



Parliamentarians for Global Action

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

II SESSION

United Nations Headquarters, Conference Room 1

New York

12-13 September 2003

WITH THE SUPPORT OF:

The European Commission, European Union

Department of Foreign Affairs and International Trade (DFAIT), Canada

Ministry of Foreign Affairs, The Netherlands

Ministry of Foreign Affairs, Switzerland

The Ford Foundation

–Agenda–

12 September 2003

10,00-10,45 hrs.

Opening Session

Chair: **H.E. Mr. Pierre Schori**, Permanent Representative of Sweden to the United Nations;
President of the PGA UN Committee

Hon. Kenneth Dzirasah MP (Ghana), President of Parliamentarians for Global Action;
Second Deputy Speaker, Parliament of Ghana

H.E. Mr. Marcello Spatafora (Italy), Permanent Representative of Italy to the United
Nations *on behalf of* the Presidency of the European Union

Keynote Address:

H.E. Mr. Luis Moreno Ocampo, Prosecutor of the International Criminal Court

10,45-12,15 hrs.

- (1) Towards a Parliamentary Assembly of the International Criminal Court?
 - Functions, mandate and potential cost of an institutionalised Parliamentary Assembly of the ICC [expert report available as basis for comments]
 - Discussion on the Role the Consultative Assembly of Parliamentarians for the ICC
 - Where to go from here?

Chair: **Sen. A. Raynell Andreychuk** (Canada), Chair, Human Rights Committee, Senate of
Canada; Convenor, PGA International Law & Human Rights Programme

Panellists: **Mr. Alban Bagbin MP** (Ghana), Leader of the Opposition; former Chair of the Legal
Affairs Committee of the Parliament
Sen. Longin Pastusiak (Poland), President of the Senate; Member of the PGA
Executive Committee
Dep. Antonio Carlos Pannunzio (Brazil), Member, Foreign Relations and National
Defense Committee
Mr. Robert Miller (Canada), Executive Director, Parliamentary Centre, Ottawa
Mr. Adolf Mwesige MP (Uganda), Chair, Committee on Legal and Parliamentary Affairs

Open Discussion

12,15-13,00 hrs.

(2) Promoting the Rule of Law and the Duty of States to Prosecute International Crimes

- Complementarity between National legal systems and the ICC
- Addressing the impunity gap: Universal Jurisdiction and Post Conflict Justice
- Managing the expectations vis-à-vis the limited resources of the ICC

Chair: **Sen. Alain Destexhe** (Belgium), Member, Foreign Affairs Committee

Panellists: **Prof. Roger S. Clark** (New Zealand), Board of Governors Professor, Rutgers School of Law, New Jersey
Sen. José Antonio Viera Gallo (Chile), President of the Human Rights Commission
Hon. Mr. Mamadou Koulibaly MP (Cote d'Ivoire), President of the National Assembly
Ms. Fiona McKay (UK), Director, International Justice Program, Lawyers Committee for Human Rights; *Convenor*, Universal Jurisdiction Caucus, Coalition for the ICC

Open Discussion

13,00-14,45 hrs.

Lunch

15,00-16,00 hrs.

(3) Implementing Effective National Legislation to Support the International Criminal Court

- Reforms of criminal justice procedures and cooperation with the ICC
- Incorporation of crimes against humanity, genocide and war crimes
- Creation of National Trust Funds for the victims of international crimes
 - Ratification of the Agreement of Privileges and Immunities of the Court (APIC)

Chair: **Hon. Dr. Nino Burjanadze MP** (Georgia), President of the Parliament

Panellists: **Dr. Irwin Cotler MP** (Canada), Member, Justice & Human Rights Committee, Foreign Affairs Committee; Professor of Law, McGill University
Mrs. Cheryl Gillwald MP (South Africa), Deputy Minister for Justice and Constitutional Development of the Republic of South Africa
Mr. Zakaria Kutsnashvili MP (Georgia), First Vice-Chair of the Legal Committee
Sen. Alain Gournac (France), First Vice-Chair of the Social Affairs Committee
Mr. Cristopher K. Hall (USA), International Justice Programme, Amnesty International

Open Discussion

Rapporteur: **Dr. Bruce Broomhall** (Canada), International Justice Initiative, Open Society Institute and Central European University, Budapest

16,00-17,15 hrs.

(4) Protecting the Integrity of the International Criminal Court

- Bilateral Non-Surrender Agreements
- EU-US talks on the Bilateral Non-Surrender Agreements: state of play
 - The American Servicemembers Protection Act (ASPA) of 2002 and its proposed amendments of 2003
 - Parliamentary initiatives to safeguard the territorial jurisdiction of the ICC

Chair: **Mr. Tony Worthington, MP** (United Kingdom), Member, International Development Committee

Panellists: **Hon. Lincoln P. Bloomfield Jr.** (USA), Assistant Secretary, Bureau of Political-Military Affairs, Department of State, USA
Dr. Adrian Severin MP (Romania); President Emeritus of the OSCE Parliamentary Assembly

Mr. Richard Dicker (USA), Director, Int'l Justice Program, Human Rights Watch
Dip. Felipe Michelini (Uruguay), Member, Foreign Affairs Committee

Open Discussion

17,15-18,00 hrs.

- (5) Relationship between the International Criminal Court and the United Nations
- Cooperation between the UN High Commissioner for Human Rights and the ICC in investigating gross human rights violations/crimes against humanity
 - Role of the United Nations in supporting the ICC

Chair: **Sen. Alfredo Prada Presa** (Spain), First Vice President of the Senate

Panellists: **H.E. Mr. Adolfo Aguilar Zinser**, Permanent Representative of Mexico to the United Nations
Mr. William Pace, Convenor, Coalition for the International Criminal Court (CICC)
Ms. Silvia Fernández de Gurmendi, Chief of Cabinet and Head of the Complementarity Unit, Office of the Prosecutor, International Criminal Court (ICC)

Open Discussion

Rapporteur: **Mr. Pascal Kambale** (DRC), Researcher, Human Rights Watch (Washington)

13 September 2003

10,00-11,45 hrs.

(6) Universal Representation in the ICC System¹

- Status in countries of the Commonwealth of Independent States (CIS)
- Status in Asian countries, including Japan and the Philippines
- Status in North Africa and the Middle East
- Status in African countries, particularly Lusophone countries and Burundi
- Status in Mexico, Chile and other Latin American countries

Chair: **Mr. José Maghalaes MP** (Portugal), Former Minister for Parliamentary Affairs

Panellists: **Dr. Eduardo Faleiro MP** (India), Committee on External Affairs, Lower House; Former Minister for External Affairs of India

Ms. Milouda Hazeb MP (Morocco)

Sen. César Jauregui (Mexico), Vice President of the Senate

Dr. Moyeen Khan MP (Bangladesh), Minister of Science & Technology

Mr. Joao Batista Pereira MP (Cape Verde), Vice-Chair, Legal & Constitutional Affairs Committee

Dr. Ra'ed K. Qaqish MP (Jordan), Member, Foreign Affairs Committee; Vice-President of the Education, Culture, and Youth Committee

Ms. Loretta Ann Rosales MP (The Philippines), President, Human Rights Committee

Mr. Mikhail Sidorov MP (Moldova), Chair of the Human Rights and Justice Committee

Open Discussion

Rapporteur: **Dr. David Donat Cattin** (Italy), *Legal Advisor, International Law & Human Rights, PGA*
11,45 AM-13,00 hrs.

Final Session: Discussion and Approval of a Final Document of the II session of the Consultative Assembly of Parliamentarians for the ICC

Chair: **Sen. A. Raynell Andreychuk**

Presentation(s): **Rapporteurs**

Open Discussion

Conclusions

FOR MORE INFORMATION, PLEASE CONTACT:

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¹ The "ICC [jurisdictional] system" is the sum of the complementary criminal jurisdictions of the States Parties to the Rome Statute and of the ICC itself.