parliamentary delegation from Ghana, consisting of Hon. Emmanuel Kwasi Bandua (Chairman of the Parliamentary Committee on Foreign Affairs, PGA member), Hon. Isaac Osei, MP, Hon. Joe Kwashie Gidisu, MP, Hon. Samuel Atta Akyea, MP and Mr. Richard Kwame Acheampong, Clerk.

PGA used this occasion to introduce the PGA activities to the Delegation, including its three programs and Campaigns, with the emphasis on the ICC Campaign. The meeting was mainly focused on the status of the draft bill on the ICC implementation in Ghana.

PGA Statement on death threats against Human Rights defenders in The Hague

PGA expressed its deep concern and condemnation of escalating death threats and intimidation against human rights defenders based in The Hague working on International Criminal Court-related issues. Threats to human rights defenders are a threat to freedom and democracy that must be firmly rejected and treated with the utmost urgency by national authorities.

In particular, in the press statement, PGA condemned the threats to life and security that an Al-Haq human rights lawyer based in The Hague received on her personal mobile phone and home address as well as those received through the hacking of a personal email account of one of Amnesty International's staff members in The Hague. Al-Haq is a Palestinian NGO that is affiliated with the international NGO, International Federation of Human Rights (FIDH).

Read the statement:

www.pgaction.org/news/pga-statement-threats-against-hague-human-rights-defenders.html

The Gabonese Republic referred its situation to the ICC

On 21 September 2016, the Office of the Prosecutor received a referral from the Government of the Gabonese Republic regarding the situation in Gabon since May 2016 with no end-date. The Government of the Gabonese Republic requests the Prosecutor of the ICC “to open an investigation without delay”. The Office will be conducting a preliminary examination in order to establish whether the criteria for opening an investigation are met.

Read more: www.icc-cpi.int/Pages/item.aspx?name=160929-otp-stat-gabon

Developments of Al- Mahdi case and the verdict



Ahmad Al Faqi Al Mahdi

On 27 September 2016, Trial Chamber VIII of the ICC delivered its Judgment in the case of The Prosecutor v. Ahmad Al Faqi Al Mahdi.

The Chamber unanimously found Mr Al Mahdi guilty as a co-perpetrator of the war crime consisting in intentionally directing attacks against religious and historic buildings in Timbuktu, Mali, in June and July 2012. The Chamber sentenced Mr Al Mahdi to nine years of imprisonment.

This is the first international trial focusing on the destruction of historical and religious monuments, and the first ICC case where the defendant made an admission of guilt.

Read the PGA Press release:

www.pgaction.org/news/mahdis-trial-by-icc-rule-of-law.html

[ICC Trial Chamber VIII declares Mr Al Mahdi guilty of the war crime of attacking historic and religious buildings in Timbuktu and sentences him to nine years' imprisonment \(ICC\)](#)

[The summary of the verdict and sentence](#)

ICC Trial Chamber refers non-cooperation of the Kenyan Government to the Assembly of States Parties to the Rome Statute

On 19 September 2016, Trial Chamber V(B) of the ICC issued a decision finding that the Republic of Kenya had failed to comply with its obligations to cooperate with the ICC and referred the matter to the Assembly of States Parties to the Rome Statute (ASP).

According to the Chamber, the non-cooperation has prevented the Court from exercising its functions and powers under the Statute.

Read more: www.icc-cpi.int/Pages/record.aspx?docNo=ICC-01/09-02/11-1037

ICC Prosecutor, Fatou Bensouda, publishes comprehensive Policy Paper on Case Selection and Prioritisation

On 15 September 2016, the Prosecutor of the ICC Fatou Bensouda, published a detailed policy document which provides guidance on how the Office of the Prosecutor exercises its discretion in the selection and prioritisation of cases.

The Case Selection and Prioritisation Policy Paper was developed on the basis of the applicable legal framework and jurisprudence of the Court. It also draws upon the operational experience of the Office of the Prosecutor over the last fourteen years as well as the practice of other international and national courts and tribunals. Additionally, the Policy Paper has been enriched by a process of extensive internal and external consultations.

Read more: www.icc-cpi.int/Pages/item.aspx?name=pr1238

Policy Paper: www.icc-cpi.int/itemsDocuments/20160915_OTP-Policy_Case-Selection_Eng.pdf

Statement of ICC Prosecutor on the conclusion of the peace negotiations between the Government of Colombia and the Revolutionary Armed Forces of Colombia – People’s Army

The ICC Prosecutor, Fatou Bensouda, welcomed the announcement on 24 August 2016 of the conclusion of the peace negotiations between the Government of Colombia and the Revolutionary Armed Forces of Colombia – People’s Army (“FARC-EP”) as undoubtedly a historic achievement for Colombia and its people, whose lives have been deeply affected by the 52-year-long armed conflict. She highlighted that this unique opportunity for peace marks the beginning of a long-term process that will require a determined effort in the course of its implementation.

Read more: www.icc-cpi.int/Pages/item.aspx?name=160901-otp-stat-colombia

Agreement between the Kingdom of Norway and the International Criminal Court on the Enforcement of Sentences of the ICC entered into force on 06 August 2016

Read agreement:

www.icc-cpi.int/iccdocs/oj/Agreement_on_the_enforcement_of_sentences_with_NorwayEng.pdf

