

For immediate release

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Parliamentarians for Global Action (PGA) welcome the activation of the International Criminal Court's jurisdiction over the crime of aggression

New York/The Hague, 14 December 2017 – 71 years after the historic judgement at Nuremberg, rendered by the International Military Tribunal, another international jurisdiction may be able to adjudicate on the responsibility of leaders who engage in aggressive wars: The International Criminal Court (ICC). While the Kampala Amendments to the Rome Statute of the ICC were adopted unanimously in June 2010, the Assembly of States Parties (ASP) to the Rome Statute was entitled to decide on the activation of the Court's jurisdiction on aggression only after the first 30 ratifications of the amendments and not earlier than 7 years after the Kampala deliberations. All these delays and conditions were introduced in response to the preoccupations of certain States that the criminalization of aggressive war-making could have negatively impacted their policy-options, which – however – never encompassed the conduct of aggressive wars, given that the prohibition of aggression is one of very few peremptory norms under customary International Law, also known as norms of “jus cogens”. As Panama became the 35th ratifying State last week, thanks to the leadership of PGA Members, the 2017 ASP session had this matter on its agenda.

With Resolution 10 on “Activation of the jurisdiction of the Court over the crime of aggression”, States Parties made a rather restrictive interpretation of the jurisdictional reach of the Kampala Amendments, which has a dual jurisdictional regime: 1) The Amendments are applicable to any situation that will be referred by the UN Security Council to the jurisdiction of the ICC regardless of State consent, and it will be up to the Court to apply the four core crimes under International Law, namely genocide, crimes against humanity, war crimes and aggression. 2) When the Prosecutor will exercise jurisdiction on her own initiative or on the basis of a State's referral, the Court may exercise jurisdiction on aggression only in situations in which the territorial State and the State of nationality of the alleged perpetrator have ratified the amendments.

Notwithstanding these restrictive conditions for the exercise of the Court's jurisdiction on aggression, Parliamentarians for Global Action (PGA) applaud the decision of States to bring back to unity the *corpus juris* of International Criminal Law and call for universal ratification of the amendments to give effect to the principle “never again” for aggressive wars and protect the victims of armed conflicts who are *not* protected by the norms on war crimes, crimes against humanity and genocide.

On this historic occasion, the newly elected President of PGA, Ms. **Margareta Cederfelt**, MP (Sweden), stated that “*Parliamentarians from all regions of the world belonging to the global PGA network are strongly supporting the*

ICC because it gives hope to victims of the most shocking crimes against humankind. Victims of mass atrocities have a right to access justice, know the truth and receive reparations, and when their national jurisdiction fails to deliver justice, the ICC can step in as a Court of last resort, with its essential mandate. Such mass atrocities include wars of aggression that have characterized some of the most tragic events in recent history, which more often than not led to the perpetration of war crimes, crimes against humanity, and even genocides. Today's decision by the ICC Assembly of States Parties to activate the Court's jurisdiction on the crime of aggression reinforces the International Community's commitment to end impunity for the most serious crimes under International Law."

Her statement was echoed by Ms. **Barbara Lochbihler**, MEP (Germany), Convenor of PGA's International Law and Human Rights Programme, who affirmed: *"The global membership of PGA welcomes today's historic decision of the 123 States Parties to the Rome Statute of the International Criminal Court (ICC) on the crime of aggression. 71 years after the Nuremberg trial, there will be another international jurisdiction that will finally be able to adjudicate on one of the most serious crimes of concern to the International Community as a whole: the planning and waging of aggressive wars of a State against another State. On 17 July 2014, the European Parliament almost unanimously adopted a resolution calling all States to support the activation of the ICC jurisdiction on the crime of aggression and to ratify the Kampala Amendments. PGA remains engaged to ensure that all law-abiding and peace-loving nations of the world will accept the ICC jurisdiction over all core crimes under international law, namely genocide, crimes against humanity, war crimes and the crime of aggression"*, Lochbihler concluded.

The designated date for activation of the ICC jurisdiction on aggression will coincide with the 20th anniversary of the adoption of the Rome Statute, the 17th of July 2018.

About PGA

Parliamentarians for Global Action (PGA) is the largest transnational network of members of parliament from all regions of the world that, in their personal capacity, support the effective functioning of the ICC and national courts to end impunity for crimes of international law. The PGA network is assisted by a Secretariat to facilitate cooperation between member-parliamentarians with the view of realizing the vision of the Organization, namely *"to contribute to the creation of a Rules-Based International Order for a more equitable, safe, and democratic world"*. The Secretariat also provides technical assistance, and policy and legal advice to members, who take action to realize the PGA vision through peer-to-peer dialogue, cooperation and targeted campaigns.

PGA members have contributed to 77 ratifications or accessions to the Rome Statute, which has currently 123 States Parties.