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ACCION MUNDIAL DE PARLAMENTARIOS  
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NGO in general consultative status with the  
Economic and Social Council of the United  
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**PARLIAMENTARY DELEGATION  
TO THE ASSEMBLY OF STATES PARTIES OF THE  
INTERNATIONAL CRIMINAL COURT  
Strategy Meetings and Consultations to promote  
the Universality of the Rome Statute**

The Hague  
10 September 2004

**CONTENT**

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**I. OBJECTIVES**

- To monitor the proceedings of the III session of the Assembly of States Parties of the International Criminal Court, which meets for the first time in The Hague, The Netherlands,
- To facilitate discussions among parliamentarians and representatives of the ICC (e.g. the Chief Prosecutor) on the main challenges to international criminal justice and the fight against impunity,
- To facilitate discussions among parliamentarians and experts from Governmental and Non Governmental delegations on the role of the ICC, the fight against impunity and the priorities of the parliamentary campaign for the universality of the Rome Statute of the ICC,
- and
- To advance the role of parliamentarians in the strengthening and monitoring of the ICC mandate.

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**II. PARTICIPANTS**

PARLIAMENTARIANS

- 1) **Senator Alain Destexhe** (Belgium), Convenor of the PGA Int. Law and Human Rights programme
- 2) **Dr. Herta Daubler-Gmelin** (Germany), Former Convenor of the PGA Int. Law programme; Former Federal Minister of Justice
- 3) **Mr. Bert Koenders MP** (The Netherlands), PGA The Netherlands Group
- 4) **Sen. César Jaúregui Robles** (Mexico), Vice-President of the Senate; Member of PGA
- 5) **Dep. Margarita Stolbizer** (Argentina), President of the PGA International Council

REPRESENTATIVES OF THE ICC

- 1) **Mr. Luis Moreno Ocampo**, Chief Prosecutor, International Criminal Court
  - 2) **Judge**, International Criminal Court
- \* Other representative(s), as appropriate

EXPERTS FROM GOVERNMENTS AND NGOs (TENTATIVE LIST FOR INFORMAL CONSULTATIONS)

- 1) **Mr. Edmond Wellenstein**, Head of the ICC Task Force, Government of The Netherlands – Presidency of the European Union
- 2) **Mr. Hans-Werner Bussmann**, Commissioner for the ICC, Federal Foreign Office, Germany
- 3) **Dr. Klaus Kress**, University of Cologne/Delegation of Germany to the ASP
- 4) **Mr. Sivu Maqungo**, Legal Adviser of the South African Mission to the United Nations
- 5) Representative of the African Union (AU)
- 6) **Mr. Bill Pace**, Convenor, Coalition of the International Criminal Court (CICC)
- 7) **Ms. Irune Aguirrezabal**, European Coordinator, CICC
- 8) **Richard Dicker**, Human Rights Watch
- 9) **Mr. Christopher Hall**, Legal Advisor and Head of the International Justice Programme, Amnesty International
- 10) **Dr. David Donat Cattin**, Legal Advisor and European Coordinator, Parliamentarians for Global Action
- 11) **Ms. Deborah Ruiz Verduzco**, Advisor for Latin America, PGA

### III. SCHEDULE OF MEETINGS

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#### H. 9:45-10:00

- Meeting with the PGA Staff at the main entrance of the “Nederlands Congres Centrum” (Dutch Congress Center) for the registration/accreditation process

#### H.10.00-10.15

- Briefing on the Assembly of States Parties with the PGA ICC team
- Discussion on strategies and actions to be carried out by PGA (2005-2006)

#### H. 10.15-11.00

- Plenary of the Assembly of States Parties [issues to be discussed as per annexed agenda]

#### H. 11.00-11:30

- Meeting with Dr. Klaus Kress, University of Cologne/Delegation of Germany to the ASP

#### H. 11.30-12:00

- Meeting with Richard Dicker, Human Rights Watch

#### H. 12.00-12.30

- Meeting with the Prosecutor of the ICC, Mr. Luis Moreno Ocampo

#### H. 12.30-13.00

- Discussion on strategies and actions to be carried out by PGA

#### H. 13.00-14.00

- Lunch at the Dorint Hotel Restaurant (in the Congress Centre)

#### H. 14:00-14:30

- Meeting with a Judge of the International Criminal Court (ICC) [to be confirmed]

#### H. 14.30-15.00

- Meeting with Mr. Bill Pace, Convenor and Ms. Irune Aguirrezabal, European Coordinator, International Coalition for the ICC (CICC)

#### H. 15:00-15:30

- Meeting with Mr. Hans-Werner Bussmann, Commissioner for the ICC, Germany as the Chair of the informal group of States “Friends of the ICC”

#### H. 15:30-16:00

- Meeting with Mr. Sivu Maqungo, Legal Adviser of the South African Mission to the United Nations, and the Representative of the African Union (AU).

#### TIME TO BE CONFIRMED

- Meeting with Mr. Edmond Wellenstein, Head of the ICC Task Force), South Africa, Canada and/or other delegates of States Parties to the Rome Statute.

#### H. 16:00-18:00

- Plenary of the Assembly of States Parties [issues to be discussed as per annexed agenda]
- Informal consultations, additional meetings and continued strategy session [as needed]

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## IV. ISSUES TO BE DISCUSSED DURING MEETINGS

The Assembly of States Parties is a unique venue in which all pro-ICC actors meet for one week. Parliamentarians for Global Action (PGA) intends to utilise this opportunity and, on the final day of the Assembly III session, discuss strategies to promote the ICC, the fight against impunity and the Rule of Law on the global plane. In so doing, PGA aims at appropriately linking the efforts of legislators with the activities of NGOs, International Organisations – including the ICC itself – and Governments.

The priority issues that will be discussed by the PGA delegation in The Hague with the ICC authorities and the experts listed above in section II are as follows:

### 1. Promoting the universality of the Rome Statute:

- Increase awareness among decision-makers of the implications of the signature and ratification/accession of the Rome Statute, especially in under-represented regions in the ICC system (*e.g.* Asia, the Middle East and North Africa, and the Former Soviet Union Republics);
- Analysis of country-specific situations and strategies for parliamentary action to promote new ratifications/accessions to the Rome Statute;
- Share experiences and coordinate efforts in minimising the impact of external anti-ICC efforts (*e.g.* Bilateral Non Surrender Agreements proposed by the USA and Security Council resolutions)

### 2. Implementing the principle of complementarity

- Support provided to the drafting and adoption of national implementing legislation;
- Increase the role of legislators in spreading awareness among concerned field actors (judges, prosecutors, defence lawyers, law-enforcement authorities and militaries, forensic experts, etc.) about the competence and functioning of the ICC;
- Reinforce capacity of concerned “political actors” to provide support and/or assistance to ICC-field investigations [e.g. situations in the Democratic Republic of the Congo and Uganda, as well as analysis of the potential situations of Georgia and Colombia, which are currently under preliminary examination by the ICC Prosecutor].

### 3. Enhancing public perception and awareness

- Increase awareness about the competence/jurisdiction and functioning of the ICC;
- Deterrent effect of the ICC within and outside the territory of States Parties (*e.g.* situations in Central African Republic, Cote d'Ivoire and Darfur);
- Maximise the impact of the Rome Statute to strengthen the Rule of Law beyond the ICC: promoting law-reform processes on
  - a) Gender justice
  - b) Protection/participation/reparations for victims of crimes
  - c) Criminal law reform and
  - d) Broad human rights system reform

### 4. Promoting financial support to the ICC

- Promote annual budgetary contributions to the regular fund of the ICC and to the voluntary Trust Fund for Victims

PGA is currently making preparations for the III session of the *Consultative Assembly of Parliamentarians for the ICC & the Rule of Law*, which will take place in the Parliament of New Zealand, Wellington, 6-7 December 2004. This session coincides with the XVI Annual Forum of PGA. An open letter concerning this event will be circulated to all the participants of the Assembly of States Parties [enclosed] with the goal of increasing worldwide support and participation in this important event. The *Consultative Assembly* and other future PGA initiatives will inevitably be a crosscutting issue of our meetings and consultations, in so far as PGA is characterized as an action-oriented network.

## BACKGROUND INFORMATION

The States Parties to the Rome Statute are currently 94. PGA Members played a leading role in the ratification process in 52 of such countries, while PGA is promoting the accession/ratification in many more countries. Additionally, PGA has been engaged in the drafting and enactment of effective legislation to cooperate with the Court and to allow the national prosecution of international crimes, as well as working to protect the integrity of the Rome Statute. The recent victory at the UN Security Council against the renewal of UN SC Resolution 1487 marked an important development in this endeavour, but many more challenges remain for the efficient and independent operations of the ICC.

In order for Parliamentarians to play an appropriate role in the support and oversight of the Court's political body (namely, the Assembly of States Parties), PGA decided to participate in the III session of the Assembly itself: hence, the realization of this project on 10 September 2004 in The Hague.

This project will be immediately followed by another PGA initiative, namely, a **Mission of Mexican Legislators to the International Criminal Court** in The Hague (September 12-15, 2004). The goal of this mission is to promote the ratification of the ICC in Mexico, one of the largest States that is not yet a party to the Rome Statute. The tool (chosen in partnership with the ICC itself) will facilitate a constructive dialogue between Mexican legislators and Court officials, thus providing Mexican MPs with the opportunity to understand the role and necessity of the Court in the global fight against impunity. The Mexican delegation will be led by the Vice-Presidents of the Mexican Senate, namely, PGA Member **Sen. César Jauregui** (PAN) and **Sen. Carlos Chaurand** (PRI).

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#### IV. LIST OF USEFUL DOCUMENTS

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1. Provisional Agenda of the ICC Assembly of States Parties [to be approved on Monday 6 September by the Assembly itself at its opening plenary] ANNEXED
2. Status of Ratification/Accession to the Rome Statute [as of September 2004] ANNEXED
3. Parliamentary Kit on the ICC [updated-August 2004], available at [http://www.pgaction.org/uploadedfiles/FINAL%20KIT\\_ENG\(1\).pdf](http://www.pgaction.org/uploadedfiles/FINAL%20KIT_ENG(1).pdf)  
*The Kit covers the issues under consideration in the strategy meeting scheduled at 11 AM.*
4. Country-specific actions carried by PGA Members in 2003-2004 to promote the ratification and effective implementation of the ICC Statute as well as to protect the integrity of the Statute ANNEXED
5. Draft document of the PGA's ICC Parliamentary Campaign for the years 2005-06 (internal document) **NB:** THIS DOCUMENT WILL BE TRANSMITTED ON 6 OR 7 SEPTEMBER
6. Open letter and list of agenda-items of the III Consultative Assembly of Parliamentarians for the ICC and the Rule of Law, Parliament of New Zealand (Wellington), 6-7 December 2004 ANNEXED

PS- The working documents of the Assembly of States Parties of the ICC are available at the website [http://www.icc-cpi.int/statesparties/third\\_session.html](http://www.icc-cpi.int/statesparties/third_session.html)

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