



European Newsletter #26

Coalition for the International Criminal Court

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What is the Coalition?

The NGO Coalition for an International Criminal Court (CICC), is a network of over one thousand civil society organisations and legal experts from all around the world, working since 1995, towards a common goal: the establishment of a permanent, fair and independent International Criminal Court (ICC). On July 1998, under the auspices of the United Nations, the Conference of Plenipotentiaries of 160 states adopted by an overwhelming majority of states (120) the Rome Statute. Since then, the NGO Coalition has been mandated to focus on five interconnected goals:

The Coalition Steering Committee:

*AMNESTY INTERNATIONAL
*ASOCIACION PRO DERECHOS HUMANOS
*EUROPEAN LAW STUDENTS ASSOCIATION
*FEDERATION INTERNATIONALE DES LIGUES DES DROITS DE L'HOMME
*HUMAN RIGHTS WATCH
*INTERNATIONAL CENTER FOR HUMAN RIGHTS AND DEMOCRATIC DEVELOPMENT
*INTERNATIONAL COMMISSION OF JURISTS
*LAWYERS COMMITTEE FOR HUMAN RIGHTS
*NO PEACE WITHOUT JUSTICE
*PARLIAMENTARIANS FOR GLOBAL ACTION
*UNION INTERAFRICAINNE POUR LES DROITS DE L'HOMME
*WOMEN'S CAUCUS FOR GENDER JUSTICE

- **Promoting education and awareness** of the ICC and the Rome Statute at the national, regional and global level.
- **Facilitating the effective participation of civil society and NGOs** in the negotiations of the Preparatory Commission for the ICC, in particular, of representatives from the south.
- **Expanding and strengthening** the global network of organizations working on the ICC.
- **Promoting universal acceptance** and ratification of the Rome Statute, as well as promoting and facilitating technical cooperation to ensure the adoption of strong domestic implementing legislation.
- **Assuring the effective establishment** of the ICC.

Since 1999, the EUROPEAN OFFICE of the Coalition is based in Brussels with a mandate to further the goals outlined above with a particular focus on this region.

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What is the International Criminal Court (ICC)?

Coalition for an International Criminal Court

The treaty creating the ICC entered into force on the 1st of July 2002, beginning the jurisdiction of the world's first permanent tribunal capable of trying individuals accused of the most serious violations of international humanitarian law, namely genocide, war crimes, crimes against humanity and once defined, aggression.

The ICC is an independent body governed by the countries to have ratified its treaty. More than half of the 139 countries to sign the Court's treaty have now ratified it; ratifying countries come from all regions of the world. A provisional location for the new International Criminal Court has been chosen in The Hague, the Netherlands. The Court is expected to be ready to begin investigating and hearing cases once its officials are fully instated, likely by summer of 2003.

Unlike the Rwanda and Yugoslavian War Crimes Tribunals, created by a Security Council Resolution, the ICC jurisdiction is not chronologically or geographically limited. The ICC applies to both international armed conflicts but also to crimes occurring in internal, intra states wars. An independent Prosecutor, State parties and the

Security Council are able to refer situations to the Court, but in the two first cases either the state of the nationality of the accused or the territorial state, where the crime was committed, must have ratified or accepted the jurisdiction of the Court.

The ICC does not replace national legal systems. It is complementary to national jurisdictions; thus, it only acts when national systems are unable or unwilling to carry out the investigations/prosecutions of such crimes. Thus, the primary responsibility for prosecution for these crimes lies with States. To this effect, national legislation and practices should enable States to bring to justice the persons responsible for the crimes under Art. 5 to 8 of the Rome Statute and would allow States to comply with the obligations set up in the Statute to cooperate with the Court. There are different approaches for implementing effective national legislation, depending on the legal system, constitutional requirements and traditions of each state. Technical assistance provided by states that have already ratified and are in the process of enacting national legislation would facilitate and speed up the process among other states.

The entry into force of the Rome Statute on July the 1st 2002

Less than four years ago, in June and July 1998, in an effort to strengthen international justice mechanisms and bring an end to impunity, the international community met at the Rome Diplomatic Conference of Plenipotentiaries to work on a treaty to establish the world's first permanent International Criminal Court to try individuals for crimes as serious as genocide, crimes against humanity and war crimes. At the time, many thought it impossible that the five weeks of negotiations would result in the adoption of a treaty. Yet on 17 July 1998, the Rome Statute of the ICC was adopted by a vote of 120 to 7, with 21 abstentions.

Even with this enormous achievement, predictions were made that it would be decades before enough governments would make the political commitment and work through the complex legal issues to bring the treaty into force. **With the deposit of 60 ratification instruments on the 11th April 2002, the Rome Statute entered into force on the 1st July 2002,** pursuant to article 126 of the Rome Statute. This article provides that entry into force

shall occur on the "first day of the month after the 60th day following the date of the deposit of the 60th instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations."

The Court's jurisdiction applies from the date of entry into force, however, the Court may not be ready to begin consideration of initial cases for another 12 months, while important procedural and administrative functions are set in motion.

Among the historic occasions that lie in the road ahead for the ICC is the first Assembly of States Parties meeting and the election of judges. During the first meeting of the Assembly of States Parties, which will take place from September 3 to 10, States Parties will discuss the rules and procedures for the nomination and election of Judges as well as the nomination and election of the Prosecutor.

What is next in the ICC campaign?

With the entry into force of the Rome Statute, a new epoch in international justice has arrived. Much work remains to ensure that the Court will be as fair, effective and independent as possible, yet we are heartened by the overwhelming commitment of governments and NGOs from every region of the

world. Together, we will work to ensure that the potential of this great institution is realised.

Governments, international organizations and civil society groups from all regions of the world will celebrate the enormous achievement of the entry into force of the Rome Statute on the 1st of July 2002.

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Members of the Coalition for the International Criminal Court are convinced that in addition to being a strong instrument for strengthening justice systems and democracy, the ICC represents a profoundly ethical response to the horrendous crimes suffered by millions of victims throughout history. Its creation is one of the best examples of what can be achieved through strong cooperation among governments, international organizations and civil society groups

At the same time, NGOs are mindful that in many ways, our work on the ICC is now only just

beginning. We have identified critical goals for the next phase of our work, which include:

1. Obtaining worldwide ratification of the Rome Statute;
2. Ensuring the development of strong implementing legislation in all ratifying countries;
3. Ensuring that the appropriate mechanisms are in place for the Court to begin functioning effectively as early as possible;
4. Monitoring and supporting the work of the Preparatory Commission;
5. Monitoring and supporting the work of the Assembly of States Parties.

REPORTS FROM THE TENTH SESSION OF THE PREPARATORY COMMISSION ON THE ICC

Highlights from the tenth and last session of the Preparatory Commission on the ICC

The Preparatory Commission for the International Criminal Court (ICC) adopted the report of its tenth and final session on the 12th of July .

The report, along with several draft resolutions and decisions, **will be submitted to the Assembly of States Parties** when it meets in New York from 3 to 10 September 2002. During the meeting, the coordinators of the following Working Groups presented reports: Assembly of States Parties Preparatory Documents; Financial Rules - remuneration of judges, prosecutor and registrar; Victims Trust Fund; and the Crime of Aggression. The Groups concluded a resolution on the procedure for nomination and election of members to the Board of Directors of the Victims Trust Fund; considered a rolling text on the nomination and election of judges, the prosecutor and deputy prosecutors, although consensus on the election of judges had not been reached; agreed on the composition of the Bureau for the ASP, and indicated that broad support existed for a suggestion that the Permanent Representative of Jordan, Zeid Al Hussein, be elected President of the Assembly; completed the budget; drew up conditions of service for both full-time and part-time judges; and agreed on a draft resolution recommending that the ASP set up a special working group on the crime of aggression.

Mr. Hans Bavers (Netherlands) then briefed the Commission on consultations on an international criminal bar. After three days of bilateral consultations, delegations concluded that the idea of an international criminal bar needed to be encouraged. Many questions regarding the bar remained, however, in particular its internal structure. It was premature to advise the first Assembly to officially recognise the bar. A short text should be included in the Commission's report in which it would take note of the holding of the Montreal meeting in June 2002, at which the

international criminal bar was born. The Commission would recommend that the Assembly await further developments before taking further steps. The item should be included in the Assembly's agenda at an appropriate time.

Ms. De Gurmendi (Argentina), speaking as Chairperson of the Bureau's subcommittee acting as interlocutor with the host country, said the subcommittee had met on two occasions. The interlocutor committee had received a report by the advance team in The Hague. The advance team had made progress in preparing its offices and had moved to the Court's temporary location. There was growing awareness of the existence of the advance team by the media. The team would require additional experts hired on a short-term basis to carry out specific tasks. The advance team would maintain close contact with the interlocutory mechanism.

Commission Chairman Mr. Philippe Kirsch (Canada) said the Commission could be proud that it had provided the Court with sufficient tools to begin its operations. What had been achieved was a product of multilateralism at work, and the tremendous cooperation between States and between States and non-governmental organisations in the common commitment had been most remarkable.

He stressed that nothing could be done. However, he continued, the ICC must be aware of obstacles it would be facing. Regardless of the outcome of deliberations in the Council, he could see no cause for satisfaction in that process. Even if an acceptable solution was eventually found, it would remain a solution in search of a problem. Other pretexts would likely be advanced in the future with a view to weakening the Court, and it would need continued vigilance. He paid tribute to all who had contributed to realizing the ICC, particularly the UN itself. It was under the auspices of the UN that life had

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finally been breathed into the idea of a Court to try individuals that committed crimes that deeply shocked the conscience of humanity - a Court designed to strike a death blow to impunity.

Excerpts from the UN Press Release on 12 July 2002

Report from the EU delegates – CICC meeting

On July the 10th, a meeting between delegates from the 15 EU Member States and representatives from the CICC and its member organisations took place in New York, during the tenth session of the PrepCom on the ICC. The meeting has been co-organised by the Danish Head of Delegation, Mr. Arnold Skibsted, on behalf of the Presidency of the EU, and Mrs. Irune Aguirrezabal, European Coordinator of the Coalition.

Mr. Skibsted, welcoming the entry into force of the Rome Treaty, acknowledged the important role of the NGOs' in the process and restated the necessity for close cooperation between EU and the NGOs' community. After the entry into force, the EU objective shall be to protect the Treaty and generate worldwide support for the Statute, following the Council Common Position on the ICC, the EU Action Plan and in accordance with EP resolutions. In particular, the Action Plan, which focuses on the time when the Court will be fully operational, shall be a roadmap in the future to assure coordination of EU activities.

On cooperation and coordination inside the EU, Mr. Skibsted pointed out that a special Working Group has been set up at the Council as a COJUR sub-area. The WG held its first meeting on June the 4th, 2002 and a number of NGO representatives were present and able to express their views. The next meeting is scheduled for November the 8th, 2002.

The CICC European Coordinator referred to the specificity of the current session of the PrepCom, which witnessed the entry into force of the Treaty and statements in favour of the ICC from countries that rarely raised their voices to support the ICC, e.g. Japan and China. Mrs. Aguirrezabal welcomed the adoption of the new Common Position, which reinforces the EU commitment while setting up effective tools to support the Court. The creation of a COJUR sub-area on the ICC shall assure continuity and follow up on EU actions.

Demarches with third states before the 2nd ASP.

The Spanish Ambassador, Mr. Yanez-Barnuevo, made a positive assessment of the progress achieved during the Spanish Presidency term. The EU has put the ICC on the agenda in political demarches with more than sixty countries.

Worldwide NGOs called for EU actions to support ratification and implementation in their respective countries and/or regions. From **Southern Eastern Europe**, Mrs. Elsa Ballauri, called upon the EU to

put pressure on the Albanian government to ratify shortly. Also, the EU should provide technical assistance to national ministries in order to overcome specific legal problems. The relationship between government and the NGOs should also be encouraged.

From the **CIS region**, Mr. Andrei Brighidin pointed out that in Moldova there is political will to ratify the Statute, though there is still little understanding of international criminal law and part of the national legislation is not consistent with the Statute. He encouraged the EU to raise the ICC at all level in the political dialogue with Moldova; to provide legal assistance to the government; to assure the translation of official documents in Romanian; to organise training of prosecutors, judges, officials and NGOs. On the contrary, in Belarus, according to Mrs. Vera Stremkovskaya, the EU shall initiate official political demarches with the President, to move forward to the ratification process. Also, the EU shall intensify demarches with the Russian Federation, as ratification from the Russian Federation would have a strong impact in Belarus and the entire CIS region. In Belarus, the EU can also contribute to the translation of the Statute and others official documents as well as to a widespread education campaign on ICC related issues through seminars, conferences and training courses.

From **Asia**, Niza Concepcion reported that countries have failed to speed up the ratification and implementation processes and at present most of the work has been done by NGOs with the support of EU. Political momentum towards ratification has dramatically decreased due to US opposition. The EU should intensify its political demarches in Asia by giving a strong political message in favour of the Court.

In the **Arab countries**, according to Atef Shahat Said, there is also need for strong EU statements in favour of the ICC to counterbalance the impact of the US anti-ICC policy. The US opposition seems to give arguments to countries in the region to slow down their ratification process.

In **Africa**, according to Mr. Odhiambo Walter, there is concern as the process is moving forward and the nomination of judges is coming up. The EU should make profit from its extensive relationship with African countries. Though ratification of the Statute should not be a condition for development aid, the issue shall be raised though when dealing with

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governments and/or looking for new institutional partners. The EU position can also have a positive impact on African governments in their attitude with NGOs. In this respect, the EC delegations should allow more space for discussions and more access to NGOs, facilitating the dialogue between national authorities and local civil society.

The Netherlands, being at the same time a EU member state and the host country, stated the importance to broaden training programmes for target groups. Upon suggestions by Mr. Odhiambo, the Dutch government will increase its efforts in this respect at both the EU and the bilateral level.

The German delegate, Mr. Hans Peter Kaul, encouraged the EU to fully implement the Common Position following three objectives: establish and complete the ICC; enlarge ICC membership; promote and protect ICC against obstruction.

Implementation. The CICC European Coordinator made an appeal to member states to accelerate their national implementation process, which shall involve NGOs and national legal experts.

US opposition to the Court. On the US threat, Richard Dicker, from HRW, expressed serious concerns about the situation at the Security Council and called upon the EU to act in accordance with the

Common Position. Despite their rhetoric, the US are not open to a compromise and will attempt to breach to integrity to the Rome Statute. The cost of a capitulation at the Security Council will be extremely high: it will undermine the impartiality of the Court; damage international law principles, encourage the US anti-ICC policy while weakening at the same time the credibility of CFSP tools, such as the Common Position on the ICC. The EU has to guarantee the integrity of the Statute against the US unlawful attempt to modify its provisions through a Security Council resolution.

The Danish Presidency restated its deep concern about the developments at the Security Council, and announced a common EU statement on the question. The German representative added that other EU countries could make statements at the next meeting of the Security Council to support and defend the integrity of the Statute.

*Santa Falasca, CICC Program Officer
Johanna Hautakorpi, ELSA Finland*

Report from the meeting between delegates from Central, Eastern Europe and CIS countries and the CICC

On July the 9th, a meeting between delegates from Central, Eastern and CIS countries took place in New York, during the tenth session of the PrepCom. The meeting was chaired by the CICC European Coordinator, Mrs. Irune Aguirrezabal. The meeting was attended by delegates from Bulgaria, Belarus, FYROM, Georgia, Moldova, Russian Federation, Ukraine and Kazakhstan and representatives from European NGOs.

Ratification update: The delegate from **Belarus** reaffirmed the government's support to the ICC. Though the issue has been periodically raised at the national level in 1999, 2000 and 2001, between the national legislation and the Statute, especially with regard to art. 27 of the Statute on immunities for the head of State, parliamentarians and high officials constitute a serious obstacle towards ratification, which is not foreseen in the short term.

In **Georgia**, constitutional procedure to bring national legislation in conformity with the Statute has been initiated. In this respect, a special Commission was set up under the Ministry of Justice with the aim to work on the harmonisation of national legislation with the Rome Statute. The works of the Commission have been delayed and the Georgian delegate called upon international NGOs for their support and cooperation. Ratification is foreseen in the near future. On the implementing legislation, the

delegate pointed out, with regards to the definition of crimes, that the Georgian legislation allows direct use of international treaties once they are duly ratified.

In the **Russian Federation**, discussions are being held on the necessity to modify the constitution in order to comply with the obligations of the Rome.

In **Romania**, implementing legislation concerning cooperation with the Court and extradition has been adopted. In the fall, a working group will be created on the definition of crimes. It will include representatives from the government and the civil society.

Implementation. A questionnaire on implementing legislation was distributed to delegates, with key questions on the national implementing process (experts at the national level; definition of crimes; scope of jurisdiction; civil society involvement in the legislation making process; translation in national languages of the Statute; gaps for technical and legal assistance) to answer to or to fill in and send back to the European Office of the Coalition at a later stage. The questionnaire also included useful information on web resources on implementing legislation.

Mrs. Aguirrezabal also drew the attention of delegates on the possibility to receive technical and legal assistance from regional international

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organizations, such as the EU and the Council of Europe. International and national NGOs are willing to cooperate with governments to provide support and legal assistance, among others: ICRC, in particular its Advisory Department on Humanitarian Law; LCHR and the International Centre for Criminal Law Reform and Criminal Justice Policy.

NGOs' activities. PGA will organise a conference in Moscow in October. The Duma and the Council of the Russian Federation will host the event. **Elsa** will focus on key issues relating to implementing legislation: a working group will be set up to work

on the issue. **Women Caucus** will carry out projects in Central and Eastern European countries, with a special focus on implementation.

Report from the NGO strategy meeting on Europe

On July the 5th, a strategy meeting on Europe among NGOs took place in New York, during the tenth session of the PrepCom. The meeting was chaired by the CICC European Coordinator, Mrs. Irupe Aguirrezabal.

Mrs. Aguirrezabal recalled the challenges ahead in Europe after the entry into force of Statute: promoting ratification in target countries before the deadline for the second ASP (e.g. Czech Republic and CIS countries); monitoring the nomination procedure of judges at national level; calling upon the EU for a strong response to the US anti-ICC policy; urging the adoption of comprehensive implementing legislation in State Parties and assuring the translation of the Statute in all European languages.

Ratification update. Representatives from strategic countries took the floor to explain their national situation. In **Moldova**, as reported by Mr. Andrei Brighidin from LADOM, the head of department of the governmental agency welcomed entry into force of the Statute and announced that the government would try to improve the national legal framework to bring it in conformity with international standards. According to Mr. Brighidin, in Moldova there is need for the following actions: Analysis of existing national legislation; exchange and collaboration with countries which have similar legislation (e.g. Romania); training of judges; international conference to gather NGOs and public authorities together with international actors; translation of the Statute in Romanian; meetings between the government and national NGOs with the support and participation of international NGOs. Also, Russian ratification would have a strong impact in speeding up the process in Moldova.

In **Georgia**, the process is slowly moving forwards, tough ratification is not a political priority. Recently, the ICRC held a conference on implementing legislation; also COLPI organised a one day meeting, including training classes to judges and lawyers.

In **Albania**, according to Mrs. Elsa Ballauri, the

government seems committed, though progresses towards ratification are slow. There is urgent need to create a national NGOs coalition; to get media involved in ICC related issues; to raise awareness among governmental officials, public opinion, civil society, media and public opinion; to provide training for strategic categories; to organise meeting with international experts and to assure the translation of the Statute in the Albanian language.

Implementation. After the entry into force of the Rome Statute, ensuring that countries adopt comprehensive laws and procedures to implement the Statute's provisions is of the utmost importance. Only through widespread implementation will the true potential of the Court ever be realized. In this respect, the CICC, is initiating an effort to coordinate the development of national and regional strategies for implementation of the Rome Statute into national law. Those strategies, as illustrated by Grace Ko and Isaac Flattau, from the Coalition Secretariat, will be tools for the benefit of NGOs members, to help ensure that implementation efforts are as focused and strategic as possible.

Mrs. Aguirrezabal stressed the prominent role of civil society in the development of implementing legislation. In her opinion, NGOs should collaborate with national governments and be involved in the elaboration of national implementing legislation. In their efforts, local NGOs should act in collaboration with international NGOs (such as the ICRC) which may be able to provide support and legal expertise.

At present in Europe, Germany, UK, Ireland and Belgium are in the process of adopting implementing legislation. In France, as reported by Jeanne Sulzer, from FIDH, the Law on cooperation has been adopted last February. The overall assessment is good; especially with reference to the section relating to reparation orders at the national level. In the following months, FIDH will monitor the elaboration of the second part of the French legislation, which will include the complementarity principle; the definition of crimes and the general

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principles of criminal law. FIDH will work with a wide range of partners from the civil society and several pressure groups, such as the trade unions. Also, FIDH will elaborate a manual on implementing legislation providing guidelines to civil law countries.

According to Hugo Relva, from the CICC, the first step in the NGOs strategies should be to focus on the implementation of existing international humanitarian and Human Rights law. The implementation of international instruments, such as the Geneva Conventions and their additional Protocols, the Convention on Genocide and the Convention against torture, will pave the way to the adoption of national legislations implementing the Rome Statute. Also, UN members have the obligation to cooperate with the existing ad hoc tribunals. Therefore, these states should have already put in place cooperation law with those tribunals which may be a valid model in the elaboration of cooperation law with the ICC.

Another way to tackle ICC implementing legislation is the creation of national platforms on universal jurisdiction, as it is the case in France and Belgium.

Civil society actives. The **University of Nottingham** will organise next year a training programme including one international course and then one conference at national level. The training will target national officials, judges, lawyers, prosecutors and academics.

Elsa will set up a legal research group on implementing legislation linking law students, PHD students and university professors.

The **International Centre for Criminal Law**

Reform and Criminal Justice Policy put on line a ICC Manual on ratification and a Personnel specific guide for governmental officials.

Mr. David Donat Cattin, from **PGA** reported on the conference held in Madrid on 26 and 27 July. This was the largest parliamentary conference on the ICC, attended by 120 parliamentarians from LA and Europe. In October 2002, PGA will organise a conference in Moscow, hosted by the Duma and the Council of Russian Federation, with parliamentarians from CIS countries.

On 10 and 11 October, **Colpi** will organise a conference in Bishkek, which will gather national and international experts from the region and address outstanding issues relating to implementation and ratification.

The **CICC European office**, in collaboration with the Croatian Law Centre, will organise a regional conference on implementing legislation in Southern Eastern Europe to be held in Croatia next October. The event will gather national experts, NGOs, judges, lawyers and parliamentarians from Albania, Bosnia-Herzegovina, Croatia, FYR, FYROM and Slovenia. It will be a unique occasion to bring together experts from the region to discuss international justice and the ICC.

UN Security Council passes ICC Resolution in contravention of UN Charter

On 12 July 2002, the UN Security Council adopted unanimously a resolution purporting to give it the right to defer jurisdiction of the new International Criminal Court in cases against personnel involved in operations established or authorised by the United Nations. The resolution creates a presumption that it will be renewed indefinitely every twelve months. This text, which followed

successive draft proposals issued by the United States, with later support by the United Kingdom, is viewed by the NGO Coalition as a violation not only of the Court's founding treaty, the Rome Statute of the International Criminal Court, but also of the UN Charter.

"The two biggest losers as a result of today's decision are the United States and the Security Council," said William Pace, Convenor of the NGO Coalition for the International Criminal Court. "The U.S. lost on two levels. First because it came away with a good deal less than it wanted, and second because it squandered any claim of legitimate interest or concern. The Security Council was

damaged because it acted beyond its powers. Several Security Council members party to the Rome Statute shamed themselves by ignoring the UN Charter, international law and the International Criminal Court treaty. The ICC will rise above this assault and prove to be one of the greatest instruments of peace ever created by the international community".

The resolution would apply to personnel from non-State Parties to the Rome Treaty involved in a broad range of operations. It would not be limited to those actually undertaken by the UN, but would also include those approved by the UN, such as the NATO mission in Afghanistan. This classification places an entire class of individuals, namely personnel from non-States Parties to the Rome Statute, above the rule of international law.

The NGO Coalition believes that this resolution violates international law because the Council contravened Chapter VII of the UN Charter. This chapter mandates the Security Council to act only when there is a threat to or breach of international

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peace and security or an act of aggression. It was this US contrived "crisis" in peacekeeping that was the pretext for invoking Chapter VII.

Other member states of the United Nations and States Parties to the Rome Statute have indicated their view that the Security Council resolution is unlawful, and it remains to be seen whether they, the United Nations or the International Criminal Court itself, will take steps to reverse this decision or consider themselves bound by this resolution.

At a special plenary session of the Preparatory Commission of the ICC on July 3rd, statements in unanimous opposition to the US position were made

on behalf of approximately one hundred-twenty UN member States. Additional statements were heard on behalf of seventy-two countries at an open session of the Security Council on July 10th.

In adopting this resolution, the Security Council acted in opposition to this overwhelming expression of disapproval. Even with their aggressive tactics, the United States did not succeed in achieving either blanket or permanent immunity. In the face of allegations that peacekeepers had committed crimes falling under the jurisdiction of the Statute, the NGO Coalition expects the Security Council to take steps to ensure that impunity does not result.

European Parliament adopts a Resolution on ASPA

On the 3rd of July 2002, the European Parliament debated the "Consequences for transatlantic relations of the law on the protection of US personnel," in Strasbourg, France (verbatim version of the debate at the following address: [http://www3.europarl.eu.int/omk/omnsapir.so/calendar?APP==PDF&FILE=](http://www3.europarl.eu.int/omk/omnsapir.so/calendar?APP==PDF&FILE=020703i.pdf&TYPE==CRE)

[020703i.pdf&TYPE==CRE](http://www3.europarl.eu.int/omk/omnsapir.so/calendar?APP==PDF&TYPE==CRE)). Minister Bertel Haarder, representing the EU Danish Presidency, and European Commissioner for Health and Consumer Protection, Mr. David Byrne, on behalf of Chris Patten, European Commissioner for External Relations, participated to the debate.

Mr. Haarder congratulated the entry into force of the Rome Statute as "one of the most historic events in the development of international law since the end of the Second World War". On ASPA, he stated that if "adopted, this will be a very unfortunate development for the international community. We have expressed our worries to the US administration

at all levels", he continued. According to Mr. Haarder, "although we must recognise that this is a difficult situation - I would not describe the proposed Act as a threat to transatlantic relations".

On the US move to oppose the renewal of the UN's mission to Bosnia-Herzegovina and on ASPA's current text, Mr. Byrne said "the EU is working around the clock with the UN and other partners, including the United States, to find a solution to this crisis. But on one thing we stand firm. We will not allow the ICC to be handicapped from birth by excluding the work of the United Nations from its jurisdiction. There must be equality under the law regardless of nationality".

On 4 July 2002, the European Parliament passed a Resolution on the draft American Servicemembers' Protection Act (full text at the following address: <http://www3.europarl.eu.int/omk/omnsapir.so/calendar?APP==PDF&TYPE==PV2&FILE==p0020704EN.pdf&LANGUE==EN>).

CICC Conference on the International Criminal Court: "The entry into force of the Rome Statute and the challenges ahead"

On the 25th June 2002, the European Office of the NGO Coalition organised, under the auspices of the European Parliament and with the support of MEP Baron Crespo, a conference on "The entry into force of the Rome Statute and the challenges ahead". The event took place in Brussels at the European Parliament.

The conference envisaged to celebrate the entry into force of the Rome Statute and to call for renewed commitment from all those who have been supporting the ICC.

At the beginning of the Conference, the CICC-Witness video on the International Criminal Court was exhibited (for more information on this video please contact the European Office).

The Conference opened with a presentation from Ms. Irupe Aguirrezabal, the European

Coordinator of the NGO Coalition, alerting for the Court's first year's defies and the many issues that need to be addressed for the Court to be truly effective:

1. Secure worldwide and geographically balanced adherence to the ICC;
2. Ensure adoption of national implementing legislation allowing full cooperation with the Court and exercise of national criminal jurisdiction over the ICC crimes;
3. Ensure the smooth functioning of the Assembly of States Parties;
4. Make sure the highest qualified judges are nominated by State Parties. In this respect, the Coalition recommends a transparent process,

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involving consultation of civil society and academics;

- Ensure the prompt and effective establishment of the ICC;
- Continue raising awareness about ICC issues, involving civil society worldwide and training of legal experts, judges, prosecutors, and law enforcement officials;
- Continue to work together very firmly to counterbalance the impact of the United States position on the ICC.
- Mr. Miquel Nadal, State Secretary for Foreign Affairs from the Spanish Presidency, intervened on the role of the European Union in obtaining worldwide and geographically balanced support to the ICC. The representative of the incoming Danish Presidency, Mr. Arnold Skibsted, Head of Department of the Legal Service from the Ministry of Foreign Affairs, presented the Danish Presidency's agenda on the ICC. On behalf of Mr. Javier Solana, the EU High Representative for the Common Foreign and Security Policy, Mr. Robert Cooper, Director General for External Relations from the General Secretariat of the Council of the EU spoke on the role of the Council in promoting the Court.

From the European Commission, Mrs. Daniela Napoli, Acting Director for Multilateral Relations and Human Rights from D-G External Relations presented the EC's longstanding support to the ICC with a special emphasis given to the new phase ahead. Also amongst the speakers was MEP and Former European Commissioner for Humanitarian Issues, Mrs. Emma Bonino who

referred to the ICC as the corner stone in the International Justice System.

Judge Wolfgang Schomburg who addressed the Peacekeeping mission of International Criminal Tribunal for the former Yugoslavia. From The Host Country, Mr. Edmond Wellenstein, Head of the ICC Task Force, described the process of the setting up of the Court.

Ms. Isabelle Kuntzinger, from ICRC's Advisory service, addressed the ICC as a new mechanism for implementing international humanitarian law.

From the NGO side, Mr. Sidiki Kaba, President of FIDH, called for the universality of the ICC and the need for universal jurisdiction in the International Justice System. Mr. Dick Oosting, Director of the European Office of Amnesty International, stressed the importance of worldwide adoption of effective national implementing legislation.

The Conference was closed by MEP Baron Crespo, President of the Parliamentary Group of the PES and former President of the European Parliament who strongly stressed the importance of the ICC as a worldwide mechanism to fight against impunity.

The event concluded with a reception and the painting exhibition "Dialogues and Masks" by Claudio Lange, reflecting on the lack of dialogue, conflict and impunity.

For a comprehensive report of this Conference, please contact Rita Patricio at cicceurope2@iccnw.org.

RATIFICATION AND IMPLEMENTATION IN EUROPE: UPDATES 34 EUROPEAN COUNTRIES RATIFIED THE ROME STATUTE

By Rita Patricio, CICC Associate

We welcome updates on the ratification and implementation status of the Rome Statute in Europe. As far as possible, we try to indicate the sources of the information, unless it comes from a confidential source. The lack of information on some countries by no way implies that there have been no developments in those specific countries. To send updated information, please contact: to Rita Patricio, (cicceurope2@iccnw.org)
CICC European office, Rue Montoyer, 6 1000 Brussels (Belgium), Tel: + 32 2 502 62 15 Fax: + 32 2 502 62 38

Albania

Signature 18 July 1998

The government intends to ratify the Statute even though it is at the beginning of the process. Prior to ratification, the Constitutional Court has to rule on the compatibility of the Rome Statute with the Constitution. The government's view is that there is no need to amend the constitution. The Constitutional Court will consider the Rome Statute as a matter of priority so that the process is

not delayed. In the meantime, the government has established a working group of criminal law experts to determine what changes need to be made to the criminal law.

Source: Indira Rosenthal, HRW.

Andorra

Signature 18 July 1998 – Ratification 30 April 2001

No recent news.

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Armenia

Signature 1 Oct. 1999

The Armenian parliament is currently working on amendments to be made to the law "On combating terrorism". One of the latest documents Armenia has signed up to is the UN Convention on Fighting the Funding of Terrorism. New legal mechanisms are stipulated in the agreements joined by Armenia and Armenian legislation should be brought into line with those documents. The new law envisages the jurisdiction of the Azerbaijani Republic applying to terrorist crimes, the extradition of terrorists, the implementation of legal assistance in connection with terrorism and, in particular, measures against financing terrorism. Source: Etibar Mammadov, Ramin Yaqubov, ANS TV, Copyright 2002 Financial Times Information Global News Wire - Asia Africa Intelligence Wire

Austria

Signature 7 Oct. 1998 – Ratification 28 Dec. 2000
Implementing legislation is under discussion.

Azerbaijan

Last 20th of February, at a Conference co-organised by the Azerbaijani Parliament and the ICRC on the "Problems of Implementation of the Rome Statute for the ICC", the Parliament stated that preparations have begun for the ratification of the Rome Statute.

A new Criminal Code entered into force on 1 September 2000 and a Criminal Procedural Code has been adopted. The Criminal Code provides for criminal responsibility for crimes against humanity and war crimes reflecting the definitions of the Rome Statute. The Law on Extradition of Criminals of 15 May 2001 provides that this law shall not extend to surrender of persons to international judicial bodies and thus enables the surrender to the ICC. The process of ratification is expected to be impeded by constitutional obstacles e.g. particularly by the ban on extraditing of Azerbaijani nationals, immunity of State officials, possibility of granting pardon. Other issues may arise, e.g. those connected with the requirement to trial by jury in the Criminal Procedural Code. Source: "Progress Report by Azerbaijan", Council of Europe, Strasbourg, 11 July 2001 and Mr. Eldar Zeynalov from the Human Rights Center of Azerbaijan.

Last revised: May 2002.

Belgium

Signature 10 Sept. 1998 – Ratification 28 June 2000

Substantive Law: To complement Belgium's substantive criminal law in order to harmonize it

with the Rome Statute's provisions on crimes. The intergovernmental commission for humanitarian law in the Ministry of Justice has created a working group to draft this law.

The Council of Ministers adopted on January 25th, the draft Law on Cooperation between Belgium and the ICC. The advice of the Council of State will be requested based on the emergency procedure and it will be sent to the Parliament.

Universal Jurisdiction: On 17 July 2002 a political agreement was reached between the parties of the political majority concerning the Belgian law on universal jurisdiction of 16 June 1993, revised in 1999. This agreement will be followed by a proposal for an interpretative law of the 1993 law, which will allow the pursuit of pending cases and investigations as well by a global modification of the law of 1993 in order to frame the exercise of universal jurisdiction in the future. The agreement confirms the will expressed by the legislature in 1993 that complaints against the presumed perpetrators of crimes against humanity, war crimes and genocide are admissible, even if the accused are not on Belgian territory. It further confirms the principle of universal jurisdiction. Nonetheless, it limits the triggering of universal jurisdiction by victims. When the crimes have not been committed on Belgian territory and the plaintiffs are neither Belgian nor resident on Belgian territory for one year or more and the accused is not on Belgian territory, then only the Federal Prosecutor will be competent to initiate proceedings. These conditions are not applicable to crimes committed before the entry into force of the Rome Statute. They also do not apply to crimes committed after 1 July on the territory of a state not party to the Rome Statute or by the national of a non-party state, or if the Security Council has referred the crimes to the ICC. Also, the proposed law provides for the immunity of state officials to prevent the application of the 1993 law within the limits established by international law. Belgian courts will have the power of interpretation of questions linked to immunities. According to a joint press release on the Belgium universal jurisdiction legislation, from AI, FIDH, Human Rights Watch, La Ligue Belge des Droits de l'Homme and the Liga voor Mensenrechten, this disposition must be read in the light of Article 27 of the Rome Statute which refers to the non-opposability of criminal immunity for the most serious crimes. The interpretative law and the modification law shall be adopted at the new parliamentary

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session in October.

Election of Judges: The draft law on cooperation includes one paragraph dedicated to the nomination procedure for judges of the ICC. The vacancy for a seat of judge must be published in the *Moniteur* (Belgian official paper). Last 3rd May, le *Moniteur* published a call for Belgian candidacies for the election of ICC Judges. Following this procedure, the Belgium Council of Ministers agreed last 19th July to present the nomination of Mr. Marc Bossuyt for a seat of judge at the ICC.

Last Revised: July 2002

Bosnia and Herzegovina

Signature 17 July 2000 – Ratification 11 April 2002

The Rome Statute was ratified by the Presidency of Bosnia and Herzegovina on a session held on the 5th February 2002. It was published in the Official Gazette VI/II-2 on the 6th of March. The ratification entered into force at the domestic level the 14th March 2002. For the ratification bill, check the Official Gazette at www.Slist.ba

Last revised: May 2002

Belarus

Belarus has not signed the Rome Statute. According to a delegate of the UN Mission, present at the IX PrepCom, Belarus is analysing its national legislation in order to bring it into compliance with the Rome Statute.

Last revised: May 2002.

Bulgaria

Signature 11 Feb. 1999- Ratification 11 April 2002
The National Assembly of the Republic of Bulgaria ratified the Rome Statute on 15th March 2002. Bulgaria had been on a crossroad between choosing whether to ask the Constitutional Court for compliance of the Rome Statute with the Bulgarian Constitution and a second possibility, to ratify the Statute and then to address the Constitutional Court of Bulgaria for an explanatory regulation. This last possibility was chosen. The Bulgarian Law prohibits the transfer of nationals to another State. The eventual need for a constitutional revision was finally put aside by the distinction between transfer of citizens to States and surrender of citizens to international tribunals.

Croatia

Signature 12 Oct. 1998 – Ratification 21 May 2001.

Croatia became the first Eastern European country to ratify the ICC Statute. A special Chamber will be responsible for cooperation with the ICC.

Last revised: May 2002.

Cyprus

Signature 15 Oct. 1998 – Ratification 7 March 2002

Last February the 28th, the Parliament passed the bill of ratification that was after signed by the President of Cyprus. There were no major obstacles to ratification and no need to amend the Constitution.

Czech Republic

Signature 13 April 1999

Ratification requires the Parliament to first adopt a constitutional amendment enabling the entry of the Rome Statute into the Czech Republic's legal order. Other constitutional obstacles that must be addressed are: immunities of the President and deputies and extradition of Czech citizens to the ICC. The present government remains committed to ratifying the Rome Statute. The Ministry of Foreign Affairs is preparing a new proposal for ratification. This proposal will first be submitted to the Government and after to the Parliament. The draft text of the Constitution should be prepared by the end of September, beginning of October 2002.

In early autumn 2001, the ratification bill, the relevant amendments to the Constitution and the Charter of Rights and Freedoms and amendments to the Criminal Code were sent to the Czech Parliament. The constitutional amendments were rejected at their first reading (i.e. before any debate). The minority government subsequently withdrew the ratification bill before it came up for debate. The strongest opposition comes from the ODS (Vaclav Klaus' party), the largest opposition party. Communists and other minority opposition parties voted against ratification.

Last revised: August 2002.

Denmark

Signature 25 Sept. 1998– Ratification 21 June 2001

No recent news.

Estonia

Signature 27 Dec. 1999 – Ratification 30 Jan. 2002

On the 5th December 2001, the Parliament of Estonia adopted the Rome Statute Ratification Act. Concurrently, amendments to the Code of Criminal Procedure were approved in order to implement the Statute and to ensure proper cooperation with the Court when the Rome Statute enters into force. Two Acts ("the Ratification Act" and "the ICC Procedure")

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Act”) contain minimal implementing provisions and were enacted in the end of 2001. A Penal Code of 6 June 2001 – to enter into force late 2002- replaces the Criminal Code and incorporates many ICC crimes. Source: Human Rights Watch.

Finland

Signature 7 Oct. 1998 – Ratification 29 Dec. 2000
Two Implementing Acts were enacted on 28 December 2000: Act No. 1284/2000 – “the Cooperation Act” and Act No. 1285/2000- “the ICC Crimes Act”). Both acts should commence on 1 July 2002.
Last revised: June 2002.

France

Signature 18 July 1998 – Ratification 9 June 2000
The French Parliament adopted last February 19th, the Bill on Cooperation with the ICC. This Law, initiative of Senator Badinter, addresses only procedural issues. It allows France to cooperate with the ICC in what concerns arrest, transfer, execution of prison sentences and reparation orders. The draft law of cooperation with the ICC is under discussion at the Senate. Adoption of the law should occur in the second semester of 2002. Important issues need still to be addressed: the French Penal Code contains no definition for war crimes and must be adapted together with the Code of Military Justice.
The French Coalition for the ICC started a campaign targeting French senators for the Badinter proposal to be considered the first part of a global French ICC implementing legislation. It underlines the importance of harmonising French law with the definition of crimes in particular recognising the specificity of war crimes. France is the only country that decided to exclude prosecution of French citizens for war crimes from the jurisdiction of the Court for seven years (article 124). Regarding universal jurisdiction France should recognise the principle of universal jurisdiction for all crimes in the Statute. The two implementing laws for the Statutes of the ad hoc tribunals contain UJ articles and call for such coherence. The text of the law is available on the Senate website: www.senat.fr
Source: Jeanne Sulzer, FIDH (jsulzer@fidh.org).

F. R. of Yugoslavia

Signature 19 Dec. 2000 – Ratification Sept. 6 2001
The Parliament adopted a new Penal Code that abolishes Death Penalty and replaces it for a 40 years` prison term. It contains around 600 articles and substitutes the former, in force since 1977. It reinforces and broadens the principle of defence of the suspect and foresees the possibility of

transferring Yugoslavian citizens to foreign Courts that are recognized by Yugoslavia by means of an international treaty.
Source: Agence France Press, November 5, 2001

FYROM

Signature 7 Oct. 1998 – Ratification 6 March 2002

Germany

Signature 10 Dec. 1998 – Ratification 11 Dec. 2000
The Bundestag (parliament) approved last 25 April, by unanimity, the draft Act to introduce a Code of Crimes against International Law (CCAIL) (consolidating and completing the catalogue of criminal offences under German domestic law, paralleling the offences under the Rome Statute), and the draft Act on implementing legislation (The Code on Execution of the Rome Statute or the “Cooperation Code”), (regulating the details of co operation between German courts and authorities and the ICC). The act to introduce the Code of Crimes against International Law was passed by the Federal Parliament last 26th of June and entered into force on the 30th June. It allows German public prosecutors to investigate war crimes, genocide and crimes against humanity, regardless of whom, where, when or against whom these crimes were committed. "The law should also serve as a model for other countries" states the ministry expert in charge of international law. Source: International Campaign Against Impunity. The German law can be found in German, French, English, Spanish, Russian and Arabic at the following address:

http://www.iuscrim.mpg.de/forsch/online_pub.html#legaltext

As of 20 June 2002, the German Foreign Office has established a Task Force for the International Criminal Court, separate from the Public International Law Division. This latter will continue to exist whereas its competence for the ICC will be taken over by the newly established Task Force. The acronym of the Task Force is "AS-ISTGH" ("Arbeitsstab Internationaler Strafgerichtshof").
Last revised: August 2002.

Georgia

Signature 18 July 1998.
According to a delegate present at the X PrepCom, The State Commission on Harmonization of Legislation, under the Ministry of Justice, is working on ICC issues

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and the constitutional procedure to bring national legislation in conformity with the Statute has been initiated. The works of the Commission have been delayed and the Georgian delegate called upon international NGOs for their support and cooperation. Ratification is foreseen in the near future. On implementing legislation, Georgian legislation allows direct use of international treaties once they are duly ratified.

Last revised: July 2002

Greece

Signature 18 July 1998 – 15 May 2002

Ratification of the ICC was approved last 27th March. As for implementing legislation, according to the Ministry of Foreign Affairs some efforts are being undertaken.

Last revised: May 2002.

Holy See

A firm endorsement of ICC by the Pope would be very positive. No recent news.

Hungary

Signature 15 Dec. 1998 – Ratification 30 Nov. 2001

According to the Progress Report submitted by Hungary to the Council of Europe in August 2001, certain modifications will be made in the code of criminal procedure and other acts. It will be necessary to amend the law on immunities. By the date of this report, a codification committee was working on a new criminal code. The new code will be drafted in line with the ICC Statute and will include the crimes set out in the Statute which enabling the national courts to prosecute the perpetrators of these crimes.

Source: CoE, Doc. Consult/ICC (2001) 15, August 2001.

Iceland

Signature 26 August 1998 – Ratification 25 May 2000

In the autumn 2002, implementing legislation will be submitted to Parliament for approval.

Ireland

Signature 7 Oct. 1998- Ratification 11 April 2002

On the 27th of March, the Irish Foreign Minister approved the bill of ratification of the ICC Statute. The Bill was submitted to both the Lower House of Parliament and the Senate, where it was passed the following day.

The ratification bill includes the required legislation to implement the Rome Statute.

Italy

Signature 18 July 1998 – Ratification 26 July 1999

The Interdepartmental Commission, established within the Ministries of Foreign Affairs and the Ministry of Justice to prepare the draft implementing legislation, has been dismissed at the beginning of the year. The Ministry of Justice is currently reviewing the draft elaborated by the Interdepartmental Commission and could submit a revised version to the Parliament during the summer.

On May 17, M. Giovanni Kessler from the main rightwing party and other members of the Italian Parliament submitted to the Parliament the proposal of law n. 2724, on “Rules for the implementation of the internal system to the Statute of the International Criminal Court”. For the Italian text, please visit the Senate’s web page: <http://www.senato.it/bd/menubanchedati Pubbl/lice.htm>

Last revised: May 2002

Kazakhstan

Kazakhstan has not signed the Rome Statute. The government recently amended the penal code to include crimes under the Rome Statute. The government expressed an interest in technical assistance to complete ratification and implementation. No constitutional barriers exist. No recent news.

Kyrgyzstan

Signature 9 December 1998

No recent news.

Latvia

Signature 22 April 1999- Ratification 28 June 2002

Liechtenstein

Signature 18 July 1998 – Ratification 2 Oct. 2001

Lithuania

Signature 10 Dec. 1998

Ratification and implementation issues are directly linked. Ratification depends on the adoption of three legislative acts: the new Criminal Code, the Code on Criminal Proceeding and the Code on Execution of Penalties. The first one has been adopted, whereas the two others have been finalized and are pending before the Parliament. No official translation of the statute yet. No recent news.

Luxembourg

Signature 13 Oct. 1998 – Ratification 8 Sept. 2000

No recent news.

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Malta

Signature 17 July 1998

The Bill of Ratification and implementing legislation are ready. The implementation procedures are similar to those in the United Kingdom. The Office of the Attorney General has concluded the research into the implications of ratification and work on implementing legislation should be underway. Ratification might take place by the end of 2002 or in 2003. Apparently, ratification is not one of the priorities of Malta's Agenda. Source: Neil Fazon KSU-ICC Committee.

Monaco

Signature 18 July 1998

In order to ratify the Statute, Monaco will need to change the Constitution in relation to the executive powers of the Royal Family. A study on the internal implications of ratification is taking place.

Last revised: August 2002.

The Netherlands

Signature 18 July 1998 – Ratification 17 July 2001

The Upper House approved on 20th June the bills enabling the establishment of the ICC in the Netherlands. They are the bills for the ICC Implementation Act and the associated Amendment Act. The amendments to the legislation govern the cooperation between the Netherlands and the ICC.

The Netherlands has opted to implement the Statute, specifically to speed up the legislative process. The first tranche now being dealt with contains the legislation that is essential in order to enable the Criminal Court to operate in the Netherlands, and also governs the Netherlands' cooperation with it. The second tranche is covered by the bill submitted to the Lower House on 19 April this year for an International Crimes Act, which makes a number of crimes that come under the Court's jurisdiction (genocide, crimes against humanity and war crimes) separate offences under Dutch law. Once the Court is in session, there will be an establishment agreement between the Netherlands and the Criminal Court. Among other things, this will deal with immunities of the Criminal Court and its staff in the Netherlands.

Dutch authorities have found temporary housing for the ICC at the Haagse Ark, a building used by (Dutch telecoms company) KPN at the Maanweg on an industrial estate just outside of The Hague. The Dutch government will pay the rent of 68 million euros (dfls 66 million). Construction of the definitive ICC building will begin on a permanent building in 2004 and be completed in four years. An advance team has

been set up in the Haagse Ark building to receive and register any complaints sent to the ICC. Its work started on 1 July 2002. The contact details of the Advance Team can be found at <http://www.un.org/law/icc/advanceteam.htm>
Last revised: July 2002

Norway

Signature 28 August 1998 – Ratification 16 Feb. 2000

The need for legislative enactments or amendments was described in the ratification bill: Need for legislation complying with the obligations envisaged under the Statute and enactments to enable Norwegian authorities to provide voluntary assistance to the Court. Legislation is deemed necessary in the field of international cooperation and judicial assistance.

Under consideration are legislative enactments of similar nature to those pertaining to cooperation with the international criminal tribunals for the former Yugoslavia and Rwanda. The text of Act No. 38 of 24 June 1994, relating to the incorporation into Norwegian law of the United Nations Security Council Resolutions on the ad hoc tribunals, provides an illustration of the kind of provisions envisaged.

A Permanent Commission for Penal Law has submitted its reports and a proposal to include the crimes in the Rome Statute in the Norwegian Penal Code. The Government will give high priority to this proposal. Norway has already a law of cooperation and enforcement of sentences from the 15 June 2001 (Act No. 65 of 2001).

Last revised: May 2002.

Poland

Signature 9 April 1999 – Ratification 13 Nov. 2001

According to the report submitted by Poland to the Council of Europe in August 2001, no legislative work aimed at comprehensive implementation of the Statute had been undertaken by the date of this report. The report also states that after ratification a special team should be appointed with the task to draw up a law on cooperation with the Court. The draft bill to change the Penal Code and the Code of Penal Procedure, includes a number of proposed provisions which tentatively regulate the most important issues concerning cooperation with the international courts. Those provisions will regulate the scope of application of the Code of Criminal Procedure in relations with the international

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courts (including relevant application of extradition provisions in respect of *surrender*, but excluding the possibility of invoking any grounds to refuse extradition), the obligation to notify the Court of the institution of proceedings in respect of an offence subject to the jurisdiction of the Court and the obligation to transfer prosecution to the Court, the possibility of executing acts of legal procedure by the organs of the Court in the territory of the Republic of Poland, as well as the *ne bis in idem* principle in relations with the Courts. Source: Council of Europe, Doc. Consult/ICC (2001)22.([http://www.legal.coe.int/criminal/icc/docs/Consult_ICC\(2001\)/ConsultICC\(2001\)22E.pdf](http://www.legal.coe.int/criminal/icc/docs/Consult_ICC(2001)/ConsultICC(2001)22E.pdf))

Portugal

Signature 7 Oct. 1998-Ratification 5 February 2002.

On October 4, 2001, the majority of MPs adopted the Constitutional Law 1/2001 revising the Constitution and recognizing the ICC's jurisdiction. Article 7(6) of the Portuguese Constitution now reads as follows: "Portugal hereby accepts the jurisdiction of the International Criminal Court, with the conditions of complementarity and the other stipulations as foreseen in the Rome Statute." (Unofficial translation).

Portugal became the first Lusophone country to ratify the ICC Statute. It is to hope that this step will pave the way for the other Lusophone countries.

Republic of Moldova.

Signature 8 Sept. 2000.

The provisions of the Rome Statute are in contradiction with the Constitution. Under the Constitution, Moldova cannot extradite its own citizens nor can any other court not foreseen in the Constitution, have jurisdiction. Moldova is unable to ratify the Rome Statute of the ICC without first amending its Constitution, which is a lengthy and complex process.

Source: "Progress Report by Moldova", Council of Europe, Doc. Consult ICC (2001) 20.

Romania

Signature 7 July 1999-Ratification 11 April 2002

The Romanian Official Gazette published on the 28th of March Law 111/2002, on ratification of the Rome Statute. On the 4th March, the Parliament adopted the ratification Bill. It was then sent to the Senate for approval. On the 12th March, the President of Romania signed it. The Ministry of Justice was very active in promoting the ratification. According to the Romanian Delegate present at the X PrepCom, implementing legislation concerning cooperation with the Court

and extradition has been adopted. In the fall, a working group will be created on the definition of crimes. It will include representatives from the government and the civil society.

Last revised: July 2002.

Russian Federation

Signature 13 Sept. 2000

The Minister of Foreign Affairs released a statement, during the IX PrepCom welcoming the entry into force of the Rome Statute. Last 6th May, the chairman of the State Duma Committee for Legislation, former Justice Minister Pavel Krashennikov, in interview with Ekho Moskv radio spoke in favour of Russia's ratification of the Statute. Also Russian Federation Council member Margelov said: "*We are aiming at integration with the civilized world and European structures, and at adjusting our legislation and legal field to European legal field. It is absolutely correct for us to join international conventions*". State Duma deputy speaker and chairman of the Yabloko faction Vladimir Lukin stated: "*I'm deeply convinced that we should ratify the Statute without looking at the US stance. We should carry out not pro-American or anti-American policy, but pro-Russian policy, proceeding from our own views and beliefs*". Source: BBC Monitoring Former Soviet Union – May 6, 2002.

Last 21st March 2002, a round table on the ICC and human rights took place in Moscow, organised by the Human Rights Commission under the Presidential Administration of the Russian Federation and the Russian Section of the International Society for Human Rights. This meeting had as an outcome a supportive Resolution on the ICC.

A comparative study of national legislation and provisions of the Rome Statute has been conducted. The problems raised were: i. Constitutional issues; ii. Material criminal law; iii. Cooperation with the ICC. For surrender and extradition, a legal study concluded that no constitutional amendments are required. The Criminal Code must be adapted to the Rome Statute. Also, need to change parts of the Criminal Procedural Code. According to Mr. Karev, deputy permanent representative of the Russian mission to the UN, inter-ministerial work is going on in Moscow in order to submit the Rome Statute for approval in the Duma. However, according to a report from Interfax, ratification of the Rome Statute is not on Duma's legislative programme for the coming autumn session.

Last revised: July 2002.

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San Marino

Signature 18 July 1998 – Ratification 13 May 1999

No recent news.

Slovakia

Signature 23 Dec. 1998- Ratification 11 April 2002

On December the 6th 2001, the government approved the ratification bill. It was ratified by the Parliament during the first week of April and signed by the President last 8th April.

Slovenia

Signature 7 Oct. 1998 – Ratification 31 Dec. 2001
While political support for the ICC in Slovenia has been strong, grassroots advocacy efforts led by NGOs including Amnesty International-Slovenia played a key role in ensuring that the ratification process moved quickly. *"Given the broad consensus across the political spectrum on this issue, we have not had a difficult job explaining the importance of the treaty to the government and members of parliament,"* Amnesty International-Slovenia Chairperson Dean Zagorac said. *"We are pleased that the ratification by Slovenia will contribute to the greater geographical balance among the state parties of the ICC treaty,"* he added. On the 16th of May 2002, the Slovenian government sent a draft law on implementation to the Parliament. Amending the Penal Code is under consideration.

Source: CICC Press Release, October 13, 2001

Spain

Signature 18 July 1998 – Ratification 25 Oct. 2000

Legislation on cooperation with the Court is being drafted. A seminar took place last 5th of March in Madrid to debate substantive legislative reforms.

The Spanish EU Presidency included the ICC in its programme for the 6 months: *"The Spanish Presidency will also pay special attention to the entry into force of the Statute of the International Criminal Court"*. Under the leadership of the Spanish Presidency, the Council- COJUR adopted an Action Plan on May 15th. Under the Spanish Presidency, a review Common Position was adopted on the 20th of June 2002.

The Spanish BOE, Official Journal of the State, published on 28th May the instrument of ratification of the Rome Statute. It can be found at:

<http://www.boe.es/boe/dias/2002-05/27/seccion1.html#00000>

Last revised: June 2002

Sweden

Signature 7 Oct. 1999- Ratification 28 June 2001

On 25th April the Swedish Parliament adopted the new Act on Cooperation with the International Criminal Court. It covers arrest and surrender to the Court, other forms of Cooperation and enforcement of sentences and other decisions. The bill does not address issues of substantive criminal law or Swedish criminal jurisdiction.

The new act will enter into force on the 1st of July 2002.

Regarding the core crimes, a separate committee is conducting a review and it is to submit its report on 31 October 2002. A separate proposal regarding offences under Article 70 of the Rome Statute should be sent for comments during the first half of this year.

Last revised: June 2002

Switzerland

Signature 18 July 1998 – 12 Oct. 2001

On the 21st June 2001, Switzerland adopted a Federal Law of Cooperation with the ICC. A separate law implemented Art. 70 of the Rome Statute. A second set of laws will be formulated at a later time to address substantive matters, notably those concerning implementation of the ICC.

In order to establish effective cooperation, a central service will be created under the Federal Office for Justice (Office fédéral de la justice) (OFJ). It will be competent to deal with ICC demands e.g. on transfer of individuals, proof, audition of suspects. This central office will decide if collaboration is admissible, order the necessary measures and demand a federal authority or Canton to execute the request. On the 13th February, the Federal Council decided that the legal basis for cooperation should enter into force the day the ICC starts functioning. Source: Press release 14.02.2002, from the Federal Department of Justice and Police and Human Rights Watch. Last revised: May 2002.

Tajikistan

Signature 30 Nov. 1998 – Ratification 5 May 2000.

No recent news.

Turkey

Turkey did not sign the Rome Statute. In the European Commission's yearly report from the year 2000 (in relation to the accession criteria to the EU), the Commission considered for the first time, that the fact of Turkey not having signed the Rome Statute ought to be considered as a criteria to hinder Turkey's accession process. In the 8th Preparatory Commission for the ICC (24 Sept.- 5 October

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2001) the representative of Turkey called for the inclusion of the crime of terrorism in the Rome Statute. No recent news.

Turkmenistan

Turkmenistan has not signed the Rome Statute. No recent news.

Ukraine

Signature 20 Jan. 2000

According to the conclusions of the Constitutional Court on July 2001, the Ukrainian Constitution does not allow national criminal jurisdiction to be complemented by an international instance. In the same conclusions, the Court made some suggestions on how to bring the domestic law in compatibility with the Rome Statute. Subsequently, the President initiated a process of constitutional amendments in order to assure compliance of the domestic legislation with the provisions of the Statute. An inter-ministerial working group has been created to address the potential need for a constitutional amendment.

United Kingdom

Signature 30 Nov. 1998 – 4 Oct. 2001

The ICC Act 2001, allowing ratification, incorporates into domestic law the offences in the ICC Statute and makes provision for them to be dealt with domestically in the Crown Court. Moreover, the Act makes provision for the arrest and surrender of persons in the UK wanted by the ICC and for the serving of custodial sentences in the UK of persons convicted by the court.

Judges: By the end of April the Government advertised in the weekly "Times" a call for applications from candidates for judgeship at the ICC.

Last revised: May 2002.

Uzbekistan

Signature 20 Dec. 2000

ICC ratification has not been included in the political agenda for 2002. Source: Nazima Kamalova, Legal Aid Society.

LIST OF COUNTRIES THAT RATIFIED THE ROME STATUTE

As of the 29th of July 2002, 139 countries have signed the Rome statute, 76 countries have ratified it.

Country	date of Signature	Date of Ratification
Andorra	18 July 1998	30 April 2001
Antigua and Barbuda	23 October 1998	18 June 2001
Argentina	8 January 1999	8 February 2001
Australia	9 December 1998	1 July 2002
Austria	7 October 1998	28 December 2000
Belgium	10 September 1998	28 June 2000
Belize	5 April 2000	5 April 2000
Bolivia	17 July 1998	27 June 2002
Bosnia and Herzegovina	17 July 2000	11 th April 2002
Benin	24 September 1999	22 January 2002
Botswana	8 September 2000	8 September 2000
Brazil	7 February 2000	20 June 2002
Bulgaria	11 February 2000	11 th April 2002
Cambodia	23 October 2000	11 th April 2002
Canada	18 December 1998	7 July 2000
Central African Republic	7 December 1999	3 October 2001
Costa Rica	7 October 1998	7 June 2001
Croatia	12 October 1998	21 May 2001
Cyprus	15 October 1998	7 March 2002
Democratic Republic of Congo	8 September 2000	11 th April 2002
Denmark	25 September 1998	21 June 2001
Dominica	12 February 2001	12 February 2001
Ecuador	7 October 1998	5 February 2002
Estonia	27 December 1999	30 January 2002
Fiji	29 November 1999	29 November 1999
Finland	7 October 1998	29 December 2000
France	18 July 1998	9 June 2000

NGO Coalition for the International Criminal Court

F.R. of Yugoslavia	19 December 2000	6 September 2001
FYROM	7 October 1998	6 March 2002
Gabon	22 December 1998	21 September 2000
Gambia	7 December 1998	28 June 2002
Germany	10 December 1998	11 December 2000
Ghana	8 July 1998	20 December 1999
Greece	18 July 1998	15 May 2002
Honduras	7 October 1998	1 July 2002
Hungary	15 January 1999	30 November 2001
Iceland	26 August 1998	25 May 2000
Ireland	7 Oct. 1998	11 April 2002
Italy	18 July 1998	26 July 1999
Jordan	7 October 1998	11 April 2002
Latvia	7 October 1998	11 April 2002
Lesotho	30 November 1998	6 September 2000
Liechtenstein	18 July 1998	2 October 2001
Luxembourg	13 October 1998	8 September 2000
Mali	17 July 1998	16 August 2000
Marshall Islands	6 September 2000	7 December 2000
Mauritius	11 November 1998	5 March 2002
Namibia	27 October 1998	25 June 2002
Nauru	13 December 2000	12 November 2001
New Zealand	7 October 1998	7 September 2000
Nigeria	1 June 2000	27 September 2001
Norway	28 August 1998	16 February 2000
Panama	18 July 1998	21 March 2002
Paraguay	7 October 1998	14 May 2001
Peru	7 December 2000	10 November 2001
Poland	9 April 1999	12 November 2001
Portugal	7 October 1998	5 February 2002
Romania	7 July 1999	11 April 2002
San Marino	18 July 1998	13 May 1999
Senegal	18 July 1998	2 February 1999
Sierra Leone	17 October 1998	15 September 2000
Slovakia	23 December 1998	11 April 2002
Slovenia	7 October 1998	31 December 2001
South Africa	17 July 1998	27 November 2000
Spain	18 July 1998	25 October 2000
Sweden	7 October 1998	28 June 2001
Switzerland	18 July 1998	12 October 2001
Tajikistan	30 November 1998	5 May 2000
The Netherlands	18 July 1998	17 July 2001
Trinidad & Tobago	23 March 1999	6 April 1999
Uganda	19 March 1999	14 June 2002
Uruguay	19 December 2000	28 June 2002
United Kingdom	30 November 1998	4 October 2001
Venezuela	14 October 1998	7 June 2000

CALENDAR OF EVENTS ON THE ICC

CONFERENCES

Coalition for an International Criminal Court

25TH ANNIVERSARY OF THE NORWEGIAN HELSINKI COMMITTEE, 29-30 August, Oslo, Norway. The conferences will highlight current human rights challenges in Europe, Central Asia, and North America. There will be a geographical focus on Chechnya in the Russian Federation and the former Yugoslav republics, and comparisons with the situation in Rwanda after the 1994 genocide. Thematically, the focus of the discussions will be on the question on how to ensure accountability for grave breaches of international human rights and humanitarian law. For further information, please contact nhc@nhc.no or visit the webpage: www.nhc.no

2002 HUMAN DIMENSION IMPLEMENTATION MEETING, 9-19 September, Warsaw, Poland.

The meeting will include working sessions on the following issues/ Working session: Democratic Institutions; the Rule of Law; Tolerance and non-discrimination; Fundamental Freedoms; Humanitarian Issues and other commitments; Human dimension activities and other specifically selected topics.

For further information about the 2002 OSCE Human Dimension Implementation Meeting please contact the ODIHR (Childerik Schaapveld, NGO Adviser, or Jakhongir Azizkhodjaev, NGO Officer), e-mail: childerik@odhr.osce.waw.pl or jakh@odhr.osce.waw.pl or office@odhr.osce.waw.pl o r
Tel. +48 22 520 0600.

COURSES/TRAINING PROGRAMMES

2ND SUMMER COURSE ON INTERNATIONAL HUMANITARIAN LAW, 8-20 July, San Remo, Italy- Geneva, Switzerland. The course is organized by the International Institute of Humanitarian Law. For further information, please visit the webpage: www.iihl.org

To apply, please send your application to Dr. Michel Veuthey at summer@iihl.org

IV SUMMER COURSE "HUMAN RIGHTS IN A BROADER EUROPEAN PERSPECTIVE, 17-26 July, Coimbra, Portugal. The course is organised by the Human Rights Centre of Ius Gentium Conimbrigae (Faculty of Law of the University of Coimbra). For further information, please visit the webpage: <http://www.fd.uc.pt/hrc/cls>

"LA CORTE PENAL INTERNACIONAL: REALIDAD Y DESAFIOS" (The ICC: realities and challenges), 22-26 July, Avila, Spain. A summer course organized by the International Public Law Department (Law Faculty) of the Universidad Nacional de Education a Distancia. For further information, please contact: Conception Escobar, tel. 0034 913 988631.

SUMMER SCHOOL ON THE INTERNATIONAL CRIMINAL COURT, 20-26 July, Galway, Ireland. The 3rd edition of the Irish Centre for Human Rights Summer School on the ICC. The course will be given by a faculty of specialists, many of whom have participated in the drafting of the

Statute. For further information, please visit the webpage:

http://www.nuigalway.ie/human_rights/

4TH SESSION OF THE SALZBURG LAW SCHOOL ON INTERNATIONAL CRIMINAL LAW, 4-16 August, Salzburg, Austria. A two-week summer course on International Criminal Law, Humanitarian and Human Rights Law. For further information, please visit the web page:

www.triffterer.info/sls/welcome.htm

ADVANCED COURSE ON THE INTERNATIONAL PROTECTION OF HUMAN RIGHTS, 19-30 August 2002, Turku/Abo, Finland. The course will be conducted by the Institute for Human Rights of the Abo Akademi University. Detailed information about the program and application forms can be obtained from the Institute website: <http://www.abo.fi/instut/imr/courses.htm> or by contacting Mrs. Johanna Bondas at the following address: Johanna.Bondas@abo.fi

SUMMER COURSE HUMAN RIGHTS "UNIVERSAL AND REGIONAL SUPERVISION OF HUMAN RIGHTS", 20-31 August, Tilburg, The Netherlands – Leuven, Belgium. The course is organized by The Netherlands School of Human Rights Research and the Catholic University of Leuven. For further information, please contact: Sanne Hirs at rvdm@law.uu.nl or visit the webpage www.law.uu.nl/english/orm/summercourse-

INFORMATION ON THE ICC ON THE NET

- Amnesty International: <http://www.qn.apc.org>

NGO Coalition for the International Criminal Court

- Benjamin Ferencz's website: <http://members.aol.com/benferen>
- Committee for an effective International Criminal Law (CoEICL): <http://www.coicld.de/>
- Council of Europe web page on the ICC: <http://www.legal.coe.int/criminal/icc/Default.asp?fd=docs&fn=Docs.htm>
- ELSA International: <http://www.elsa.org>
- Fédération Internationale des Lignes des Droits de l'Homme: www.fidh.org
- Human Rights Watch: <http://www.hrw.org>
- Asociacion Pro Derechos Humanos (Aprodeh): <http://aprodeh.org.pe>
- International Centre for Human Rights and democratic development: <http://www.icj.org/>
- International Commission of Jurist: www.icj.org/~icj
- Lawyers Committee for Human Rights: <http://www.lchr.org>
- No Peace Without Justice: www.npwj.org
- NGO Coalition for the ICC: <http://www.iccnw.org>
- United Kingdom Foreign and Commonwealth Office on the ICC: <http://www.fco.gov.uk/news/keythemepage.asp?PageId=158>
- United Nations ICC website: <http://www.un.org/law/icc/statute/status.htm>
- Women's Caucus: <http://www.iccwomen.org>
- EU (Council of the European Union): <http://ue.eu.int/pesc/icc/en/Index.htm>

INFORMATION ON THE ICC VIA E-MAIL

- ICC List group (English list) - To subscribe to this list, please send an e-mail to: <http://groups.yahoo.com/group/icc-info/messages>
- Réseau CPI (French list) - Pour souscrire a la liste envoyer un e-mail a: reseau-cpi-subscribe@yahoogroups.com
- CECPI-ESP (Spanish list) - Para suscribirse a la lista enviar un email a: cecpi-esp-subscribe@yahoogroups.com
- Polish e-mail list: To subscribe to this list, please send an e-mail to: icc-info-pl-subscribe@egroups.com
- European list: To subscribe to this list, please send e-mail to: icc-info-europe-subscribe@yahoogroups.com

THANKS FOR YOUR SUPPORT OF THE CAMPAIGN: ICC NOW !

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