



Parliamentarians for Global Action

The International Criminal Court (ICC) and the Promotion of the Rule of Law

DECLARATION OF THE

Regional Parliamentary Conference for the Commonwealth of Independent States

Russian State Duma
Moscow, Russian Federation
11-12 February 2003

“Moscow Declaration on Ratification and Implementation of the Rome Statute of the ICC in the CIS”

PREAMBLE

Recognising that crimes under the jurisdiction of the International Criminal Court threaten the peace, security, and development around the world;

Determined to put an end to impunity for the perpetrators of these crimes and to guarantee the effective enforcement of national and international criminal justice and the rule of law;

Welcoming the entry into force of the Rome Statute of the International Criminal Court (ICC) on 1 July 2002 and the participation of 89 Member States, as of February 10, 2003, to the treaty-based system created by the Statute;

Re-affirming the principles on the promotion democracy, the rule of law, human rights and the enhancement of common values, systems and institutions within the CIS;

Noting that an independent, effective, impartial and permanent International Criminal Court will be a crime-prevention mechanism and assist in conflict management;

Recognizing that the ICC could provide with a powerful tool to depoliticise the prosecution of perpetrators of mass-crimes in the name of the International community, to create a credible process for the individualisation of guilt, and to impartially affirm the principle of the equality of all individuals before the law;

Considering that the ICC-framework makes it possible to define other crimes – as terrorism – as a crime under the Statute in the future,

Recognizing that the International Criminal Court has automatic jurisdiction with respect to the crimes committed in the territories or by Nationals of States that ratified or acceded to the Rome Statute under the respective constitutional processes;

THE REGIONAL CONFERENCE FOR PARLIAMENTARIANS OF CIS COUNTRIES ON “THE INTERNATIONAL CRIMINAL COURT (ICC) & THE PROMOTION OF THE RULE OF LAW”, FOLLOWING ITS DELIBERATIONS HELD IN MOSCOW, RUSSIAN STATE DUMA, ON 11 AND 12 FEBRUARY 2003, UNDER THE AUSPICES OF PARLIAMENTARIANS FOR GLOBAL ACTION (PGA), AGREES AS FOLLOWS:

1. To urge all Member States of the CIS to ratify or accede to, as early as possible, the Rome Statute of the ICC.

2. To use our best efforts to discuss in our respective CIS Parliaments, in accordance with applicable Constitutional procedures, the Rome Statute and its important implications on the domestic legal orders, so that the decision to adhere to the Statute on the international plane will be coupled with the decision to implement its legal protections on the domestic plane.

3. To recommend to representatives of the Executive power in CIS countries to participate in the meetings of the ICC Assembly of States Parties, thus to ensuring that the cultural and legal traditions of the Commonwealth are adequately represented in the Court’s decision making.

4. To provide the necessary information to the relevant parliamentary bodies, in CIS countries, to promote the adoption of the ICC-related legislation or, in case the ICC Statute has not been transmitted by the Executive to Parliament, to present motions or parliamentary resolutions requesting the Government to submit the Rome Statute for consideration to Parliament.

5. To further recommend that CIS Member States give priority to the drafting of implementing legislation of the Rome Statute in order to effectively co-operate with the ICC as well as to give effect to the principle of complementarity, building on the provisions of existing Penal Codes that in most CIS countries incorporate crimes under international law.

6. Participants agree that there is need to establish an effective “follow up” action to assist the legislatures of Members States in the process of ratification or accession and implementation of the ICC Statute. They recognize the role of Parliamentarians for Global Action and international organizations in this regard.

ACKNOWLEDGMENTS

The regional parliamentary Conference for MPs of the Commonwealth of Independent States (CIS) on “The International Criminal Court (ICC) & the Promotion of the Rule of Law” has been made possible by the individual and collective mobilisation of Members of Parliaments who convened in Moscow, Russian Federation, under the auspices of Parliamentarians for Global Action and with the indispensable support of the European Commission (EU) and the Government of Sweden (SIDA).

The First Deputy Speaker of the Russian State Duma hosted the Conference and PGA Members from the Russian Federation cooperated in facilitating this event. Parliamentarians for Global Action acknowledge their essential role in making this project a success.