

## *30<sup>th</sup> Annual Forum of Parliamentarians for Global action (PGA) and*

### *5<sup>th</sup> Consultative Assembly of Parliamentarians for the International Criminal Court (ICC) and the Rule of Law*

*Santo Domingo, 30 & 31 October 2008*

#### SUMMARY OF THE PROCEEDINGS

The 2008 PGA Annual *Forum* was formally opened by the Speaker of the Dominican Senate, **Sen. Reinaldo Pared Pérez**, while the *Consultative Assembly* benefitted from the participation of the **ICC Prosecutor, Mr. Luis Moreno Ocampo**. Among the main presenters (see Programme), the Adjunct Secretary-General of the Organisation of American States (OAS), **Ambassador Albert Ramdin**, in his capacity as Head of the Task Force Haiti, described the overall plan of the International Community to build democracy and the Rule of Law in Haiti, the poorest country in the American hemisphere. And for the first time in the parliamentary history of Haiti, both Speakers of the Senate and the Chamber of Deputies of Haiti led a multi-party delegation to a foreign country (see List of Participants), thus signalling the beginning of a new chapter of Haitian-Dominican relations under the auspices of PGA.

#### Luis Moreno Ocampo, Prosecutor of the International Criminal Court

The Prosecutor of the International Criminal Court, Mr. Moreno Ocampo, held an intensive questions and answers session that attracted the intervention of numerous MPs, including Lawmakers from the DR Congo, Central African Republic and Sudan, where the Prosecutor has opened cases, including one against a sitting Head of State, as well as from Afghanistan, Colombia, Cote d'Ivoire and Kenya, where he is conducting preliminary examinations. A compelling call for ICC intervention in Zimbabwe was made by the Legal Secretary of the Movement for Democratic Change, **Sen. David Coltart** (PGA Member), who denounced the behaviour of two permanent members of the UN Security Council that impeded the referral of the Zimbabwean situation to the ICC in mid-2008.

#### On Universality

Regarding the universality of the ICC system, MPs from majority and opposition from **Indonesia** and **Chile** announced that all their efforts are geared towards ensuring that the parliamentary adoption of the ICC ratification or accession Bill *is completed within the next 5 or 6 months*, thus allowing their countries to join the Rome Statute system before their respective elections, scheduled to take place between April and May 2009.

In a similar vein, bipartisan delegations from **Nicaragua** and **Bahrain** invited PGA to work with their Parliament and Government in order to insert ICC Treaty Accession in the legislative agenda of their respective countries by March 2009.

The **Turkish** President of the EU Integration Committee called for the completion of the ICC process by the Grand Assembly of Turkey, while MPs from Non-States Parties **Tuvalu** and **St. Lucia** pledged to promote an expedited ratification, inspired by the work of their PGA colleagues in **Dominican Republic**, **Suriname** and the **Cook Islands**.

A principled statement in support of ICC accession was made by a prominent member of the Constituent Assembly of **Nepal**, which is mandated to elaborate the new Constitution and consolidate peace through the law. Remarkably, this statement came from an MP of the Maoist Party, and it was supported by another high-level MP representing the coalition in Government.

### Effectiveness: Implementing the Rome Statute

Other PGA Members from States Parties to the Rome Statute discussed the status of comprehensive national implementing legislation, the adoption of which is imminent in the Comoros and will be scheduled for discussion in **Kenya** very soon. In respect of the Kenyan situation, the *Consultative Assembly* has had an immediate impact in advancing the process towards accountability for post-electoral violent crimes ascertained by the so-called “Waki Commission”, which recommended the investigation and prosecution of alleged atrocities occurred between the end of 2007 and the beginning of 2008 in Kenya, at a time in which the Rome Statute was in force (see the main newspaper of Kenya, the *Daily Nation*, of 12 Nov. 2008 at <http://www.nation.co.ke/News/-/1056/489828/-/tllais/-/index.html> ).

The leader of PGA in the **Dominican Republic**, **Dip. Minou Tavarez Mirabal** (Chair, Foreign Affairs Committee), announced the adoption by her Congress on 24 October 2008 of the Agreement on Privileges and Immunities of the Court (APIC), while the inclusion of Rome Statute crimes in the new Penal Code is common to States Parties and Non-Parties to the Statute, such as the **Dominican Republic** and **Nicaragua**. MPs from **The Netherlands** and the **Republic of Korea** shared their experiences in implementing the Rome Statute standards and principles, and their peers from **DR Congo**, **Lebanon** and **Suriname** discussed on-going efforts to adapt their National legal orders to the requirements of the Statute.

### On deterrence and the future of international criminal justice

A final Panel on deterrence and the future of international criminal justice led to a consensus among participating MPs concerning the need to play a pro-active role in preparation of the Review Conference of the Rome Statute in 2010, especially in ensuring that an agreement is found in respect of the definition of the crime of aggression and appropriate conditions for the exercise of the Court’s jurisdiction on this “core crime” under International Law, in compliance with article 5 of the Statute. The President-elect of the ICC Assembly of States Parties, **Ambassador Christian Wenaweser** of Liechtenstein, introduced this important subject-matter, which was subsequently reflected in the *Santo Domingo Plan of Action on the Rule of Law and the ICC*, concluded under the leadership of the Convenor of PGA’s International Law and Human Rights Programme, **Senator Marita Perceval of Argentina**.

### On the position of the United States and the European Union vis-à-vis the ICC

The evolving developments surrounding the US position on the ICC were presented by CICC Convenor Bill Pace, while Nicolas Burniat of Human Rights First described the impact that the Court is having in preventing the repetition or commission of atrocities, or at least reducing their scale.

Held with the support of the European Commission and the Governments of Belgium, The Netherlands and Switzerland, the *Consultative Assembly* was opened by the French Ambassador in Santo Domingo, Amb. Roland Dubertrand, on behalf of the EU Presidency, who presented the *EU Common Position on the ICC* ([http://consilium.europa.eu/uedocs/cmsUpload/1\\_15020030618en00670069.pdf](http://consilium.europa.eu/uedocs/cmsUpload/1_15020030618en00670069.pdf)), and concluded by the Speaker of the Dominican Congress Lower House, Dip. Julio César Valentín.