



## Parliamentarians for Global Action

### IX Assembly of States Parties of the International Criminal Court

Address by Dr. David Donat Cattin, *Director, PGA International Law & Human Rights Programme*, on behalf of Hon. Musa Sirma, MP, *International Councillor, PGA; Chair, PGA Kenya National Group*

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United Nations Headquarters, New York

#### Honourable Assembly:

It is an honour for me to convey today the pledge that Parliamentarians for Global Action takes in full support for this Session of the Assembly of States Parties to the Rome Statute, welcoming in particular your work in ensuring that the fight against impunity for genocide, war crimes and crimes against humanity remains at the centre of the global political and diplomatic agenda: Our Parliamentarians and their constituencies are fully aware, and remain unwaveringly committed to the notion, that the Rule of Law and justice represent an immutable '*condicio sine qua non*' for sustainable peace within all societies and among all nations.

The PGA campaign in support of the ICC is premised on the fact that the universality of the Rome Statute is as a basic precondition for the effectiveness of a new system of laws and institutions, all working together to end impunity: We are therefore delighted to congratulate again Bangladesh, the Seychelles, St. Lucia and Moldova for their recent decision to join the "law-abiding nations" that have all to gain, and nothing to lose, in accepting the jurisdiction of the ICC. Our energies are now geared to achieving as many ratifications as possible among the 79 UN Member States that have not yet taken action to enjoy the cloak of protection of international criminal justice.

In Kenya, the first situation in which the ICC Prosecutor is applying his *proprio motu* power to investigate, we are now witnessing the real meaning and concrete impact of that safety-net which we all call "*The Hague*". We strongly believe that the Court's intervention in Kenya will deter would-be perpetrators from exploiting once again the electoral process and tribal divides to commit widespread or systematic violence against the peaceful civilian population.

#### Honourable Delegates:

As legislators, our Members have contributed to the ratification of 68 States and to the reform and strengthening of legislation to domesticate the Rome Statute in over 25 countries. This implementing legislation is essential to ensure that the three pillars on which the ICC system is founded are continuously reinforced and respected: the principle of complementarity, the principle of legality and the principle of cooperation.

Complementarity-in-action is our daily work: As we speak, our colleagues in Kinshasa are debating a comprehensive implementing legislation of the Rome Statute, tabled by two Members of PGA, to reform key aspects of Congolese penal law. This reform includes the new article 1 of the Congolese Penal Code on individual criminal responsibility and a new set of provisions granting jurisdiction to civilian courts to try suspects of the most serious international crimes.

Similarly, PGA members' mobilisation in other situation countries have substantially contributed to the bipartisan adoption of this legislation in Kenya, the ICC Act of December 2008, in the Central African Republic, the new Penal Code and Code of Criminal Procedure of September 2009 and in Uganda, the ICC Act of March 2010. The PGA National Groups in these countries will continue to monitor and oversee the correct application of these laws, promoting adequate budgetary allocations to the independent judiciary and law-enforcement apparatus, as well as the establishment of programmes to provide reparations and protection to victims and survivors.

With the support from the Irish Mission to the UN and from Amb. Whelan, these past days PGA Legislators from Colombia, DRC, Denmark, Ireland, Kenya, Tanzania and Trinidad and Tobago have held challenging discussions with you, Mr. Chairman, and other leaders of this ASP, senior officials of the Court, representatives of civil society and international organisations - including the INPERPOL - to discuss synergies and strategies towards swift and unconditioned cooperation of States with the Court, especially in the execution of pending Arrest Warrants. PGA members worldwide will continue to ensure a high level of political attention to the fact that no-one is above the law and Arrest Warrants must be enforced to show that justice is applied equally to all, thus maximising, wherever possible, the preventative efforts and effect of the ICC.

Last, but not least, allow us to welcome the recent publication of the Kampala Review Conference amendments by the UN Depository of the treaty: This development triggers a new component of our ratification campaign in support of the prompt parliamentary adoption of the amendments on war crimes and the crime of aggression, which also deserve an effective regime of domestic jurisdiction.

#### **Honourable Participants and Observers in this ASP:**

As the Secretary-General of the UN stated in his opening address of this ASP, "*to prevail in the fight against impunity, we must stay on the offence*". The mission to end impunity lies with each of you, and I can reassure you, on behalf of the 1300 individual Members of Parliamentarians for Global Action in 130 countries, that we will spare no effort in our National Legislatures to contribute to this endeavour.

--Thank you--