



Parliamentarians for Global Action  
Parlamentarios para la Acción Global  
Action Mondiale des Parlementaires  
برلمانيون من أجل التحرك العالمي

## CONSULTATIVE ASSEMBLY OF PARLIAMENTARIANS FOR THE INTERNATIONAL CRIMINAL COURT AND THE RULE OF LAW (CAP-ICC)

(9<sup>th</sup> session)

### *38<sup>th</sup> Annual Forum of Parliamentarians for Global Action*

Dakar, Senegal  
9-10 December 2016

### **Dakar Plan of Action on Prevention of Mass Atrocities, Strengthening the Rule of Law and Support for the International Criminal Court**

*We, the over 100 Members from 50 countries from around the world, participating in the 9th Session of the Consultative Assembly of Parliamentarians for the International Criminal Court & the Rule of Law (CAP-ICC), at the end of the deliberations held in Dakar, Senegal, on 9 and 10 December 2016, on the occasion of the 38<sup>th</sup> Annual Forum of Parliamentarians for Global Action hosted by the National Assembly of Senegal, and on the 68<sup>th</sup> Anniversary of the Universal Declaration of Human Rights (1948):*

*Expressing* gratitude to the National Assembly of Senegal, the Organizing Committee of PGA's Consultative Assembly and the donors and partners of PGA for making possible this 9<sup>th</sup> session in Dakar, within the framework of PGA's action-driven and results-oriented Campaign for the Universality and Effectiveness of the Rome Statute of the ICC system in all regions of the world;

*Acknowledging* the crucial role-played by us, as Legislators, in increasing the universality and effectiveness of the ICC, consolidating international justice, strengthening the Rule of Law, and enhancing victim's access to justice and reparations;

*Recognizing* that impunity for perpetrators of genocide, crimes against humanity, war crimes and the crime of aggression only serves to increase the likelihood of the commission of new atrocities;

*Understanding* the vital deterrent effect the ICC has, by virtue of its jurisdiction and very existence;

*Underscoring* the importance of the ICC in preventing and countering violent extremism and sexual and gender-based violence, including rape and enslavement as weapons of war;

*Noting* that 124 States have ratified or acceded to the Rome Statute of the ICC, while 71 United Nations Member States are not yet party to the Statute;

*Appreciating* the work conducted by the ICC in promoting access to justice for victims of the most serious international crimes, and reminding the necessity of expanding the protection to victims in all countries of the world, including those not yet covered by the complementary jurisdiction of the ICC under the Rome Statute.

We, the Members of Parliament attending the 9<sup>th</sup> CAP-ICC, therefore agree to use our legislative and political prerogatives to achieve the following national, global and, as appropriate, regional commitments:

## **I. On Universal Ratification of the Rome Statute**

We recognize that the universal ratification of the Rome Statute is crucial to the application of the principle of equality before the law and to avoid double-standards towards effective deterrence of the most serious crimes under international law, and welcome pledges and concrete progress towards ratification or accession. We therefore praise the fact that 124 States decided to join the Rome Statute, also thanks to the direct contributions to the ratification or accession process made by PGA Members in at least 77 of these States.

However, we regret that 71 Member States of the United Nations have not yet ratified or acceded to the Rome Statute and that three States (Burundi, South Africa and Gambia) have started the process of withdrawal from the Statute, while we welcome the recent declarations of the new President of Gambia that his Government, to take office in early 2017, will ensure that Gambia remains in the Rome Statute system.

We also warmly welcome the statements by leading Parliamentarians from several Non States Parties to launch and implement comprehensive national actions plans to achieve ratification, building alliances with Civil Society Organizations and other stakeholders, in Guinea Bissau, Togo, Ukraine, Morocco, Iraq, Malaysia and other countries.

### **We resolve:**

1. To vigorously engage with our colleagues from all political affiliations to achieve national and multi-partisan consensus to remove the barriers toward ratification, and to request our own governments to promote the ratification of the Rome Statute through bilateral contacts and multilateral venues.
2. To intensify our efforts to ensure that universality of the Rome Statute in its amended version is mainstreamed as an objective in all available mechanisms of inter-parliamentary relations and programs of actions designed by Governments to promote human rights, the rule of law, justice, peace, democracy, sustainable development and multilateral cooperation.
3. To ensure that as many States as possible ratify the Kampala Amendments on the crime of aggression and on war crimes in the shortest possible time-frame, taking into account the activation decision of the ICC jurisdiction on aggression to be taken by the Assembly of States Parties in November 2017.

## **II. On Full Cooperation with the International Criminal Court**

We reaffirm that State Parties to the Rome Statute have the duty to cooperate fully with the Court and implement legislation aimed at enabling the ICC to operate effectively, as provided by Part 9 of the Rome Statute. We welcome the progress that has been made in domestic legislation by State Parties.

### **We resolve:**

3. To promote the adoption of implementing legislation on cooperation with the Court, and ensure that our governments and parliaments ratify the Agreement of Privileges and Immunities of the Court (APIC).
4. To galvanize political support and resources to collaborate with other governments and international organization to achieve effective arrest strategies of those sought by the ICC, in addition to ensuring that our governments conclude specialized cooperation agreements with the Court, including on enforcement of sentences, protection and reallocation of witnesses and interim release.
5. To continuously call for the unconditional respect and implementation of the decisions and orders of the ICC, including providing financial resources, encouraging the pledge of funds to the Trust Fund for Victims, and to respond forcefully and systematically when situations arise and undermine the Court.

## **III. On the Promotion of Fair and Effective Domestic Prosecutions**

We recall that the ICC has been established as a court of last resort, complementary to national jurisdiction, and that exercise of jurisdiction by the ICC over specific cases does not preclude domestic actions for related cases of the same situation. We recognize that all states have a duty to prosecute or extradite suspects and alleged perpetrators of international crimes. We pay

special attention to the importance of establishing multilateral frameworks to ensure effective inter-state cooperation and mutual legal assistance for states wishing to conduct domestic prosecutions of genocide, crimes against humanity or war crimes.

**We resolve:**

6. To ensure the adoption of domestic legislation that incorporates the definitions of the crimes and general principles under the Rome Statute, hence maximizing the advocacy support and technical assistance that we may request to PGA.

7. To promote the negotiation of a multilateral treaty on mutual legal assistance and inter-state cooperation, ensure effective national efforts to investigate and prosecute international crimes under the Rule of Law (also via enhanced budgetary and human resources allocated to the justice sector in our countries), as well as strengthen the reparative or restorative element of the Rome Statute system of international and domestic criminal justice through the elaboration and adoption of appropriate frameworks, in consultation with victims and affected communities.

8. To ensure that penitentiary institutions are modernized, conditions of detention are in line with international human rights standards, punishment of Rome Statute crimes does not carry the imposition of the death penalty, and that individuals convicted for international crimes, whenever possible and appropriate, participate in programs of re-integration into society during and after their term(s) of imprisonment.

**IV. On Effective Prevention of the Most Serious Crimes**

9. We observe that impunity for perpetrators of international atrocities only serves to increase the likelihood of new, equally horrific crimes, and the importance of the ICC preliminary examinations to effectively trigger action to prevent ICC crimes, which may entail the extermination or murder of political leaders. We realize that the principle of equality of all before the law is the foundation of the Rome Statute system, which provides the ICC with a vital deterrent effect on the commission of genocide, crimes against humanity, war crimes and the crime of aggression.

**We resolve:**

10. To continuously call upon the United Nations Security Council to refer the gravest situations that do not fall under the automatic jurisdiction of the ICC, including currently the situations in Syria/Iraq and Myanmar (in respect of the Rohingya people) and to provide the ICC with the necessary means to accomplish its mandate for the situations it defers to the ICC.

11. To improve the dissemination of the Rome Statute at the national and local levels through (a) the inclusion of the Rome Statute in military and public service, schools and university curricula, as well as civic education programs; and, through (b) the use of the web and multimedia, and national or transnational public and social media to disseminate developments at the ICC and correct misinformation about the Rome Statute, as well as to generate improved awareness of the importance of the gender related provisions of the Rome Statute itself.

**Conclusion:**

We appreciate the support provided to the PGA ICC Campaign by its partners and recognize the invaluable importance of information and strategies provided to us during PGA's Consultative Assembly of Parliamentarians on the ICC and the Rule of Law. In addition to this Plan of Action, individual legislators will be working with the PGA Secretariat in the elaboration of country-specific and, as appropriate, regional and sub-regional Action Plans and strategies.

In this respect, we recall the inter-relationship between the objectives of PGA under its three programmes on International Law and Human Rights, Peace and Democracy, and Gender, Equality and Population, in fulfillment of the vision "to contribute to the creation of a Rules Based International Order for a more equitable, safe and democratic world".

We, the Participants in the 9<sup>th</sup> CAP-ICC, have agreed on this Dakar Resolution and Plan of Action and are committed to keeping the PGA Secretariat informed on a periodic basis of all the actions and initiatives that we will carry out to implement its objectives, as well as report back on the results of the 10th Consultative Assembly of Parliamentarians for the ICC and the Rule of Law (CAP-ICC).