



Camera dei deputati



Senato  
della Repubblica

with the support of the ICC



Parliamentarians for Global Action  
Acción Mundial de Parlamentarios  
Action Mondiale des Parlementaires

**7<sup>TH</sup> CONSULTATIVE ASSEMBLY OF PARLIAMENTARIANS  
FOR THE INTERNATIONAL CRIMINAL COURT (ICC) AND THE RULE OF LAW**

&

**WORLD PARLIAMENTARY CONFERENCE ON HUMAN RIGHTS  
34<sup>TH</sup> ANNUAL FORUM OF PGA**

**10 and 11 December 2012  
PROGRAMME**

**Nuova Aula del Palazzo dei Gruppi Parlamentari  
Via Campo Marzio, 78  
Camera dei Deputati, Rome, Italy**

*With the High Patronage of  
**The European Parliament***

*In partnership with  
**Association Internationale de Droit Pénal –  
AIDP Gruppo italiano***

*With the support of  
**ENI***

*With support for PGA ICC Campaign from  
**Humanity United  
The Netherlands  
Switzerland  
Liechtenstein***

*Until May 2012, the Campaign received support from  
**European Instrument for Democracy &  
Human Rights**, European Union*

*With the core support to PGA from  
**Sweden (Sida) & Denmark (Danida)***

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Afghanistan, Albania, Argentina, Australia, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Cameroon, Central African  
Republic, Chile, Colombia, Comoros, Democratic Republic of Congo, Dominican Republic, Ecuador, El Salvador, Georgia, Ghana, Jordan,  
Kazakhstan, Lesotho, Libya, Malawi, Malaysia, Maldives, Mauritania, Mexico, Montenegro, Morocco, Norway, Portugal, Senegal, South  
Africa, Sri Lanka, Sweden, Togo, Tonga, Uganda, United Kingdom, Uruguay and Yemen*

**Day 1: Monday, 10 December 2012**

9:15–10:45

**OPENING SESSION [\*]**

**Hon. Gianfranco Fini, MP** (Italy), President, Chamber of Deputies

**H.E. Prof. Paola Severino**, Minister of Justice, Italy

**H.E. Judge Sang Hyun Song**, President of the International Criminal Court (ICC)

**Hon. H.V. Ross Robertson, MP** (New Zealand, Assistant Speaker), President of PGA

*Recognitions:*

**H.E. Ms. Fatou Bensouda**, Prosecutor of the International Criminal Court

**H.E. Amb. Michele Valensise**, Secretary General, Ministry Foreign Affairs, Italy

**H.E. Amb. Tiina Intelmann**, President, Assembly of States Parties to the Rome Statute

**H.E. Ms. Silvana Arbia**, Registrar of the International Criminal Court

**Justice Elisabetta Rosi**, Member, Supreme Court (Corte di Cassazione), Italy; Board Member, *Association Internationale de Droit Pénal (AIDP)*, *Gruppo italiano*

*Conclusions:*

**Sen. Emma Bonino** (Italy), Vice-President of the Senate

[\*]MESSAGE OF THE PRESIDENT OF THE ITALIAN REPUBLIC **H.E. MR. GIORGIO NAPOLITANO** ON THE OCCASION OF INTERNATIONAL HUMAN RIGHTS DAY

10:45–11:00

*Coffee Break*

11:15–13:00

**1. Promoting the Universality of the Rome Statute System 10 years after its Entry into Force: Challenges for States and International Organizations, and the Role of Parliamentarians**

- A. *Status of Universality of the Rome Statute of the ICC, in particular with respect to the “under-represented” regions of the Asia-Pacific, the Middle East and North Africa, and the Commonwealth of Independent States*
- B. *The European Union position on the ICC, the Fight against Impunity for International Crimes and the Rule of Law*
- C. *The Role of the League of Arab States and other regional or universal organizations in promoting the “Rome Statute System”*
- D. *The Role of Parliaments and Individual Parliamentarians in Promoting the new system of International Criminal Justice to better protect Universal Human Rights - Strategies and challenges to attain more ratifications and accessions*

*Panel:*

**Mr. Franco Frattini, MP**, President, Italian Society for International Organization (SIOI); former Minister for Foreign Affairs; former Vice-President of the European Commission and former European Commissioner for Justice, Freedom and Security.

**Mr. Dato Seri Mohamed Nazri Abdul Aziz, MP** (Malaysia), Minister of Law and Parliamentary Affairs in the Prime Minister’s Department; Chair of the PGA Malaysia National Group

**Ms. Barbara Lochbihler, MEP** (Germany), Chairperson, Human Rights Committee (DROI), European Parliament

**Sen. David Coltart** (Zimbabwe), Minister of Education; Legal Secretary, Movement for Democratic Change

**Dip. Sigfrido Reyes** (El Salvador), Speaker of the National Assembly

**Mr. Arnaldo Brown, MP** (Jamaica), Minister of State, Ministry of Foreign Affairs and Foreign Trade

*Chair:*

**Mr. Lapo Pistelli, MP** (Italy), Chair, Organising Committee, *Consultative Assembly of Parliamentarians for the ICC & the Rule of Law*; Spokesperson on Foreign Affairs, Democratic Party

*Plenary discussion*

13:15–14:30

*Lunch Break*

**Day 1: Monday, 10 December 2012**

14:30–16:15

**2. Investigations and Prosecutions of the International Criminal Court (ICC)**

- A. *Investigations and prosecutions of war crimes, crimes against humanity and/or genocide in the Central African Republic, Cote d'Ivoire, the Democratic Rep. of the Congo, Darfur/Sudan, Kenya, Libya and Northern Uganda*
- B. *Preliminary examinations of the situations in Afghanistan, Colombia, Georgia, Guinea, Honduras, Mali, Nigeria, Republic of Korea and other possible situations under the jurisdiction of the Court*
- C. *The role of Parliamentarians in promoting the effectiveness of the Rome Statute system: cooperation of States in the arrest and surrender of suspects and other forms of cooperation with the Court – political support for the new system – maximizing the impact of ICC jurisdiction and intervention to deter new crimes*

*Introduction:* **Dep. Aminata Mbaye** (Senegal), Deputy Speaker of the National Assembly (*first State that ratified the Rome Statute in 1999*)

*Presenter:* **H.E. Ms. Fatou Bensouda**, Prosecutor of the International Criminal Court

*Chair:* **Sen. Marco Perduca** (Italy), Coordinator, PGA Italy National Group

*Questions and Answers with the Prosecutor*

16:15–16:30 *Coffee Break*

16:30–18:00

**3. Strengthening the Rule of Law and the Judicial System through the Effective Application of the Principle of Complementarity (under the Rome Statute)**

- A. *Adoption of implementing legislation (on crimes, general principles of law and jurisdiction)*
- B. *Strengthening the ability and will of States to provide gender-justice for victims of gender-based offenses and sexual violence*
- C. *Reinforcing the availability of human, budgetary and structural resources for the judicial system*
- D. *Promoting of independent national investigations, prosecutions and trials for international crimes*
- E. *Role of Parliamentarians in strengthening the Rule of Law*

*Panel:* **Hon. Rebecca Kadaga, MP** (Uganda), Speaker of Parliament

**Dep. Dr. Florisvaldo Rosinha** (Brazil), PGA member; *author of the draft legislation to implement the Rome Statute in Brazil*

**Ms. Irene Khan**, Director-General, International Development Law Organization (IDLO)

**Ms. Teesta Setalvad** (India), Secretary, Citizens for Justice and Peace; victims' advocate, Gujarat massacre case

*Intervention:* **Dep. Boniface Balamage Nkolo** (Democratic Republic of the Congo), *Rapporteur*, ICC Implementing Legislation

*Chair:* **Dip. Dr. Felipe Michelini** (Uruguay), Former Secretary of State for Culture, Education and Human Rights; Convenor, PGA International Law and Human Rights Programme

*Plenary discussion*

**Day 1: Monday, 10 December 2012**

19:15–20:15 **Defender of Democracy Award (DDA) 2**

**012 Ceremony** *By invitation only*

Hosted by the Senate of Italy in Palazzo Madama, Sala Koch (*Address: Piazza San Luigi de' Francesi 9*)

*Welcoming Remarks:* **Hon. Sen. Renato Schifani**, (Italy) President of the Senate

**H.E. Ms. Anna Maria Cancellieri**, Minister of Interior, Italy

*Introduction:* **Sen. Benedetto Adragna** (Italy), Quaestor of the Senate

## Day 2: Tuesday December 11, 2012

9:15–10:45

### 4. Parliamentary contribution to effective cooperation with the ICC

- A. *Through the adoption of implementing legislation (on cooperation and assistance of States to the Court and on reform of Penal Law/ Code)*
- B. *Through political mobilisation for arrest operations and other actions inducing full cooperation*
- C. *Through the negotiation, adoption and ratification of a convention that allows inter-state Mutual Legal Assistance for domestic prosecutions of international crimes*
- D. *Through the mobilization of resources and the functioning of institutions for the effective protection of the rights of the accused and of victims, as well as the protection of witnesses, including their relocation*
- E. *The revised Cotonou Agreement between the Africa-Caribbean-Pacific and the European Union (ACP-EU): a critical assessment on mainstreaming the Fight against Impunity in Development Cooperation*

*Panel:* **H.E. Amb. Stephen Rapp**, Ambassador at Large for Global Criminal Justice, US Department of State  
**Sen. Pietro Marcenaro** (Italy), Chair, Human Rights Committee, Senate; Chair of the Committee on Political Affairs and Democracy of the Parliamentary Assembly of the Council of Europe (PACE)  
**H.E. Judge Silvana Arbia**, Registrar of the International Criminal Court  
**H.E. Judge Eugenio Selvaggi**, Director General for Justice Affairs, Ministry of Justice, Italy  
**Dr. Fabio M. Galiani**, Representative of the Bar of Rome before the ICC; Treasurer, *AIDP-Italy*

*Interventions:* **Dr. Chantal Joubert**, Senior Policy Advisor, Directorate General of Administration of Justice & Law Enforcement, Ministry of Justice of The Netherlands; Representative of The Netherlands to the EU Genocide Prevention Network  
**Dr. Christian Behrmann**, EU Focal Point on the International Criminal Court, European External Action Service (EAAS)

*Conclusions:* **H.E. Judge Fausto Pocar**, International Criminal Tribunal for the Former Yugoslavia (ICTY); President, International Humanitarian Law Institute (*San Remo*)

*Chair:* **Sen. Benedetto Adragna** (Italy), Quaestor of the Senate; Organizing Committee of the VII CAP ICC

*Plenary discussion*

10:45–11:00 *Coffee Break*

11:00–13:15

### 5. The Role of Parliament on the Amendments to the Rome Statute concerning War Crimes and the Crime of Aggression

- A. *Prohibited Weapons in Non-International Armed Conflicts*
- B. *The Definition of the Crime of Aggression and the Conditions for the Exercise of the Court's Jurisdiction over Aggression*
- C. *Sharing of Experiences on the Ratification and Domestic Implementation Processes of the Kampala Review Conference's Amendments*

*Panel:* **H.E. Amb. Tiina Intelmann**, President of the Assembly of States Parties to the Rome Statute of the ICC; former Permanent Representative of Estonia to the United Nations  
**Prof. Dr. Claus Kress**, Director, Institute for International Peace and Security Law, University of Cologne, Germany; *Member of the German Delegation to the ICC Assembly of States Parties*  
**Dr. Kennedy Graham, MP** (New Zealand), *author of the "International Non-Aggression and Lawful Use of Force Bill" of New Zealand*  
**Prof. Mauro Politi**, Faculty of Law - University of Trento, Italy; *Member of the Italian Delegation to the ICC Assembly of States Parties*; former Judge at the International Criminal Court

*Chair:* **Mr. Matteo Mecacci, MP** (Italy) Chair, Committee on Democracy, Human Rights and Humanitarian Questions, OSCE Parliamentary Assembly

*Plenary discussion*

13:15–14:45

*Lunch Break*

**Day 2: Tuesday, 11 December 2012**

14:45–15:45

**6. The Deterrent Effect of the ICC and its Impact on Peace, Stability and Democracy**

- A. *“Justice delayed is justice denied”*: ensuring that accountability is part of peace negotiations
- B. Has there been a “deterrent impact” of the ICC in Afghanistan, Colombia, Cote d’Ivoire, the Democratic Republic of the Congo, Kenya, Libya and Uganda?
- C. Role of the UN Security Council in applying the principle of individual criminal responsibility as a measure to maintain or restore international peace and security not implying the use of force, as well as tool for stabilization and democratization in post-conflict societies

*Panel:* **Dip. Margarita Stolbizer** (Argentina), Member of PGA Executive Committee

**Dip. Ivan Cepeda Castro** (Colombia), Co-chair, Committee of Peace; Deputy-Chair, Human Rights Committee

**Ms. Shah Gul Rezaie, MP** (Afghanistan)

*Interventions:* **Mr. Jonas Ben Sibanyoni, MP** (South Africa), Committee on Justice and Constitutional Development

**Mr. Niccolò Figà-Talamanca**, Secretary General, No Peace Without Justice

*Chair:* **Sen. Alfredo Mantica** (Italy), Foreign Affairs Committee; former Deputy Minister for Foreign Affairs

*Plenary discussion*

15:45 –16:45

**7. The Future of International Criminal Justice: Consideration and Discussion of “Rome Action Plan for the ICC & the Rule of Law”**

*Panel:* **H.E. Judge Cuno Tarfusser**, Second Vice-President of the International Criminal Court (ICC)

**Ms. Ruth Wijdenbosch, MP** (Suriname), Deputy Speaker; Chair, PGA International Council

**Sen. Carlos Cantero** (Chile), Deputy-Convenor, PGA International Law and Human Rights Programme

**Dep. Alain Destexhe** (Belgium), former President of PGA

**Sen. Marco Perduca** (Italy), Coordinator, PGA Italy National Group

*Chair:* **Dip. Minou Tavarez Mirabal** (Dominican Republic), Chair, Foreign Affairs Committee; Deputy-Convenor, PGA International Law & Human Rights Programme

*Rapporteurs:* PGA International Law and Human Rights Programme

*Plenary discussion and Deliberations*

16:45–17:00

**CLOSING SESSION: Strengthening Democratic Institutions, Accountability and the Rule of Law through the Universality and Effectiveness of the Rome Statute of the ICC System**

*Remarks:* **Dip. Dr. Felipe Michelini** (Uruguay), Convenor, PGA International Law and Human Rights Programme

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*For further information on the Programme of the 7<sup>th</sup> session of the Consultative Assembly of Parliamentarians for the ICC and the Rule of Law, please contact: Dr. David Donat Cattin, Senior Director, International Law and Human Rights Programme, PGA  
EMAIL: [donat@pgaction.org](mailto:donat@pgaction.org)*