



PARLIAMENTARIANS FOR GLOBAL ACTION  
ACTION MONDIALE DE PARLEMENTAIRES  
ACCIÓN MUNDIAL DE PARLAMENTARIOS

**Review Conference of the Rome Statute, Kampala Uganda**  
*Statement by Parliamentarians for Global Action on Article 124*  
10 June 2010

Mr. Chairman,

We thank you for giving to Parliamentarians for Global Action, a network of more than 1400 individual Members of Parliaments coming from more 131 countries around the world, the opportunity to address the Review Conference.

Our legal assessment is that Article 124 discriminates victims of war crimes from victims of other Rome Statute crimes, and may be used to negate the equal seriousness of the most serious international crimes as contained in Article 5 of the Statute. In other words, Article 124 is a clause that contradicts the aims and purposes of the Rome Statute, and weakens its integrity.

We had expectations regarding the deletion of Article 124 at the 2010 Review Conference, especially because of the wide and firm positions on this from a majority of States Parties from all regions of the world.

We have listened carefully to the single argument working against consensus to delete Article 124, namely that it may promote further ratifications. Inspired by the work of our parliamentarians in contributing to the achievement of 66 of the current 111 ratifications of the Rome Statute during the past 11 years we would like to share with you evidence contrary to this assessment: in at least 2 current States Parties the ratification process was considerably delayed given that the relevant Parliament refused to assent the ratification until the Executive renounced to making use of article 124. Therefore, it could be argued also with the same force that the invocation of Article 124 may discourage rather than promote ratification.

Our stance for deletion is informed not only by facts but also by the legal and doctrinal approach to the Rome Statute as a treaty not aimed at creating reciprocal rights between states, rather created with the purpose of protecting human life and dignity.

In light of our main mandate, PGA remains committed to achieve the universality of the Rome Statute, and in working with parliaments to impede that Article 124 is invoked in the coming years, therefore defeating the argument, advanced by few, that there could be a link between ratification and the existence of a provision such as Article 124.

With respect to the negotiations that took place in Kampala, we would like to recognise the commitment of those numerous delegations in favour of the deletion of Article 124, as well as the efforts of those who like Venezuela, France and Colombia worked to find a compromise to generously accommodate the concerns of a few Non States Parties that, regardless of an unjustified delay of 11 years in deciding to join the ICC system, have presented their preference for the retention of Article 124.

We understand that the principled position and legal reasoning of PGA may be shared by a majority of States Parties, therefore, we look forward towards the realization of your commitment to the fight against impunity at the 14<sup>th</sup> session of the Assembly of States Parties through a deletion procedure that will be adequate to the nature and purpose of the Rome Statute and the transitional and unilateral nature of Article 124.