



Parliamentarians for Global Action

News Release

Parliamentary Assembly of the Council of Europe adopts innovative pro-ICC Resolution

Strasbourg, 28 January 2008: The Parliamentary Assembly of the Council of Europe (PACE) adopted yesterday an innovative resolution through which it engaged all 47 Member States of the Council of Europe to fully cooperate with the International Criminal Court (ICC) and it called for the ratification of the Rome Statute by its 8 Member States that are still outside the "ICC system" (Russia, Turkey, Ukraine, the Czech Republic, Armenia, Azerbaijan, Moldova and Monaco) and by its 2 observer States, the United States and Israel.

The Chairperson of the Legal and Human Rights Committee of PACE, **Dr. Herta Daubler-Gmelin, MP (Germany)**, former Justice Minister and longstanding member of Parliamentarians for Global Action - PGA -) introduced the Resolution, which she had tabled since 2006 along with a Report that comprehensively addresses the status of the "Rome Statute system". Dr. Daubler-Gmelin welcomed the progress on the ICC dossier made in several Council of Europe countries, particularly in Turkey and the Czech Republic, recalling however in Prague Parliament approved the Rome Statute in October 2008 with the required constitutional majority, but the President of the Republic has not yet signed the ICC ratification into law, thus impeding the completion of the ratification process.

The debate was opened by an enlightening Statement of **ICC President Judge Philippe Kirsch**, who underscored the role played by the Parliamentary Assembly in promoting the establishment of the ICC, which now requires increased support in terms of cooperation from States and International Organisations and to reach the universality of its membership.

Dr. Pieter Omtzigt, MP (The Netherlands), PGA Member) tabled two amendments designed to introduce new operational paragraphs 7 and 8 of the "*Resolution on Cooperation with the International Criminal Court (ICC) and its Universality*", which - for the first time in a parliamentary Resolution of this nature - call for the UN Security Council to fulfil its responsibilities in cooperating fully with the Court (including in the enforcement of arrest warrants to be carried out by UN peacekeepers and/or other authorised military contingents) and to provide funding to the ICC investigations and prosecutions that are based on a mandate by the Council (e.g. Darfur), as prescribed in the Rome Statute.

Through the text proposed by the Dutch Lawmaker, the Parliamentary Assembly "urges the Secretary General of the Council of Europe to take up a mediation role with the two permanent members of the Security Council of the United Nations, the United States and Russia, to foster co-operation with the International Criminal Court". According to Dr. Omtzigt, the new Administration of President Obama should profoundly review the US policies towards the ICC and initiate a new phase of active cooperation with the Court, which should pass through the repeal of the 2002 American Servicemembers Protection Act (ASPA), also known as "The Hague Invasion Act".

Another significant novelty of the Resolution regards the inclusion of a clear provision on **victims' rights** to be respected by States Parties, at a minimum, in the same way as they are respected by the ICC under the binding provisions of the Rome Statute on victims' protection, participation in the proceedings and reparations. This clause, relating to a vital area of implementing legislation of the Rome Statute, had been adopted at several sessions of the PGA's *Consultative Assembly of Parliamentarians for the ICC and the Rule of Law* (e.g. in Tokyo, December 2006, and in Santo Domingo, October 2008), but it enters for the first time in a regional organisation's Parliamentary Resolution that can be used as a tool to promote law reform in National Parliaments of Europe and other regions of the world.

The voting record of the Resolution shows that leading MPs from States Non Parties, such as **the Russian Federation and Turkey**, casted their positive vote in favour of its adoption, thus signalling once again the sensitivity and support of Lawmakers towards the new system of international criminal justice based on the Rome Statute.

MPs from all political groups and various countries united their voice in support of the universality and effectiveness of the Rome Statute, at times with specific commitments to achieve tangible legislative results, as **Mrs. Milica Markovic, MP (Bosnia and Herzegovina)** did with respect to the prompt ratification of the Agreement of Privileges and Immunities of the Court (APIC) by her country's Government and Parliament.

Parliamentarians for Global Action (PGA), along with other members of the Coalition for the ICC (CICC), will continue to be engaged in the **follow-up** to the Resolution, which should trigger a more effective monitoring action by all organs of the Council of Europe vis-a-vis the ratification and implementation of the Rome Statute by its Member States as well as the level of cooperation that these States will be giving to the Court.

For further information, please contact:

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