



Parliamentarians for Global Action

FINAL DOCUMENT:

“IBEROAMERICAN-LUSOPHONE PARLIAMENTARY CONFERENCE ON THE INTERNATIONAL CRIMINAL COURT”

MARCH 25-26, 2004

ORGANIZED BY:

*The Chamber of Deputies of Brazil, The Federal Senate of Brazil,
Parliamentarians for Global Action (PGA), the Confederation of Parliaments of the Americas (COPA),
And the Ministry of Human Rights of Brazil*

WITH THE SUPPORT OF:

*European Commission-European Union, the Supreme Federal Court of Brazil,
The Association of Magistrates of Sao Paulo (Apamagis), the Bank of Brazil, S.A. and the Ford Foundation*

BRASILIA DECLARATION ON THE INTERNATIONAL CRIMINAL COURT (ICC)

Considering that in the XX century approximately 300 conflicts and repressive regimes led to more than 200 million deaths, among which civilian casualties (children, women and men) increased to the level of 90% in recent conflicts,

Recognizing that crimes committed in such conflicts remained almost always unpunished and that an effective, independent and permanent International Criminal Court is an essential tool to fight impunity and bring to justice those responsible for genocide, crimes against humanity and war crimes (after 1 July 2002),

Recognizing that the impunity of the perpetrators of international atrocities has provided a fertile ground for the commission of new, more and more horrendous crimes, as well as the reiteration of armed conflicts,

Further recognizing that one of the conditions for the survival of humanity is a lasting peace that restores the trust in justice by punishing the aggressors and repairing the victims, as well as preventing the commission of new crimes,

Welcoming, therefore, the International Criminal Court (ICC) as the first permanent international mechanism in the history of human-kind to exercise jurisdiction against alleged perpetrators of international crimes and provide justice for victims when States fail to do so,

Taking note that the Rome Statute of the ICC, which entered into force on 1 July 2002, has been ratified or acceded to by 92 States, including 18 from Latin America and the Caribbean and 3 from the Community of Portuguese-speaking countries,

Recognizing that the effectiveness of the “ICC-system”¹ relies on the universal participation of States from all regions of the world and their full cooperation with the Court through the implementation of the Statute in their domestic legal orders (i.e., establishing national jurisdiction over international crimes and effective procedures of cooperation),

¹ The “ICC-system” consists of the sum of the complementary jurisdictions of ICC Member States and the ICC itself.

Further recognizing that the principle of complementary is the best guarantee to reinforce national sovereignty and to develop higher standards for the protection of fundamental human rights,

Regretting all the efforts aimed at undermining the integrity of the jurisdiction of the ICC – which legitimately extends to the territories of sovereign States Parties to the Rome Statute – and calling upon the involvement of civil society in countering such efforts,

Welcoming the II *Ibero-American and Lusophone Parliamentary Conference of the ICC*, which not only allowed for an exchange of information on the national ICC processes, but also to share experiences – as legislators – in overcoming obstacles and constitutional issues facing our respective countries,

WE, THE MEMBERS OF PARLIAMENT participating in this Conference, under the auspices of the National Congress of Brazil, Parliamentarians for Global Action (PGA), the Confederation of the Parliaments of the Americas (COPA) and the Department of Human Rights of Brazil, agree as follows:

1. to make our best efforts, as Parliamentarians, to ensure that our countries give priority in the legislative agenda to the ratification of the Rome Statute of the ICC, so that that the critical benchmark of 100 States Parties is reached in 2004;

2. to promote, support and/or develop national implementing legislation to incorporate the substantive criminal law of the Rome Statute in the domestic order and to cooperate effectively with the Court;

3. to promote and support the ratification of the Agreement of Privileges and Immunities of the Court (APIC);

4. to take all possible steps as Parliamentarians to protect the integrity of the International Criminal Court and make sure that the Executive informs, and transmits to Parliament agreements and other policy decisions that could negatively affect the jurisdiction of the Court;

5. to make our best efforts with our Executives to ensure that the EU-Iberoamerican Summit, to be held in Guadalajara, Mexico, in May 2004, will include a commitment to the fight against impunity and in support of the International Criminal Court;

6. to make our best efforts to promote an effective follow up of the commitment to ratification and implementation of the Rome Statute contained in the Coimbra Declaration of the Heads of States of the Community of Portuguese-speaking countries (July 2003);

7. to support the initiative of Parliamentarians for Global Action to convene the *Consultative Assembly of Parliamentarians for the ICC & the Rule of Law* and to assist legislators interested to review constitutional and other legislative obstacles to the implementation or ratification of the Rome Statute, including through the creation of a selective issue-by-issue database containing comparative legislation on key ICC-related topics (e.g. extradition\surrender, life imprisonment and penalties, immunities, non applicability of statutes of limitation).

Adopted in Brasilia, on March 26, 2004