



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

**10TH CONSULTATIVE ASSEMBLY OF PARLIAMENTARIANS
ON THE INTERNATIONAL CRIMINAL COURT AND THE RULE OF LAW (CAP – ICC)**

&

40TH ANNUAL FORUM OF PARLIAMENTARIANS FOR GLOBAL ACTION (PGA)

**16 – 17 November 2018
Verkhovna Rada
Kyiv, Ukraine**

PROGRAMME

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The European Union (EU)
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and of the Parliaments of official delegations in attendance.*

Day 1: Friday, 16 November 2018

Verkhovna Rada

9:00–10:40

OPENING SESSION

Ms. Margareta Cederfelt, MP (Sweden), Vice-President of the OSCE Parliamentary Assembly; President of Parliamentarians for Global Action (PGA)

H.E. Ambassador Hughes Mingarelli, Head of the Ukraine Delegation of the European Union (EU) to Ukraine

Mr. Dmytro Storozhuk, First Deputy Prosecutor General of Ukraine

Dr. Hryhoriy Nemyria, MP (Ukraine), Chair of the Committee on Human Rights, National Minorities and Interethnic Relations of the Verkhovna Rada; Chairperson of the Organizing Committee of the CAP-ICC/PGA Annual Forum, Member of PGA's Executive Committee

Keynote speeches:

H.E. Mr. O-Gon Kwon, President of the Assembly of States Parties to the Rome Statute of the ICC; *former Judge and Vice-President, International Criminal Tribunal for the former Yugoslavia*

H.E. Judge Marc Perrin de Brichambaut, Vice-President of the International Criminal Court (ICC); *former Head of Delegation of France to the Rome Diplomatic Conference on the ICC (1998)*

10:40–11:00

Official Photograph and Coffee Break

11:00–13:00

1. The reach of the ICC jurisdiction and the protective mandate of the Rome Statute for the prevention and repression of the most serious international crimes

A. *Testimonies by Parliamentarians (on the impact of the Rome Statute system)*

B. *Dialogue with the ICC Presidency*

Chair:

Ms. Barbara Lochbihler, MEP (Germany), Vice-Chairperson of the Human Rights Sub-Committee at the European Parliament; Co-Convenor of PGA's International Law and Human Rights Programme

MPs Testimonies:

Hon. Ahmed Mahloof, MP (The Maldives), Spokesperson on Foreign Affairs of the parliamentary majority; PGA Member (*who facilitated the ratification of the Rome Statute by The Maldives in 2011*)

Mr. Ali Ehsassi, MP (Canada), Chair of the All-Party Parliamentary Group for the Prevention of Genocide and other Crimes against Humanity; Chair PGA National Group in Canada (*on the impact of the existence of Rome Statute jurisdiction to advance atrocity-prevention and on the lack of impact of the ICC system in situations in which impunity is "guaranteed", as in the case of Syria*)

Dip. Carla Pitiot (Argentina), Secretary of the Commission on General Legislation; Chair of PGA's National Group in Argentina, Member of PGA's Executive Committee (*which facilitated cooperation agreements between the ICC and Argentina*)

ICC Presidency:

H.E. Judge Marc Perrin de Brichambaut, Vice-President of the International Criminal Court (ICC)

Mr. Matias Hellman, External Relations Adviser, ICC Presidency

Plenary discussion

13:00–14:30

Lunch Break

14:30–15:45 **2. Situation-specific session on Ukraine: current legislative developments and obstacles regarding the ratification and implementation of the Rome Statute**
(Including analysis of the Constitutional reform of Article 124, in line with the recommendations of the Venice Commission of the Council of Europe)

Chair: **Ms. Svitlana Zalishchuk, MP** (Ukraine), Chair of the Sub-Committee on European and Euro-Atlantics Relations, Member of Foreign Affairs Committee; Board member of the World Movement for Democracy; PGA Member

Panel: **Mr. Vladyslav Vlasyuk**, General Director of the Directorate for Human Rights, Access to Justice and Legal Awareness of the Ministry of Justice of Ukraine

Ms. Olena Sotnyk, MP (Ukraine); Member of the Parliamentary Assembly of the Council of Europe, Vice-Chair of the Legal Affairs and Human Rights Committee; PGA Member

Ms. Oleksandra Matviychuk, Head of the Board of the Centre for Civil Liberties (CCL)

Video-message: **Rep. James P. McGovern** (USA, Democrat), PGA Member and **Rep. Randy Hultgren** (USA, Republican), Co-Chairs of the Tom Lantos Human Rights Commission of the U.S. Congress

Plenary discussion

15:45–16:00 Coffee Break

16:00–17:45 **3. Moving towards an international rule of law: challenges and opportunities for the universal ratification of the Rome Statute of the ICC**

- A. Status of ratification of the Rome Statute of the ICC, including with respect to the threat of withdrawals*
- B. Underrepresented regions among the ICC Member States: Asia and the Middle East and North Africa region (MENA)*
- C. Identifying obstacles towards the universal ratification of the Rome Statute and exchanging strategies to increase the participation of States in the Rome Statute system*
- D. The revised Cotonou Agreement between the African, Caribbean and Pacific Group of States and the European Union (ACP-EU): a critical assessment on mainstreaming the fight against impunity in development cooperation*

Chair: **Mr. Mark Pritchard, MP** (United Kingdom), Member of the Executive Committee of PGA, Chair of PGA's National Group in the United Kingdom

Keynote speech: **H.E. Mr. O-Gon Kwon**, President of the Assembly of States Parties to the Rome Statute of the ICC; former Judge and President of the International Criminal Tribunal for the former Yugoslavia

Panel: **Hon. Kula Segaran, MP** (Malaysia), Minister for Human Resources; Co-convenor of PGA's International Law and Human Rights Programme

Rep. Gary C. Alejano (The Philippines), Member of the National Defense and Security Committee; PGA Member

Hon. Dep. Slimane El Omrani (Morocco), Chair of the International Relations Committee

H.E. Ambassador Paul Van den Ijssel, Permanent Representative of The Netherlands to the ICC and the OPCW, Netherlands Ministry of Foreign Affairs

Plenary discussion

Conclusion of Day 1 of the CAP-ICC

19:00–21:00 **Defender of Democracy Awards (DDA) 2018 - Ceremony and Dinner** (Venue: President Hotel)
All participants in the CAP-ICC are invited to attend

Day 2: Saturday, 17 November 2018

President Hotel

9:00–10:30 **4. Victims' rights approach to international criminal justice: participation and reparations with the particular focus on the protection of victims of sexual and gender-based violence**

Chair: **Ms. Albana Vokshi, MP** (Albania), Chairwoman of the Democratic Women League of Albania, Chairwoman of the Parliamentary Committee on Culture and Media, Chair of PGA's National Group in Albania

Panel: **Ms. Soledad Buendía, MP** (Ecuador), Member of the Permanent Commission of the Economic Regime, of the Occasional Commission of the Disappeared, First Member of the Legislative Administration Council; PGA Member

Mr. Gberdao Kam, Special Advisor in the Ministry of Justice of Burkina Faso, Judge at the International Residual Mechanism for Criminal Tribunals (MICT), *former President of the Trial Chamber of the Extraordinary African Chambers*

Mr. Markiyan Halabala, Advocacy Advisory Panel, Euromaidan Victims' Legal Representative

Lord Purvis of Tweed (UK), Member of the International Relations Committee of the House of Lords, PGA Member

Plenary discussion

10:30–11:30 **5. Domestic criminalization and adjudication of international atrocities, national prosecution of international crimes and challenges, including the exercise of universal jurisdiction**

- A. *Reforming penal codes and other bodies of criminal law to fully integrate the Rome Statute into domestic legal orders*
- B. *Equipping national systems to appropriately investigate, prosecute and try international crimes*
- C. *The role of parliamentarians in protecting the integrity of the Rome Statute: domestic implementation of general principles of law, including the principle of irrelevance of official capacity and the principle of judicial and prosecutorial independence*
- D. *How to ensure that domestic prosecutions of international crimes are a priority for the international community, including for international development-cooperation partners and donors?*
- E. *Analyzing the risks associated with supporting transitional justice processes versus the fight against impunity*

Chair: **Dip. Tucapel Jimenez** (Chile), Chair of the Human Rights and Indigenous Peoples Committee; Chair of PGA's National Group in Chile, PGA Executive Committee Member

Panel: **Dip. Betty Yañiquez** (Bolivia), La Paz MAS – IPSP Caucus Chairwoman, Member of the Commission of Plural Justice and Legal Defense of the State, PGA Member

Hon. Azay Guliyev, MP (Azerbaijan), Vice-President of the OSCE Parliamentary Assembly, Chair of the Silk Road Support Group of the OSCE Parliamentary Assembly

Dep. Emilio Carelli (Italy), Member of the Foreign Affairs Committee; *former Director of Sky-News Italy*; PGA member

Dr. Anton Korynevych, Associate Professor of the Institute of International Relations of Taras Shevchenko National University of Kyiv, Expert Board Member of Human Rights and Justice Program Initiative, International Renaissance Foundation

Plenary discussion

11:30-11:45 Coffee Break

11:45- 13:30 **6. Investigating and prosecuting mass-atrocity crimes: Question-time with the Office of the Prosecutor of the International Criminal Court (ICC)**

- A. Situations and cases under active investigation, prosecution and adjudication before the ICC: Burundi, DR Congo, Uganda, Central African Republic (in two situations), Mali, Cote d'Ivoire, Darfur/Sudan, Libya and Georgia
- B. Existing arrest warrants and lack of their execution
- C. Situations under Preliminary Examinations before the ICC – in particular, Afghanistan, The Philippines, Ukraine and Venezuela
- D. Situations under the potential jurisdiction of the ICC – the open question of atrocities allegedly committed by ISIS in Syria and Iraq and/or to be attributed to the responsibility of nationals of States Parties to the Rome Statute in Syria and Iraq
- E. Role of parliamentarians towards effective and efficient frameworks of cooperation for national and international prosecutorial authorities

Chair: **Ms. Ana Gomes, MEP** (Portugal); Board member of the World Movement for Democracy; Chair of PGA's Group in the European Parliament

Keynote speech: **Mr. Amady Bâ**, Head of the International Cooperation Unit, Office of the Prosecutor of the International Criminal Court; *former Judge at the Court of Cassation of Senegal*

Question-Time with the ICC Office of the Prosecutor

13:30-14:45 – Lunch Break

14:45–16:15 **7. The amendments to the Rome Statute: expanding the ICC's jurisdiction over war crimes in non-international armed conflicts and activating the ICC's jurisdiction on the crime of aggression**

Chair: **Ms. Petra Bayr, MP** (Austria), Chair of the Subcommittee of the Foreign Affairs Committee on Development Cooperation; Treasurer of PGA

Keynote speech: **H.E. Ambassador Christian Wenaweser**, Permanent Representative of Liechtenstein to the United Nations, Chair of PGA's UN Committee

Panel: **Rep. Macarena Gelman** (Uruguay), Member of the Committees of International Affairs, Constitution and Legislation, and Human Rights; Chair of PGA's National Group in Uruguay

Hon. Béatrice Epaye, MP (Central African Republic), Chair of the Foreign Affairs Committee, Chair of PGA's National Group in CAR

Dip. Jorge Calix (Honduras), Member of the Commissions of Electoral Affairs and External Relations, and Justice and Human Rights; PGA Member

Mr. Noah Weisbord, Associate Professor at Queen's University Kingston (Ontario, Canada)

Plenary discussion

16:15 – 17:15 **8. 20th Anniversary of the Rome Statute: the impact of the International Criminal Court on advancing the fight against impunity and strengthening international and national normative frameworks and the way forward**

Chair: **Dip. Victor Orlando Bisonó** (Dominican Republic), President of PGA's International Council

Speakers: **Mr. William Pace**, Convenor of the Coalition for the International Criminal Court (CICC)

Ms. Svitlana Zalishchuk, MP (Ukraine), Chair of the Sub-Committee on European and Euro-Atlantic Relations, Member of Foreign Affairs Committee; Board member of the World Movement for Democracy; PGA Member

Mr. Arie IJzerman, Special Advisor on International Affairs at the Dutch Ministry of Justice and Security, Chairman of the Core Group of the Mutual Legal Assistance initiative

Mr. Franck Petit, Senior Outreach Advisor for the Special Criminal Court in the Central African Republic; *Co-Founder of the International Justice Tribune*

Rapporteur: **Dr. David Donat Cattin**, Secretary-General of PGA
==> *Summary of the points suggested by the CAP-ICC for the Kyiv Plan of Action*

Plenary discussion concerning the text of the Kyiv Plan of Action for the universality and effectiveness of the Rome Statute system against impunity and, as appropriate, adoption of the Kyiv Plan of Action

17.15 – 17.30 **CLOSING SESSION**

Ms. Margareta Cederfelt, MP (Sweden), Vice-President of the OSCE Parliamentary Assembly; President of Parliamentarians for Global Action (PGA)

Dr. Hryhoriy Nemyria, MP (Ukraine), Chair of the Committee on Human Rights, National Minorities and Interethnic Relations of the Verkhovna Rada; Chairperson of the Organizing Committee of the CAP-ICC/PGA Annual Forum, Member of PGA's Executive Committee