

THE COALITION FOR THE INTERNATIONAL CRIMINAL COURT



# 2013 STATUS OF THE ROME STATUTE AROUND THE WORLD



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## ABOUT THE COALITION FOR THE ICC

As one of the largest partnerships in the world advancing the cause of international justice, the Coalition for the International Criminal Court includes more than 2,500 civil society organizations from 150 countries. The Coalition led the global civil society effort to create the International Criminal Court (ICC) and the Rome Statute (RS) system and is now leading the fight to end impunity for genocide, war crimes, and crimes against humanity through a commitment to the core values of human rights and justice.

The Coalition works with all aspects of the ICC and RS, as well as with the broader network of governments, the United Nations (UN), regional organizations, and other institutions involved in the international justice system in ensuring the effectiveness, independence, and accessibility of the system and in responding to the most urgent regional and international justice developments. Through this committed global partnership, the Coalition's guiding mission is to make justice universally accessible for victims of the gravest crimes in an effort to secure lasting peace.

With the international justice system still evolving, the collective global response at this juncture of the Rome Statute system's life is especially crucial. The achievements of the last 14 years in establishing the ICC have been ground-breaking, yet much more remains to be done to ensure a fully international and strong justice system. Complementarity, a pillar of the RS system, reinforces that the ICC is a court of last resort and that national jurisdictions retain primary responsibility to investigate and prosecute grave crimes at the national level.

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# 2013 STATUS OF ROME STATUTE RATIFICATION AND IMPLEMENTATION AROUND THE WORLD

## Rome Statute/APIC Ratification: Where we are today

2013 saw the ratification by Cote d'Ivoire, an important step in that country's commitment to justice. Civil society played an active role in pushing the government to ratify the treaty by holding trainings, liaising with the media, publishing information and materials, organizing academic conferences and stakeholder workshops, and advocating with parliamentarians. The ratification was a welcome step forward.

The Coalition and others furthered advocacy of targeted countries by conducting workshops, raising awareness, and facilitating meetings between government officials and members of national civil society organizations. This advocacy will continue throughout 2014, hopefully resulting in more ratifications to come. The ratification process is advanced in countries such as Ukraine, El Salvador, Indonesia, Malaysia and others, although all these and other countries require sustained advocacy to keep pushing forward. In 2012, Guatemala ratified and in 2011, six countries (Grenada, Tunisia, The Philippines, Maldives, Cape Verde, and Vanuatu) became state parties to the Rome Statute.

### The numbers:

#### Rome Statute:

**122** States Parties in total: **33** - Africa, **28** - Americas, **17** - Asia-Pacific, **42** - Europe, and **2** - MENA region.

#### APIC:

**72** States have ratified the APIC: **12** - Africa, **17** - Americas, **3** - Asia-Pacific, **40** - Europe, **0** - MENA region.

#### Amendments:

**13** States have ratified the Amendments: **1** - Africa, **2** - Americas, **1** - Asia-Pacific, **9** - Europe, and **0** - MENA. In addition, **3** states have ratified only the amendment to article 8 (war crimes amendment) only: San Marino, Norway, and Mauritius.

Coalition members continue to work on achieving universality through advocacy and capacity building in each region of the world.

## Implementation: Where we are today

In conjunction with becoming a state party to the Rome Statute, many states draft implementing legislation, which typically consists of substantive criminal law reforms to criminalize Rome Statute (RS) crimes at the national level and incorporate general legal principles contained in the Rome Statute such as eliminating superior orders defense and the statute of limitations for grave crimes. This legislation is referred to by the shorthand term "complementarity legislation" as these reforms strengthen the national justice system's ability to investigate and prosecute grave crimes at home. States are also called upon to enact what is known as cooperation legislation, which facilitates cooperation with the ICC.

In 2013:

On 12 February 2013, The Philippines enacted legislation against enforced disappearances. Moldova enacted amendments to the criminal code to better align national law with the RS, including provisions on genocide, crimes against humanity, and war crimes, as well as the use of prohibited means in the conduct of war and the use of prohibited methods in the conduct of war. The Holy See also amended its criminal code to include a separate section "*dedicated to crimes against humanity, including genocide and other crimes defined by international common law, along the lines of the 1998 Rome Statute of the International Criminal Court.*"

## The numbers:

**59** countries, including those who are not states parties of the Rome Statute, have national complementarity legislation and an additional **23** countries have partial legislation in place. In addition, **38** nations are in the process of enacting national complementarity legislation. **52** countries have legislation that enables cooperation with the ICC and **7** more have partial cooperation legislation, while **33** other nations have draft bills on cooperation that are not yet enacted.

## Role of the Coalition for the ICC in the ratification and implementation process

Ratification includes the Rome Statute, the Agreement on Privileges and Immunities of the Court (APIC) and the Rome Statute Amendments that occurred at the Kampala Review Conference. The amendments include war crimes and aggression amendments. The Coalition promotes ratification through workshops, awareness raising, collaborating with civil society members on the ground, and building political will. Coalition staff communicates with government officials, civil society members and others to maintain an accurate vision of the political attitude towards ratification in each country.

Drafting and enacting ICC implementing legislation requires vigilant advocacy, monitoring, and technical assistance at the national level to see through to completion what is typically a multi-year and phased process. National and international Coalition members and Secretariat staff monitor developments around the world, frequently meeting with relevant officials involved in drafting and enacting the legislation (including National Committees on IHL, executive branch officials, and MPs, depending on the country and phase of the process). Activities include: holding parliamentary briefings and national stakeholder workshops, providing written assessments and recommendations on improving existing draft laws, and building political will and pressure to see the process through to enactment.

## Categorizing states on their status of implementing legislation

It is very difficult to agree on globally applicable categories that are meaningful and relatively straightforward. For this year's publication, we have included categories to reflect the varying degrees and means by which states have implemented RS obligations while still aiming to keep things simple.

### 2013 Categories:

- In force
- In force (partial)
- In progress
- In progress but stalled
- No known efforts underway

### Brief description of the categories:

#### *In force*

For complementarity legislation: means the state has laws in force domesticating RS crimes and general legal principles of the RS; signifies substantial, but not necessarily full, implementation of the RS and its principles.

For cooperation legislation: means the state has adopted specific ICC cooperation legislation that relatively robustly contains the obligations of Part IX of the RS.

#### *In force (partial)*

For complementarity legislation: means that the state may have some international crimes and principles domesticated in its national legislation, but may have left out several Rome Statute crimes or have domesticated only some categories of international crimes, such as those contained in the Geneva Conventions and Protocols and/or the Genocide Convention.

For cooperation legislation: means that there is some legislation in force regarding international judicial cooperation or cooperation with international tribunals, but the provisions may not be specific to the ICC and may not contain the full obligations of Part IX of the RS.

*In progress*: means that the state has made a commitment to implement the RS and is moving forward with drafting legislation or that the draft is being reviewed by Parliament or other relevant national body. A commitment alone with no demonstrated progress toward a draft is insufficient to reach this category.

*In progress but stalled*: means that at some point there was draft legislation in the works, but circumstances on the ground have changed such that it appears that progress is stalled.

*No known efforts underway*: means that there are no ongoing implementation efforts or that information was unavailable.

Please note that we do not always have enough information to categorize legislation as full or partial. In some regions and/or languages, we have more capacity to assess legislation than in others and thus there may be times when one state receives the *in force (partial)* category when another similarly placed state receives *in force* without the qualifier.

Any errors are unintentional. The Coalition welcomes any corrections and updates to [advocacy@coalitionfortheicc.org](mailto:advocacy@coalitionfortheicc.org).



STATUS OF THE ROME STATUTE IN

# AFRICA

# **STATUS OF THE ROME STATUTE IN AFRICA**

## **Rome Statute**

Ratified/acceded: 33

Signed: 8

Not signed or ratified: 8

## **APIC**

Ratified/acceded: 12

Signed: 7

Not signed or ratified: 30

## **Amendments**

Ratified: 2

None ratified: 47

## **Complementarity legislation**

In force: 10

In force (partial): 4

In progress: 9

In progress but stalled: 3

No known efforts underway: 23

## **Cooperation legislation**

In force: 8

In force (partial): 0

In progress: 6

In progress but stalled: 4

No known efforts underway: 31

## ANGOLA

Rome Statute: Signed (7 October 1998)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In progress but stalled  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

In May 2007, Angola made a commitment to ratify the Rome Statute as part of its voluntary pledge to promote human rights in the context of its candidacy to the UN Human Rights Council for the term 2007-2010. There have been few developments since then.

Angola is in the process of drafting a new penal code. The draft law includes a section on crimes of the RS (complementarity), but its progress has been delayed.

## BENIN

Rome Statute: Ratified (22 January 2002)  
APIC: Ratified (24 January 2006)  
Amendments: None ratified

Complementarity legislation – In progress  
Cooperation legislation – In progress

### *Developments on ratification and implementation*

According to a legal analysis by ISS Africa, the criminal code of Benin does not cover Rome Statute crimes nor the provisions to prosecute them. In addition, no cooperation measures with the ICC are provided for in the Beninese code of criminal procedure, lacking procedures for the arrest of a suspect on the request of the ICC, witness protection, or the preservation of evidence.

A draft implementation law is in circulation, which covers both complementarity and cooperation provisions. In June 2008, the President of Benin sought the Supreme Court's legal opinion on the draft, which has not yet been issued.

In July 2012, on the occasion of the celebration of the 10<sup>th</sup> Anniversary of the Rome Statute, the Chief Cabinet of the Head of State pledged to speed up the process to have the bill adopted by the Parliament during a meeting with the Beninese Coalition for the ICC.

## BOTSWANA

Rome Statute: Ratified (8 September 2000)  
APIC: Ratified (13 November 2008)  
Amendments: Ratified war crimes and aggression amendments (4 June 2013)

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Botswana has ratified the Rome Statute but has yet to implement the treaty in its national law.

Botswana is the first African state to have ratified the Kampala Amendments following a conference that was co-hosted by the Government of Lichtenstein, the Government of Botswana, and The Global Institute for the Prevention of Aggression. This conference brought representatives from 26 African States Parties and civil society members –many of which were Coalition members- together in Gaborone, Botswana to discuss the ratification and implementation of the Kampala Amendments.

## **BURKINA FASO**

Rome Statute: Ratified (16 April 2004)  
APIC: Ratified (10 October 2005)  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

On 31 December 2009, an ICC implementation law was promulgated by the President. Prior to that, on 3 December 2009, the Parliament had unanimously adopted the ICC implementation bill. This law covers both complementarity and cooperation provisions and does not retain the death penalty.

## **BURUNDI**

Rome Statute: Ratified (21 September 2004)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In progress but stalled

### *Developments on ratification and implementation*

The new criminal code No 1/05 of 22 April 2009 (complementarity) abolishes the death penalty and makes torture, war crimes, genocide, and crimes against humanity criminal offenses under Burundian law. However this legislation does not fully cover cooperation provisions. There were efforts made to address these gaps, but work on the cooperation law has stalled due to a lack of political will.

## **CAMEROON**

Rome Statute: Signed (17 July 1998)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Government officials affirm that there are no political reasons holding back ratification. They have stated that the government has adopted a ratification law, but that it has yet to be adopted by Parliament.

Cameroon has consistently been a focus of the Coalition's yearly Universal Ratification Campaign from 2008 onwards. As a part of our efforts for Cameroon to ratify the Rome Statute, the Coalition's Africa Coordinator visited Cameroon to meet with authorities and to advocate for ratification in 2008, 2010, and 2012. Our members also conducted a series of advocacy activities and media campaigns for the same purpose. Even with all these efforts to urge government officials to ratify the Rome Statute, Cameroon has yet to follow through. Nevertheless, the ICC and the Coalition have continued to exert efforts to ensure pressure is consistent on state officials regarding ratification.

## CAPE VERDE

Rome Statute: Ratified (10 October 2011)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

On 5 February 2010, Cape Verde's National Assembly adopted a constitutional amendment, paving the way for ratification of the Rome Statute. On 10 October 2011, Cape Verde became the 33<sup>rd</sup> African state, the 119<sup>th</sup> state worldwide, and the 1<sup>st</sup> Lusophone country in Africa to ratify the Rome Statute.

No further information on cooperation and complementarity legislation efforts was available at the time of publication.

## CENTRAL AFRICAN REPUBLIC

Rome Statute: Ratified (3 October 2001)  
APIC: Ratified (10 October 2006)  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

On 6 January 2010, the implementation law was adopted by Parliament (Laws No. 10-001 and 10-002) and promulgated by the Head of State. This law covers both complementarity and cooperation. It does not retain the death penalty.

## CHAD

Rome Statute: Ratified (1 November 2006)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In progress  
Cooperation legislation – In progress

### *Developments on ratification and implementation*

Chad's Penal Code was last updated in the 1950s. National experts have stated that none of the international treaties and human rights instruments ratified by Chad have ever been incorporated into national law. In 2010, the Chadian National Coalition for the ICC pushed for the government to consider drafting RS implementing legislation.

With the support of the European Commission, Chad is conducting a legal reform project that includes the Criminal Code and Code of Criminal Procedure. During an advocacy mission in Chad in April 2013, the Coalition's Africa Coordinator met with government officials who reported that although the draft amended codes now contain provisions on the Rome Statute, they are not yet in full alignment with the requirements of full implementation. To fill the gap, the Ministry of Justice has welcomed comments and input from civil society before transmission of the draft proposals to the Counsel of Minister, possibly by the end of 2013.

The Coalition is engaged in constant monitoring and support of activities to ensure effective implementation legislation in Chad.

## COMOROS

Rome Statute: Ratified (18 August 2006)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

On 4 February 2012, an ICC law was promulgated that covers complementarity and cooperation provisions. That law originated from a joint workshop with international and national Coalition members and government officials in September 2008. The government expressed its willingness to receive further input on the draft, which was provided by stakeholders, including AI and PGA. After the workshop, the draft law was adopted by the Council of Ministers, who sent it to the Parliament for adoption. In December 2011, Parliament adopted the implementation bill, which was then promulgated by the Head of State in 2012. The ICC bill covers both complementarity and cooperation.

## CONGO (BRAZZAVILLE)

Rome Statute: Ratified (3 May 2004)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In progress  
Cooperation legislation – In progress

### *Developments on ratification and implementation*

The government drafted a law including cooperation and complementarity provisions. At the request of the government, the Supreme Court conducted a review of the bill and provided amendments to the law. The government is now incorporating the Supreme Court's suggestions and thereafter will send the draft law to the Parliament for enactment.

## COTE D'IVOIRE

Rome Statute: Ratified (15 February 2013)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In progress  
Cooperation legislation – In progress

### *Developments on ratification and implementation*

Côte d'Ivoire ratified the Rome Statute in 2013 after a long ratification process that attracted the support of the various governments and civil society. In December 2003, the Constitutional Court dealt the campaign a setback when it ruled that the Rome Statute was incompatible with the constitution. With ratification complicated, on 18 April 2003, the government accepted the jurisdiction of the ICC through the Article 12(3) procedure in which a non-state party is able to recognize the jurisdiction of the Court. It was the first country to do so. On 14 December 2010 and 3 May 2011, the Presidency of Côte d'Ivoire reconfirmed the country's acceptance of this jurisdiction.

Meanwhile, the commitment to ratify the Rome Statute continued, even though it would require a constitutional amendment. In September 2012, the government adopted a decision to amend the Constitution in order to facilitate the ratification of the Rome Statute. Subsequently, Parliament passed the necessary legislation amending the Constitution and approving ratification of the Rome Statute in December 2012, and Côte d'Ivoire deposited its instrument of ratification on 15 February 2013 becoming the 122<sup>nd</sup> state to do so.

Supported by the Coalition for the ICC and the Ivoirian national coalition, a joint implementation workshop with international and national Coalition members and government officials was held in July 2013 in commemoration of International Justice Day. At this workshop, the participants submitted to the Minister of Justice a draft implementation bill covering cooperation, crimes, and the Kampala amendments.

## DEMOCRATIC REPUBLIC OF CONGO

Rome Statute: Ratified (11 April 2002)

APIC: Ratified (3 July 2007)

Amendments: None ratified

Complementarity legislation – In progress

Cooperation legislation – In progress

### *Developments on ratification and implementation*

In September 2005, the government drafted an ICC implementing legislation bill incorporating both complementarity and cooperation provisions. After extensive input from civil society and international experts, the draft implementation law was sent to National Assembly for approval by both houses of the legislature, as required by domestic law.

In 2011, the draft implementing legislation was sent for examination to the Sub-committee on Human Rights and Justice (*Commission politique, administrative et juridique*). A group of committed civil society representatives and members of Parliament (including PGA members) held hearings and briefings at the National Assembly to push the bill toward approval. In particular, the National Assembly organized a session to review the RS implementation bill in June 2011. Civil society members attended the review session of the Sub-committee on Human Rights and Justice as experts and were able to address much misinformation about the ICC/RS system as well as to educate members of Parliament on the principles of complementarity and cooperation. While the process advanced, final approval was not achieved in 2011.

At the September 2012 UNGA High-Level Meeting on the Rule of Law, the DRC also made a commitment to speeding up the process of implementation of the Rome Statute, and to continuing domestic legal reforms in terms of defending and protecting human rights.

In 2012-2013, civil society and other stakeholders held a number of events and hearings on the draft legislation. For example, from June 12-13, 2013, Coalition Steering Committee member PGA organized a “*Seminar for Legislators on measures to implement the principle of complementarity between domestic jurisdiction and the ICC*”, hosted by the National Assembly in Kinshasa. This Seminar discussed the role of Parliamentarians, the government, and society as a whole for effective national investigations and prosecutions of international crimes committed in the DRC, notably through the adoption of comprehensive and effective implementing legislation of the Rome Statute. The law is still pending.

## DJIBOUTI

Rome Statute: Ratified (5 November 2002)

APIC: Not signed or ratified

Amendments: None ratified

Complementarity legislation – No known efforts underway

Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Djibouti has ratified the Rome Statute but has yet to implement the treaty into its national law.

## EQUATORIAL GUINEA

Rome Statute: Not signed or ratified

APIC: Not signed or ratified

Amendments: None ratified

Complementarity legislation – No known efforts underway

Cooperation legislation – No known efforts underway

Equatorial Guinea is not addressing the issue at this time.

## ERITREA

Rome Statute: Signed (7 October 1998)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Tensions with Ethiopia might be causing the delay in progress toward ratification.

## ETHIOPIA

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In force (partial)  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

During the Coalition's Africa Strategy Meeting held in Addis Ababa in June 2007, a delegation of Coalition members met with the Minister of Justice of Ethiopia. He informed the Coalition delegation that the government has passed a draft law for accession to the RS. However, given its vocal opposition to the arrest warrant issued for Sudanese President Al-Bashir and the implementation of legislation restricting local human rights NGOs, ratification of the ICC does not seem likely in the near future.

With the support of the Coalition, there have been several projects carried out in Ethiopia in the last several years, including the monthly Universal Ratification Campaign and national media campaigns to urge Ethiopia to ratify and join the ICC.

The Penal Code of Ethiopia contains genocide, crimes against humanity, and war crimes but the definitions are not fully consistent with the RS provisions as they predated the Rome Statute.

## GABON

Rome Statute: Ratified (20 September 2000)  
APIC: Acceded (22 September 2010)  
Amendments: None ratified

Complementarity legislation – In progress but stalled  
Cooperation legislation – In progress but stalled

### *Developments on ratification and implementation*

A draft law reforming Gabon's penal code has been available since March 2003, but only covers some aspects of substantive criminal law.

Following an advocacy mission undertaken by the Africa Coordinator in July 2008, a draft bill covering both complementarity and cooperation legislation was given to the Minister of Justice. The Minister committed himself to hastening the implementation process, and reaffirmed that the government would welcome input from national and international experts, but no progress so far has been made.

## **GAMBIA (THE)**

Rome Statute: Ratified (28 June 2002)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The Gambia has neither draft nor enacted implementing legislation. In October 2007, a government official stated that an inter-ministerial committee would be established to commence the drafting of the ICC bill, but to-date the committee has not been set up. There is some indication that technical assistance would be welcome to booster the drafting process.

## **GHANA**

Rome Statute: Ratified (20 December 1999)  
APIC: Signed (12 September 2003)  
Amendments: None ratified

Complementarity legislation – In progress  
Cooperation legislation – In progress

### *Developments on ratification and implementation*

The first draft of an implementation draft bill was completed without civil society input. The process then stalled for quite some time.

In late October 2012, government officials requested recommendations and analysis of the law from the Coalition in advance of sending the draft to Parliament for debate. The Coalition has since provided comments to the draft and is awaiting feedback from Ghana officials.

This new development has raised hopes that the Ghanaian government is willing to move the ICC dossier forward.

## **GUINEA**

Rome Statute: Ratified (14 July 2003)  
APIC: Signed (1 April 2004)  
Amendments: None ratified

Complementarity legislation – In progress but stalled  
Cooperation legislation – In progress but stalled

### *Developments on ratification and implementation*

In March 2004, a joint workshop between the government and civil society led to the circulation of a draft bill on implementation. The bill covers both complementarity and cooperation provisions. Political instability is hampering any progress on a draft law. It is expected that with the end of the transitional process, focus will be given to the ICC bill.

Meanwhile, there have been investigations on-going by Guinean judges regarding the 28 September 2009 events that are also the subject of preliminary examination by the ICC Office of the Prosecutor. Key public figures, including the former Minister of Health, have been indicted for their alleged responsibility in the events of the 28 September massacre.

## GUINEA-BISSAU

Rome Statute: Signed (12 September 2000)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In force (partial)  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Guinea Bissau signed the Rome Statute on 12 September 2000, however a constitutional amendment will be necessary before ratification can be completed. Political instability is hampering any progress on the ratification process.

The current penal code dating from 1993 includes a section on international crimes which covers war crimes, crimes against humanity, and genocide (complementarity), however it does not fully align with the Rome Statute definitions.

## KENYA

Rome Statute: Ratified (15 March 2005)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

The International Crimes Act was passed into law by the Kenyan parliament on 12 Dec 2008.

In the International Crimes Act, the crimes of genocide, crimes against humanity, and war crimes are criminalized, and Article 6 formally adopts the definitions of the ICC statute on these crimes as well. According to ISS Africa, Article 5 obliges the Kenyan government to cooperate with the ICC. Article 7 adopts the principles of international law provided by the Rome Statute. This includes the exclusion of the applicability of statute of limitation on ICC crimes (Article 29), and the commander's responsibility (Article 28). The jurisdiction of the Kenyan courts is restricted to acts committed within Kenyan territory, against Kenyan nationals or by Kenyan citizens or employees by Article 8.

In September 2013, the Kenyan Parliament passed a motion saying that the International Crimes Act 2008 should be repealed and Kenya should withdraw from the Rome Statute of the ICC. However, this motion is not in force, as the President of Kenya has not yet signed it. A bill to follow this motion was discussed in the Kenyan Parliament but hasn't yet been acted on. President Mwai Kibaki's government also had a similar motion passed by Parliament in 2010, but didn't sign the resolution once presented before him, thus rendering it ineffective.

## LESOTHO

Rome Statute: Ratified (6 September 2000)  
APIC: Ratified (16 September 2005)  
Amendments: None ratified

Complementarity legislation – In progress but stalled  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

A draft implementation bill exists and is in the possession of the Cabinet, but has not yet been made public. Progress appears to be stalled.

## **LIBERIA**

Rome Statute: Ratified (22 September 2004)

APIC: Ratified (16 September 2005)

Amendments: None ratified

Complementarity legislation – No known efforts underway

Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

During a joint mission by Amnesty International and the Coalition from January-February 2007, a Liberian Coalition for the ICC was formed to work with the government on the domestic implementation of the RS. As government officials in Liberia have argued that international instruments ratified by Liberia are self-executing and may not require further implementation, the government has shown little willingness to prioritize the implementation process.

## **MADAGASCAR**

Rome Statute: Ratified (14 March 2008)

APIC: Signed (12 September 2002)

Amendments: None ratified

Complementarity legislation – No known efforts underway

Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The government is open to implementation of the Rome Statute and working with civil society groups throughout the process. It is believed that the persistent political crisis and rampant human rights violations have played a major role in delaying progress on the implementation process despite the enthusiasm demonstrated by civil society towards the Rome Statute.

## **MALAWI**

Rome Statute: Ratified (19 September 2002)

APIC: Acceded (7 October 2009)

Amendments: None ratified

Complementarity legislation – No known efforts underway

Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Malawi has yet to adopt the necessary legislation to implement the Statute in domestic law. However, President Joyce Banda did not welcome Sudanese President Omar Al-Bashir to Malawi for the 2012 African Union Summit and by her actions, isolated Al-Bashir and showed support for the integrity of the Rome Statute.

## **MALI**

Rome Statute: Ratified (16 August 2000)

APIC: Ratified (8 July 2004)

Amendments: None ratified

Complementarity legislation – In force (partial)

Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Mali enacted legislation in August 2001 addressing complementarity provisions. However, amendments need to be made to more fully align the legislation with the RS as well as to address cooperation issues. As of November 2012, the Minister of Justice committed himself to working with civil society to facilitate the completion this additional legislation. However, political instability has hampered the process. It is expected that with the end of the transitional process, more focus will be given to the ICC

bill so as to empower Mali to exercise its primary jurisdiction over the international crimes committed on its territory since January 2012.

## **MAURITANIA**

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Mauritania has not signed nor ratified the Statute. However, Mauritania has ratified other instruments that uphold the protection and defense of human rights both nationally and internationally. This makes Mauritania's lack of consideration for Rome Statute ratification atypical. Coalition members continue to work to mobilize various stakeholders to push for ratification, but there has been no significant breakthrough to date.

## **MAURITIUS**

Rome Statute: Ratified (5 March 2002)  
APIC: Not signed or ratified  
Amendments: Ratified war crimes amendment (5 September 2013)

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

Mauritius enacted ICC implementing legislation (covering domestication of crimes and cooperation provisions) in July 2011. The law covers obligations under the Agreement on Privileges and Immunities of the International Criminal Court, provides for accepting custody of sentenced persons, and the rights and privileges of witness.

## **MOZAMBIQUE**

Rome Statute: Signed (28 December 2000)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

There are several constitutional concerns with regard to the ratification of the Rome Statute, such as the issues of immunities, surrender/extradition, life imprisonment, and statutes of limitations. Civil society persists in its advocacy to push the government to move toward a constitutional amendment, as other states have done, if considered necessary.

## **NAMIBIA**

Rome Statute: Ratified (25 June 2002)  
APIC: Ratified (29 January 2004)  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Namibia has ratified the Rome Statute but has yet to implement the treaty into domestic law. As of 2011, Namibia had a draft bill that was being revised; however, Namibia has expressed some anti-ICC rhetoric, publicly voicing that it will not comply with the warrants of arrest for Sudanese President Omar Al-Bashir. The present government continues to maintain a non-committal policy on the ICC, which will likely delay the completion of the implementation process.

At the September 2012 UNGA High-Level Meeting on the Rule of Law, Namibia warned against any type of “favoritism” and self-serving political maneuvering within the ICC, reasserting the importance of fairness and objectivity to ensure justice for all.

## **NIGER**

Rome Statute: Ratified (11 April 2002)  
APIC: Signed (11 April 2002)  
Amendments: None ratified

Complementarity legislation – In force (partial)  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Niger has enacted legislation implementing some substantive criminal law provisions. However, reforms are still necessary to bring the legislation into full alignment with the Rome Statute.

## **NIGERIA**

Rome Statute: Ratified (27 September 2001)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In progress  
Cooperation legislation – In progress

### *Developments on ratification and implementation*

On 24 September 2012, the Federal Executive Council (FEC) approved a draft law to make crimes against humanity, war crimes, genocide, and other related offenses punishable under Nigerian law. The law was before the National Assembly as of early February 2013.

At the September 2012, UNGA High-Level Meeting on the Rule of Law, Nigeria pledged that it would enact a Rome Statute implementation bill by 2013.

## **RWANDA**

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Civil society members continue to mobilize various stakeholders in the push for ratification, but political realities in Rwanda today are not favorable to ratification.

The new penal code includes the crime of genocide, crimes against humanity, and war crimes, and gives universal jurisdiction over these crimes to Rwandan tribunals, provided that the suspect is physically present in Rwanda. The Rwandan Constitution declares that statutes of limitations are not applicable to genocide, crimes against humanity, and war crimes. The Rwandan Parliament has recently adopted a law abolishing the death penalty.

Also in February 2012, Rwanda's Superior Council of the Judiciary set up a Special Chamber at the High Court to try international crimes. This Chamber is expected to try persons accused of genocide, war crimes, and crimes against humanity transferred from foreign countries and from the International Criminal Tribunal for Rwanda.

## **SAO TOME & PRINCIPE**

Rome Statute: Signed (28 December 2000)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The Rome Statute is considered to have several provisions that are inconsistent with provisions in the national constitution. The revision of the constitution of São Tomé and Príncipe started in 2003, and there is an *ad hoc* commission in charge of analyzing international conventions to be ratified, including the Rome Statute. However, ratification does not seem to be a priority for the government.

## **SENEGAL**

Rome Statute: Ratified (2 February 1999)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

The implementation process was completed in March 2007 with the adoption of the law (*Loi 2007 05 du 12 février 2007 modifiant le Code de Procédure pénale*) including substantive criminal law and cooperation provisions. The law was duly published in the National Gazette of the Republic of Senegal.

## **SEYCHELLES**

Rome Statute: Ratified (10 August 2010)  
APIC: Signed (28 December 2000)  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The government of the Seychelles has expressed an interest in receiving technical assistance to help draft Rome Statute implementing legislation.

## SIERRA LEONE

Rome Statute: Ratified (15 September 2000)  
APIC: Signed (26 September 2003)  
Amendments: None ratified

Complementarity legislation – In progress but stalled  
Cooperation legislation – In progress but stalled

### *Developments on ratification and implementation*

In April 2008, President Koroma reaffirmed the strong commitment of the government of Sierra Leone to effectively implement the Rome Statute of the ICC in its domestic legal order. To follow up with this commitment, the Minister of Justice has been working on the draft bill which is not yet public. It is expected that the draft will be made available to civil society for input once finalized and approved by the Cabinet, prior to being transmitted to the Parliament.

## SOMALIA

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity Legislation – No known efforts underway  
Cooperation Legislation – No known efforts underway

## SOUTH AFRICA

Rome Statute: Ratified (27 November 2000)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

In South Africa, *Act No. 27 of 2002: Implementation of the Rome Statute of the International Criminal Court Act, 2002* covers complementarity and cooperation provisions.

The Act incorporates the Rome Statute's definitions of crimes against humanity, war crimes, and genocide and excludes any type of immunity. As an analysis by ISS Africa states, this Act also allows for the amendment of domestic laws, such as the Criminal Procedure Act, No 51 of 1977, and the Military Discipline Supplementary Measures Act No. 16 of 1999, in order to have these acts conform with the definitions of crimes in the Rome Statute. The Act also mentions cooperation measures such as arrest and surrender of persons in addition to the prosecution of offences against the administration of justice in accordance with the terms of the Rome Statute.

## SOUTH SUDAN

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The South Sudan government has expressed interest in joining international treaties, including human rights treaties such as the Rome Statute. However, as of December 2011, the government has not made joining the Rome Statute system a priority. South Sudan has expressed that it has other pressing issues to deal with, namely the border conflicts.

## **SUDAN**

Rome Statute: Signed (8 September 2000)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

Sudan withdrew its signature to the Rome Statute on 8 August 2008.

## **SWAZILAND**

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The lack of awareness regarding the Rome Statute system and dearth of vibrant civil society on the ground to raise awareness and mobilize stakeholders has been a major obstacle to accession to the Rome Statute.

## **TANZANIA**

Rome Statute: Ratified (20 August 2002)  
APIC: Signed (27 January 2004)  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Tanzania has not yet complied with its commitment at the 2010 Review Conference in Kampala to present a draft law for the effective implementation of the Rome Statute into national legislation to Parliament. Therefore, civil society in Tanzania, in particular those organizations under the Coalition's umbrella, are currently focusing on attempting to speed up the implementation process.

## **TOGO**

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation:*

Although officials have repeatedly reaffirmed their commitment to Togo's accession to the RS, no significant steps have been taken thus far. Several missions and activities conducted by civil society in the past have not resulted in concrete advances by the government.

## UGANDA

Rome Statute: Ratified (14 June 2002)  
APIC: Ratified (21 January 2009)  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation:*

On 10 March 2010, Parliament passed the 2006 International Criminal Court Bill, three years after it was tabled. This legislation makes provisions in Uganda's law for the punishment of the international crimes of genocide, crimes against humanity, and war crimes. Any suspects tried and convicted for these crimes could be subject to sentences with a maximum penalty of life imprisonment.

This legislation also enables cooperation with the ICC, including the investigation and prosecution of persons accused of having committed crimes referred to in the Rome Statute. In addition, it provides for the arrest and surrender of suspects to the ICC and enables the ICC to conduct proceedings in Uganda.

## ZAMBIA

Rome Statute: Ratified (13 November 2002)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

During a workshop organized in 2006 by the Coalition and Zambia's national coalition, the Minister of Justice pledged to start the implementation process. However, the elections and constitutional changes that followed have delayed progress.

## ZIMBABWE

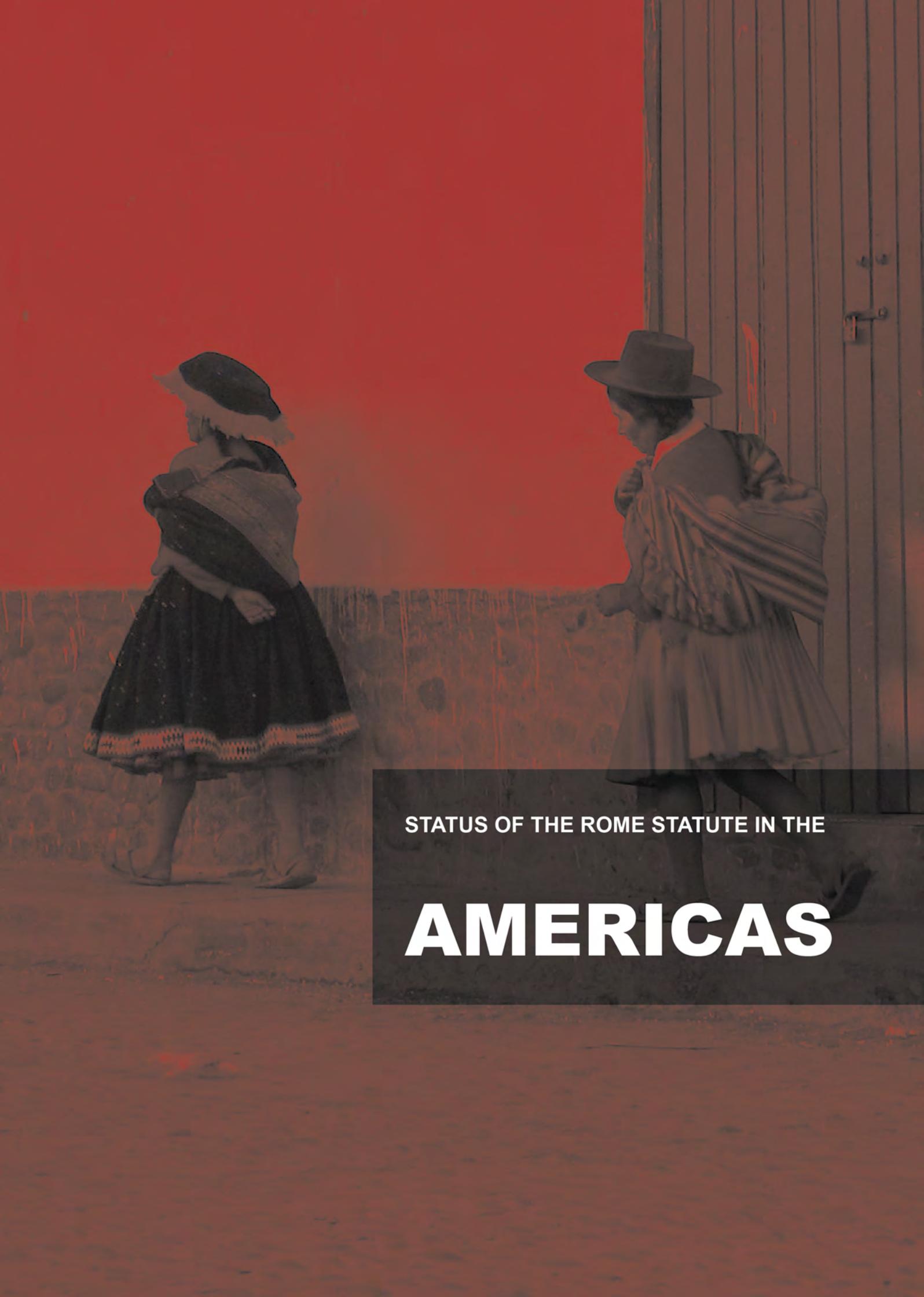
Rome Statute: Signed (17 July 1998)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification*

The persistent political crisis and rampant human rights violations are the main reasons for the government's refusal to ratify despite the enthusiasm demonstrated by civil society towards the RS. However, NGOs and civil society organizations have shown strong commitment to the use of international justice mechanisms in ending human rights violations in the country.





STATUS OF THE ROME STATUTE IN THE

# AMERICAS

# **STATUS OF THE ROME STATUTE IN THE AMERICAS**

## **Rome Statute**

Ratified/acceded: 28

Signed: 4

Not signed or ratified: 3

## **APIC**

Ratified/acceded: 17

Signed: 4

Not signed or ratified: 14

## **Amendments**

Ratified: 2

None ratified: 33

## **Complementarity Legislation**

In force: 6

In force (partial): 4

In progress: 12

In progress but stalled: 3

No known efforts underway: 10

## **Cooperation legislation**

In force: 5

In force (partial): 2

In progress: 13

In progress but stalled: 3

No known efforts underway: 12

## **ANTIGUA AND BARBUDA**

Rome Statute: Ratified (18 June 2001)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation - No known efforts underway  
Cooperation legislation - No known efforts underway

## **ARGENTINA**

Rome Statute: Ratified (8 February 2001)  
APIC: Ratified (1 February 2007)  
Amendments: None ratified

Complementarity legislation - In force  
Cooperation legislation - In force

### *Developments on ratification and implementation*

On 13 December 2006, the National Congress approved an ICC Implementation Law (Law 26200) including both complementarity and cooperation provisions. The law was enacted on 5 January 2007 and entered into force on 9 January 2007.

During the UNGA High-Level Rule of Law Meeting in September 2012, Argentina pledged to ratify the Kampala amendments. On 11 June 2012, the Minister of Foreign Affairs of Argentina joined fellow Ministers from UNASUR in a Special Declaration commemorating the tenth anniversary of the ICC, whereby Ministers called on all States Parties to the Rome Statute to ratify the Kampala amendments. On 31 October 2013, during the UNGA ICC Debate, Argentina stated its commitment to ratify the Kampala amendments "as soon as possible."

## **BAHAMAS**

Rome Statute: Signed (29 December 2000)  
APIC: Signed (30 June 2004)  
Amendments: None ratified

Complementarity legislation - In progress  
Cooperation legislation - In progress

### *Developments on ratification and implementation*

The government is currently working on assessing the status of domestic legislation to ensure compatibility with the Rome Statute, as well as considering moving forward with implementation prior to ratification. The decision to ratify lies with the Cabinet, although the Attorney General's office provides significant input in the decision. The ratification dossier is currently with the Attorney General's office. No clear timeframes are available at this moment; however, progress is being reported. It must be noted that during the 15<sup>th</sup> session of the UN Human Rights Council's Universal Periodic Review, seven states recommended that Bahamas consider ratification of the Rome Statute.

## **BARBADOS**

Rome Statute: Ratified (10 December 2002)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation - In progress but stalled  
Cooperation legislation - In progress but stalled

### *Developments on ratification and implementation*

The government has stated that it is conducting evaluations to move forward with national implementation of the Statute, but progress appears to be stalled.

## BELIZE

Rome Statute: Ratified (5 April 2000)  
APIC: Ratified (14 September 2005)  
Amendments: None ratified

Complementarity legislation - No known efforts underway  
Cooperation legislation - No known efforts underway

## BOLIVIA

Rome Statute: Ratified (27 June 2002)  
APIC: Ratified (20 January 2006)  
Amendments: None ratified

Complementarity legislation - In progress  
Cooperation legislation - In progress

### *Developments on ratification and implementation*

In 2006, the Ombudsman's Office presented an ICC implementation bill for consideration by Congress. The bill included complementarity and cooperation provisions. Despite these efforts, the law did not gain traction.

In early 2012, an *ad-hoc* commission was set up by the Ministry of Justice in charge of drafting a new Code of Criminal Procedure (CCP). The draft proposal of the CCP includes a provision which mandates Congress to approve an ICC implementing law (including complementarity and cooperation provisions) within a period of 180 days after the enactment of the CCP. In the meantime, the Ministry of Justice is working on drafting ICC implementing legislation (set to be enacted through a special ICC implementing law), which takes into account the 2006 proposal prepared by the Ombudsman's office. This proposal seeks to incorporate crimes and general legal principles of the Rome Statute as well as provisions on cooperation with the ICC within Bolivian domestic legislation. Bolivian law currently includes some general provisions on international judicial cooperation.

Bolivia has not yet publicly indicated any specific plans to move forward with the Kampala amendments, but it must be noted that Article 10 of the Bolivian Constitution condemns the waging of wars of aggression. Civil society and academia in Bolivia has called on the Bolivian state to consider ratification of the Kampala amendments and is providing its expertise on the issue. In addition, on 11 June 2012, the Minister of Foreign Affairs of Bolivia joined fellow Ministers from UNASUR in a Special Declaration commemorating the tenth anniversary of the ICC, whereby Ministers called on all States Parties to the Rome Statute to ratify the Kampala amendments.

## BRAZIL

Rome Statute: Ratified (20 June 2002)  
APIC: Ratified (12 December 2011)  
Amendments: None ratified

Complementarity legislation - In progress  
Cooperation legislation - In progress

### *Developments on ratification and implementation*

On 23 September 2008, a draft implementation bill including both complementarity and cooperation provisions was submitted to the *Câmara dos Deputados*, the lower house of the National Congress of Brazil. The Constitutional, Justice and Citizenship Committee of the Chamber of Deputies unanimously approved the text in April 2009 but it has yet to be debated within the Plenary. Once adopted by the Plenary in the Lower House, the draft bill would need to be discussed in the *Senado Federal*, the upper house of Congress, prior to final ratification by the President.

The bill is a combination of drafts completed and tabled in 2004 (by PGA Member Orlando Fantazzini) and again in 2007 (by Dip. Rosinha, on the basis of the Fantazzini text), of amendments by other MPs, and of a draft bill from the government.

On 20 March 2012, the bill was marked as a priority item for discussion within the legislative agenda of the Plenary, and on 12 July 2012 the Speaker of the Chamber of Deputies, Hon. Mr. Marco Maia, MP,

called on the Chamber to treat the draft ICC bill as urgent. However, to date, no further progress has been reported.

With regards to the Kampala amendments, on 11 June 2012, the Minister of Foreign Affairs of Brazil joined fellow Ministers from UNASUR in a Special Declaration commemorating the tenth anniversary of the ICC, whereby Ministers called on all States Parties to the Rome Statute to ratify the Kampala amendments. Furthermore, during the 2010 and 2011 ASP sessions, the Brazilian delegation welcomed the adoption of the Kampala amendments. In addition, during the UNGA Debate following the ICC Report on 31 October 2013, Brazil reaffirmed the importance of activating the Kampala amendments in 2017. The Brazilian Executive is currently reviewing the prospects for ratification of the Kampala amendments.

## CANADA

Rome Statute: Ratified (7 July 2000)

APIC: Ratified (22 June 2004)

Amendments: None ratified

Complementarity legislation - In force

Cooperation legislation - In force

### *Developments on ratification and implementation*

On 29 June 2000, the “*Crimes against Humanity and War Crimes Act*” was enacted, which implements crimes against humanity, war crimes, and genocide, as well as some principles of international criminal law included in the Rome Statute.

With regards to cooperation, the “*Crimes against Humanity and War Crimes Act*” amended several existing laws in order to fulfill its obligation to cooperate with the ICC. The *Extradition Act* was amended in order to allow for the arrest and surrender of individuals to the ICC. Provisions on victim protection have also been enacted.

Through Provision 146 of Canada’s “*Mutual Legal Assistance in Criminal Matters Act*” (MLA Act), Canada can provide assistance to the ICC in investigations and evidence. Furthermore, section 5(1) of the Canadian *Foreign Missions and International Organizations Act* has been amended in order to implement Article 48 of the Rome Statute regarding privileges and immunities of ICC personnel.

## CHILE

Rome Statute: Ratified (29 June 2009)

APIC: Acceded (26 September 2011)

Amendments: None ratified

Complementarity legislation - In force

Cooperation legislation - In progress

### *Developments on ratification and implementation*

On 7 April 2009, the Chilean Senate unanimously approved Bill 6406-07 incorporating crimes against humanity, the crime of genocide, and war crimes into national legislation. On 6 May 2009, the Chilean Chamber of Deputies did the same. The law was enacted and officially published on 18 July 2009.

During the Review Conference, Chile pledged to submit a bill on cooperation with the ICC to Parliament before December 2011. The bill is currently being finalized within the Executive and is set to be submitted to Parliament shortly.

In March 2012, the President submitted to the Chamber of Deputies a legislative proposal that would approve the ratification of the Kampala amendments (war crimes and aggression amendments). The bill has been approved by the Committee on Foreign Affairs in the Chamber of Deputies and has been further submitted to the Committee on Constitution, Legislation, Justice and Regulations which is tasked with evaluating any constitutional incompatibilities. Government authorities have indicated that they aim to submit the bill to Congress by the end of 2013. On 11 June 2012, the Minister of Foreign Affairs of Chile joined fellow Ministers from UNASUR in a Special Declaration commemorating the tenth anniversary of the ICC, whereby Ministers called on all States Parties to the Rome Statute to ratify the Kampala amendments. During the ICC Report at the UNGA on 31 October 2013, the Chilean delegation appealed to States to adopt the Kampala amendments.

## COLOMBIA

Rome Statute: Ratified (5 August 2002)  
APIC: Ratified (15 April 2009)  
Amendments: None ratified

Complementarity legislation - In force (partial)  
Cooperation legislation - In progress

### *Developments on ratification and implementation*

Colombian criminal law encompasses several crimes covered by the Rome Statute, including some war crimes and crimes against humanity as well as genocide. However, there are initiatives under way to more fully implement RS crimes and to fill certain gaps. Among these is *Bill N° 18 from 2012* within the Colombian Senate, which seeks to amend *Law N° 599 (2000)* so as to remove statute of limitations in cases of genocide, crimes against humanity, and other inhumane acts. The bill has been approved on a first reading at the Senate and is awaiting a debate on a second hearing.

Furthermore, civil society and academics have called for the revision of domestic laws in order to ensure full compatibility with the Rome Statute, including provisions related to principles of international criminal law. In addition, following the call from civil society for a need to incorporate gender crimes, in early 2012, a bill, backed by the Ombudsman, was submitted to Congress which seeks to fully implement gender crimes included in the Rome Statute within domestic legislation. The bill is currently within the first constitutional committee at the Senate (*Comisión Primera Constitucional Permanente del Senado*) and has been shared with other state entities in order to receive further input. Concerns have also been voiced regarding the need to review existing domestic provisions on child recruitment so as to provide conformity between the legal elements of that crime and international standards.

Currently, Colombian domestic legislation includes provisions on international cooperation in criminal matters within article 484 of the Code of Criminal Procedure, but this section lacks specific provisions on ICC cooperation. However, the Ministry of Foreign Affairs has indicated that it has prepared a draft ICC cooperation law which is expected to be submitted to Congress shortly.

On 17 May 2011, the Republic of Colombia and the International Criminal Court adopted an agreement on enforcement of sentences delivered by the ICC.

With regards to the Kampala amendments, on 11 June 2012, the Minister of Foreign Affairs of Colombia joined fellow Ministers from UNASUR in a Special Declaration commemorating the tenth anniversary of the ICC, whereby Ministers called on all States Parties to the Rome Statute to ratify the Kampala amendments.

## COSTA RICA

Rome Statute: Ratified (7 June 2001)  
APIC: Ratified (28 April 2011)  
Amendments: None ratified

Complementarity legislation - In force (partial)  
Cooperation legislation - In progress

### *Developments on ratification and implementation*

In May 2002, Costa Rica enacted an amendment to the Criminal Code (*Law on Criminal Prosecution to Punish War Crimes and Crimes against Humanity, Law No. 8272*<sup>1</sup>) that includes two provisions on war crimes and crimes against humanity. The provisions establish that any of these crimes included in international treaties ratified by Costa Rica, including the Rome Statute, are punishable under Costa Rican domestic legislation.

A bill to include specific war crimes, crimes against humanity, and the crime of genocide in the Criminal Code is pending discussion within the Human Rights Commission in Congress. The Bill includes all Rome Statute crimes as well as principles of international criminal law.

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<sup>1</sup> *Ley de Represión Penal como castigo por los crímenes de guerra y de lesa humanidad*

During the Review Conference, Costa Rica pledged to adopt a “*National Protocol on Cooperation with the International Criminal Court*” to implement, inter alia, the provisions of Part 9 of the Rome Statute. Some of these actions have been adopted, such as the designation of ICC Focal Points.

On 30 July 2012, the Executive also submitted to Congress a proposal to ratify the Kampala amendments (on war crimes and crime of aggression) via draft *Bill 18514*. In September 2012, during the UNGA High-Level Meeting on the Rule of Law, Costa Rica pledged to take all the necessary steps to ratify the Kampala amendments by the end of 2014. On 4 July 2013, the International Relations and Foreign Trade Committee of the Legislative Assembly of Costa Rica voted positively on the ratification. The decision for ratification is now pending in the Plenary of the Assembly.

## **CUBA**

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation - No known efforts underway  
Cooperation legislation - No known effort underway

### *Developments on ratification and implementation*

Accession to the Rome Statute is not being addressed at the time. During the debate that followed the Report of the International Criminal Court at the United Nations General Assembly on 31 October 2013, Cuba stated that the jurisdiction of the ICC should be independent of political bodies. Over the past years Cuba has also stated that the lack of an agreed-upon definition of the crime of aggression in the Rome Statute was one of the main reasons for not acceding to the Statute. However, this position has remained unaltered following the adoption of the definition of the crime of aggression at the 2010 Review Conference in Kampala.

## **DOMINICA**

Rome Statute: Acceded (12 February 2001)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation - In progress but stalled  
Cooperation legislation - In progress but stalled

### *Developments on ratification and implementation*

An ICC Implementing Legislation Bill including both complementarity and cooperation provisions was prepared by the Attorney General’s Office in 2005. There is no information available on the progress of this draft bill.

## **DOMINICAN REPUBLIC**

Rome Statute: Ratified (12 May 2005)  
APIC: Acceded (10 September 2009)  
Amendments: None ratified

Complementarity legislation - In progress  
Cooperation legislation - In force (partial)

### *Developments on ratification and implementation*

The House of Representatives approved the new Criminal Code on 26 July 2006 and sent it to the Executive. However, due to opposition by some constituencies to provisions unrelated to the Rome Statute, the President returned it to the House for further review, specifying necessary revisions and observations. The President specifically mentioned that while the draft law criminalized crimes against humanity and genocide, it should also include a specific section on war crimes.

The new Criminal Code was approved by the House of Representatives in June 2013 and is currently under review within the Senate. It includes all four crimes under the Rome Statute, including the Kampala amendments.

With regards to cooperation with the ICC, the Dominican Code of Criminal Procedures contains provisions related to international cooperation, but no specific provisions on ICC cooperation.

The Dominican parliament is currently assessing the ratification of the Kampala amendments.

## ECUADOR

Rome Statute: Ratified (5 February 2002)

APIC: Ratified (19 April 2006)

Amendments: None ratified

Complementarity legislation - In progress

Cooperation legislation - In progress

### *Developments on ratification and implementation*

In 2002, a draft law implementing the RS was submitted to Congress by civil society, in conjunction with a Congressional Commission. However the process was stalled for a significant period. The National Commission of International Humanitarian Law, an intergovernmental working group, took this original proposal and worked on a proposal to include both cooperation and complementarity provisions within domestic legislation. This proposal was reviewed by the Ministry of Justice prior to its submission to Congress. Several of these provisions are currently part of the draft unified criminal code (Código Orgánico Penal Integral) which seeks to unite all three bodies of criminal legislation- the Criminal Code, the Code of Criminal Procedure and the Code of Execution of Sentences – under one single code. The current proposal includes a chapter on RS crimes – including the crime of aggression- as well as provisions on international criminal cooperation, (although no specific provisions on ICC cooperation).

In October 2011 the Executive submitted the draft Unified Code to the Commission of Justice and Human Rights in Congress. In December 2013, the unified criminal code was adopted by Congress and submitted to the Executive for final approval prior to its enactment. However, the Executive has observed several provisions of the Code and has returned it to Congress for further discussion.

Regarding the Kampala amendments, in May 2012 Ecuador accepted a recommendation to ratify the Kampala amendments during its Universal Periodic Review at the HRC. Moreover, on 11 June 2012, the Minister of Foreign Affairs of Ecuador joined fellow Ministers from UNASUR in a Special Declaration commemorating the tenth anniversary of the ICC, where Ministers called on all States Parties to the Rome Statute to ratify the Kampala amendments. In addition, during the 2012 ASP, the delegation of Ecuador recalled to States their commitment to ensure the jurisdiction of the Court over the crime of aggression in 2017. Furthermore, in July 2013, the Constitutional Court ruled favorably on the ratification of the Kampala amendments. The ratification dossier has now been returned to Congress for final approval.

## EL SALVADOR

Rome Statute: Not signed or ratified

APIC: Not signed or ratified

Amendments: None ratified

Complementarity legislation - No known efforts underway

Cooperation legislation - No known effort underway

### *Developments on ratification and implementation*

The FMLN government has indicated support for accession to the Statute. In 2009, then presidential candidate Mauricio Funes included accession to the Rome Statute as a campaign promise. Over the past years, the Executive has conducted consultations within the relevant Ministries and sectors of the government and, since 2012, the dossier remains at the Office of the Presidency (*Casa Presidencial*) for its submission to Parliament (*Asamblea Nacional*). After a thorough analysis, in 2012 the government decided that a constitutional amendment would not be necessary for accession.

During the 68<sup>th</sup> UN General Assembly, Salvadorian President Mauricio Funes announced the adoption of a national reconciliation program that would include the ratification of several human rights treaties as an integral component of such process. Civil society and other actors have called on the Presidency to include the Rome Statute among those treaties.

El Salvador has been the focus of several Coalition advocacy actions, including a number of Universal Ratification Campaigns (URC) over the past years, among other activities.

## **GRENADA**

Rome Statute: Acceded (19 May 2011)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation - No known efforts underway  
Cooperation legislation - No known effort underway

## **GUATEMALA**

Rome Statute: Acceded (2 April 2012)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation - In progress  
Cooperation legislation - In progress

### *Developments on ratification and implementation*

Following Guatemala's accession to the Rome Statute in April, local civil society, spearheaded by the Guatemalan national Coalition for the ICC, established a technical working group comprised of civil society, government representatives (including the MFA), representatives of international organizations, and the ICRC, tasked with producing draft legislation which implements Rome Statute crimes and principles into domestic law, as well as draft legislation on cooperation with the ICC. To this purpose, the technical working group organized a number of activities in 2012 and 2013, including hosting roundtable discussions in late October 2012 and May 2013 to gather input from international and national experts regarding the current draft ICC implementing law. These reforms also include efforts to provide jurisdiction to Guatemalan courts to comply with ICC requests, a technical requirement under the Guatemalan legal system.

During the 2012 ASP, the delegation of Guatemala indicated that the government is considering the ratification of the Kampala amendments. In addition, during the same ASP, progress toward accession of APIC was announced. As of 2013, the Guatemalan Executive is reviewing the accession of APIC.

## **GUYANA**

Rome Statute: Ratified (24 September 2004)  
APIC: Ratified (16 November 2005)  
Amendments: None ratified

Complementarity legislation - No known efforts underway  
Cooperation legislation - No known effort underway

### *Developments on ratification and implementation*

The government has maintained that they are committed to initiating the ICC implementing legislation process.

With regards to the ratification of the Kampala amendments, on 11 June 2012, the Minister of Foreign Affairs of Guyana joined fellow Ministers from UNASUR in a Special Declaration commemorating the tenth anniversary of the ICC, whereby Ministers called on all States Parties to the Rome Statute to ratify the Kampala amendments.

## HAITI

Rome Statute: Signed (26 February 1999)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation - No known efforts underway  
Cooperation legislation - No known effort underway

### *Developments on ratification and implementation*

On 24 September 2012, Haiti's Prime Minister pledged to ratify the Rome Statute and several human rights conventions. The Coalition for the ICC and other actors have taken a number of actions in order to encourage the government to move forward with that commitment and to offer to provide any assistance during this process. Actions have included focusing on Haiti within the Coalition's Universal Ratification Campaign and seeking meetings with high-level Haitian authorities.

## HONDURAS

Rome Statute: Ratified (1 July 2002)  
APIC: Acceded (1 April 2008)  
Amendments: None ratified

Complementarity legislation - In progress  
Cooperation legislation - In progress

### *Developments on ratification and implementation*

The National International Humanitarian Law Committee is completing a draft ICC bill with the aim of submitting it to Parliament in the near future. The bill contains provisions on principles of international criminal law, crimes under the Rome Statute, and cooperation with the ICC.

## JAMAICA

Rome Statute: Signed (8 September 2000)  
APIC: Signed (30 June 2004)  
Amendments: None ratified

Complementarity legislation - In progress  
Cooperation legislation - In progress

### *Developments on ratification and implementation*

In 2002, the Cabinet mandated that a working group be established to look at the issues involved in ratifying and implementing the Rome Statute into domestic law. The Working Group met over several months and conducted a clause-by-clause analysis of the Statute, identifying how each article could be implemented. However, the process was not completed. In mid-2012 the government indicated that it would move forward once again. In December 2012, the proposal for ratification was submitted to the Cabinet and tabled as a legislative priority. In the meantime the government is initiating the drafting of ICC implementing legislation. Also in December 2012, the Minister of Foreign Affairs of Jamaica addressed PGA's 7<sup>th</sup> Consultative Assembly of Parliamentarians for the ICC and the Rule of Law indicating that domestic implementation of the Rome Statute will form part of the legislative agenda of Parliament in 2013-14, and that ratification will be subsequent to the adoption of the required legislation to domesticate the RS.

Jamaican authorities have also indicated that they will consider ratifying the Kampala amendments during the Rome Statute ratification process.

## MEXICO

Rome Statute: Ratified (28 October 2005)

APIC: Acceded (27 September 2007)

Amendments: None ratified

Complementarity legislation - In progress

Cooperation legislation - In progress

### *Developments on ratification and implementation*

In November 2006, the Executive presented a bill to the Senate, which amends Paragraph 8 of Article 21 of the Mexican Constitution, allowing the Mexican State to cooperate with the ICC<sup>2</sup>. On 15 December 2009, the Mexican Senate approved the government bill and sent it to the Lower House of Congress (*Camara de Diputados*) where it has remained within the Committee of Justice (*Comisión de Asuntos Legislativos*) without having been debated. Given this situation, in October 2013, two members of the Lower House of Congress submitted a similar bill to amend Paragraph 8 of Article 21 of the Constitution, based significantly on the 2009 bill.<sup>3</sup> It is set to be discussed within the Committee of Justice of the Lower House of Congress so as to move forward for debate at the Senate and finally at the Executive. While the bill proposes a constitutional amendment, it is not *per se* an ICC implementing bill, (i.e. it does not include specific provisions on the different aspects of cooperation such as surrender of suspects, execution of arrest warrants, *inter alia*, nor does it include Rome Statute crimes). However, one of its provisions calls for the adoption of specific ICC implementing legislation (complementarity and cooperation) within a 6 month timeframe once the constitutional amendment is approved.

There have been other efforts toward implementation of Rome Statute crimes. In January 2008 MPs from the PAN political party presented an initiative to incorporate various provisions implementing Rome Statute crimes within federal criminal legislation, but several stakeholders expressed reservations about the bill's content and it was stalled in Congress. Then in September 2010, the National International Humanitarian Law Committee – chaired by the MFA – established a working group tasked with reviewing federal criminal legislation in order to implement Rome Statute crimes and principles. The draft bill has been circulated among all the relevant departments within the Executive and is set to be finalized soon.

## NICARAGUA

Rome Statute: Not signed or ratified

APIC: Not signed or ratified

Amendments: None ratified

Complementarity legislation - In force

Cooperation legislation - No known efforts underway

### *Developments on ratification and implementation*

A new Criminal Code (*Law No. 641*) adopted in November 2007 and enacted in July 2008 includes most of the Rome Statute crimes in Title XXII. Notwithstanding, with regards to accession to the Rome Statute, Nicaragua has reiterated over the last years that it does not intend to accede to the Rome Statute in the near future. In the June 2011 and 2012 OAS Resolutions on Promotion of the ICC, Nicaragua included a declaration stating that “*the Government of Nicaragua cannot for the time being accede to the Rome Statute as conditions in our country do not favor our adhering to this international instrument.*”

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<sup>2</sup> *Iniciativa de Ley Reglamentaria del párrafo octavo del artículo 21 de la Constitución (Ley de Cooperación con la Corte Penal Internacional).*

<sup>3</sup> *Iniciativa con proyecto de Decreto que reforma el párrafo octavo del artículo 21 de la Constitución Política de los Estados Unidos Mexicanos, a cargo de la Diputada Elena Tapia Fonllem y la Diputada Loretta Ortiz Ahlf, de los Grupos Parlamentarios del PRD y PT, respectivamente, que suscriben diputadas y diputados integrantes de diversos grupos parlamentarios*

## PANAMA

Rome Statute: Ratified (21 March 2002)  
APIC: Ratified (16 August 2004)  
Amendments: None ratified

Complementarity legislation - In force (partial)  
Cooperation legislation - No known efforts underway

### *Developments on ratification and implementation*

On 18 May 2007, Panama enacted a new Criminal Code (*Law No. 14*) including most of the crimes under the Rome Statute as well as principles of international criminal law, although some members of civil society have indicated that current legislation does not fully implement the Rome Statute.

No advancement on cooperation legislation has been reported.

## PARAGUAY

Rome Statute: Ratified (14 May 2001)  
APIC: Ratified (19 July 2005)  
Amendments: None ratified

Complementarity legislation - In progress  
Cooperation legislation - In progress

### *Developments on ratification and implementation*

In December 2002, the Executive established a special *ad hoc* Committee (*Comisión Interinstitucional para el Estudio y Evaluación de la Legislación vigente referente al Estatuto de la Corte Penal Internacional*) through Decree 19.685, charged with reviewing existing legislation and proposing the necessary amendments in order to implement the Rome Statute within domestic legislation.

The *ad hoc* Committee produced a draft ICC bill which included cooperation and complementarity provisions. This criminal reform process includes recommendations for revisions to the Criminal Code, the Criminal Procedural Code, and the Military Criminal Code. The draft ICC bill received input from several other sectors within the Executive, as well as from civil society organizations. The bill was delayed for several years due to the lack of consensus on certain provisions, namely those referring to nominations of candidates to the ICC. In January 2013, the Ministry of Foreign Affairs, chair of the *ad hoc* Committee, submitted the draft ICC bill to Congress and, on March 2013, the bill was introduced on the agenda of the Justice Committee as bill N° 5342.

Regarding the Kampala amendments, on 11 June 2012, the Minister of Foreign Affairs of Paraguay joined fellow Ministers from UNASUR in a Special Declaration commemorating the tenth anniversary of the ICC, whereby Ministers called on all States Parties to the Rome Statute to ratify the Kampala amendments. In August 2013, the Chamber of Deputies of Paraguay was seized with consideration of the Kampala amendments ratification bill.

## PERU

Rome Statute: Ratified (10 November 2001)  
APIC: Signed (10 September 2002)  
Amendments: None ratified

Complementarity legislation - In progress  
Cooperation legislation - In force

### *Developments on ratification and implementation*

A technical *ad hoc* parliamentary commission (“Comisión Revisora del Código Penal”) was set up in October 2002 to draft a new Criminal Code including Rome Statute crimes. The bill was introduced in the Justice and Human Rights Commission, but the lack of political will and other priorities delayed its consideration. To date, the new Criminal Code has yet to be adopted and discussions have been stalled on several occasions during the last decade.

Following the delay of the adoption of the new Criminal Code, during the 2006-2011 congressional period efforts continued to be made to approve the ICC bill as a stand-alone law (PL 1707) rather than

as part of the Criminal Code. Nevertheless, despite consistent advocacy by civil society, the bill was not approved by the Justice and Human Rights Commission and once again did not reach the plenary for consideration.

In February 2012, several actors, including civil society, MPs, parliamentary advisors, and members of the Executive, began working on a new proposal based significantly on draft law PL 1707. The proposal was submitted to Congress on 18 October 2012 and placed on the agenda of the Committee on Justice and Human Rights as Bill number 1615/2012-CR. The bill is expected to be discussed in late 2013 or early 2014 and includes the crime of aggression as defined during the 2010 Review Conference.

Peru has adopted ICC cooperation legislation, one of the few states in the region to have done so. In February 2006, the Peruvian government enacted a new Code of Criminal Procedural which includes a chapter on ICC cooperation, incorporating provisions that allow for the detention and surrender of individuals to the ICC along other actions related to cooperation. In addition, the Peruvian Executive is currently looking into ratification of the APIC.

The government of Peru has expressed that it is moving forward with the ratification of the Kampala amendments. On 11 June 2012, the Minister of Foreign Affairs of Peru joined fellow Ministers from UNASUR in a Special Declaration commemorating the tenth anniversary of the ICC, whereby Ministers called on all States Parties to the Rome Statute to ratify the Kampala amendments.

## **SAINT KITTS AND NEVIS**

Rome Statute: Acceded (22 August 2006)

APIC: Not signed or ratified

Amendments: None ratified

Complementarity legislation - No known efforts underway

Cooperation legislation - No known efforts underway

## **ST. LUCIA**

Rome Statute: Ratified (18 August 2010)

APIC: Not signed or ratified

Amendments: None ratified

Complementarity legislation - No known efforts underway

Cooperation legislation - No known efforts underway

## **ST. VINCENT AND GRENADINES**

Rome Statute: Acceded (3 December 2002)

APIC: Not signed or ratified

Amendments: None ratified

Complementarity legislation - No known efforts underway

Cooperation legislation - No known efforts underway

## **SURINAME**

Rome Statute: Acceded (15 July 2008)

APIC: Not signed or ratified

Amendments: None ratified

Complementarity legislation - In progress but stalled

Cooperation legislation - In progress but stalled

### *Developments on ratification and implementation*

In 2009, following technical assistance by the Netherlands as well as PGA, the government of Suriname drafted ICC implementing legislation that includes provisions on complementarity and cooperation. However, the process has been stalled within the Executive since mid-2011, and the current administration has expressed some concerns over the draft law.

Regarding the Kampala amendments, on 11 June 2012, the Minister of Foreign Affairs of Suriname joined fellow Ministers from UNASUR in a Special Declaration commemorating the tenth anniversary of the ICC, whereby Ministers called on all States Parties to the Rome Statute to ratify the Kampala amendments.

## TRINIDAD AND TOBAGO

Rome Statute: Ratified (6 April 1999)

APIC: Ratified (6 February 2003)

Amendments: Ratified war crimes and aggression amendments (13 November 2012)

Complementarity legislation - In force

Cooperation legislation - In force

### *Developments on ratification and implementation*

Trinidad and Tobago enacted an ICC Act in February 2006, becoming the first Caribbean country to adopt implementing legislation that includes complementarity and cooperation provisions.

On 13 November 2012, Trinidad and Tobago ratified both Kampala amendments (on war crimes and crime of aggression). The country has expressed commitment to implement the crimes within domestic legislation, but no concrete progress has been reported to date.

## UNITED STATES OF AMERICA

Rome Statute: Signed (31 December 2000)

APIC: Not signed or ratified

Amendments: None ratified

Complementarity legislation - In force (partial)

Cooperation legislation - In force (partial)

### *Developments on ratification and implementation*

On 6 May 2002, the administration of U.S. President George W. Bush sent a note to the United Nations Secretary-General with the aim of deactivating the signature, affirming that the U.S. "*has no legal obligations arising from its signature.*"

While the U.S. has not specifically implemented the Rome Statute, several crimes contained in the Rome Statute are implemented throughout different sections of the United States' Code.

The crime of torture is included within United States' Code Section (UNSC) 2340. The definition contained in USCS 2340 includes most of the elements of Article 7.1.e of the Rome Statute, though USCS 2340 does not include the requirements of the action being committed within a systematic or widespread manner.

The crime of genocide is included within the United States' Code (18 USCS § 1091), as amended by the *Genocide Convention Implementation Act of 1987*. The *War Crimes Act of 1996* allows for the prosecution of any American national or member of the American armed services who commits a war crime regardless of where the crime was committed. The *Child Soldier Accountability Act of 2008* allows for the prosecution of any individual who recruits, enlists, or conscripts a person to serve in an armed force or group who is under 15 years of age or who uses a person under 15 years of age to participate actively in hostilities and who knows that the person is under 15 years of age.

In addition, over the past years, efforts have been made in order to expand the list of crimes against humanity within U.S. criminal legislation. In that regard, on 24 June 2009, a bill was introduced in Congress – the *Crimes Against Humanity Act of 2010* (S. 1346) - which aimed to amend the U.S. Code to include a chapter on crimes against humanity (Chapter 25A). The bill – which was placed on the Senate Legislative Calendar in July 2010 – covered conducts amounting to slavery, forced labor, human trafficking, murder, sex trafficking of children, sexual abuse, hostage taking, torture, extermination, national, ethnic, racial, or religious cleansing and imposed measures intended to prevent births, among other crimes. However, the bill was never passed.

While U.S. domestic legislation does not include specific provisions on cooperation with the ICC, over the past years the U.S. has adopted a position of selective case-by-case cooperation. This includes the

expansion of the *Rewards for Justice Program* (S. 2318), to include rewards for information leading to the arrest and surrender of persons requested by the ICC, and the creation of the Atrocities Prevention Board. In addition, in April 2013, the Senate passed *Resolution 90 on Kenya*, which included ICC-supportive language.

Civil society and academic circles continue to be active in promoting the work and mandate of the ICC with U.S. lawmakers, government officials, and the general public, with ratification still a goal in the future. In this regard, two important activities were held in Congress in 2013: a Senate Hearing on the Situations before the ICC, hosted by Senator Barbara Boxer (March 2013), and a Congressional Briefing on the ICC and US-ICC Relations, sponsored by WICC and Ambassador Stephen Rapp (June 2013).

## URUGUAY

Rome Statute: Ratified (28 June 2002)

APIC: Ratified (3 November 2006)

Amendments: Ratified war crimes and aggression amendments (26 September 2013)

Complementarity legislation - In force

Cooperation legislation - In force

### *Developments on ratification and implementation*

In 2006, Congress approved the ICC implementation law including complementarity and cooperation provisions. The law entered into force on 11 October 2006, and has been an important reference for ICC implementing bills across the region.

On 11 June 2012, the Minister of Foreign Affairs of Uruguay joined fellow Ministers from UNASUR in a Special Declaration commemorating the tenth anniversary of the ICC, whereby Ministers called on all States Parties to the Rome Statute to ratify the Kampala amendments. On 10 April 2013, the Chamber of Deputies of Uruguay unanimously approved the bill ratifying the Kampala Amendments (war crimes and crime of aggression). Subsequently, on 18 June 2013, the Senate of Uruguay did likewise. On 26 September 2013, Uruguay deposited its ratification instrument of the Kampala amendments, becoming the first Latin American state to do so. Lastly, in the context of its candidature for membership of the UN Human Rights Council (2014-2016), Uruguay indicated, among its set of goals, that it would “*update domestic law and bring it into line with the Rome Statute of the International Criminal Court by including the Kampala amendments thereto, including the amendments on the crime of aggression.*”

## VENEZUELA

Rome Statute: Ratified (7 June 2000)

APIC: Signed (16 July 2003)

Amendments: None ratified

Complementarity legislation - In progress

Cooperation legislation - In progress

### *Developments on ratification and implementation*

Ratification of the APIC was approved by the legislative branch in 2005 and has been awaiting the Executive's signature since then.

In early 2009 during a Coalition visit to the country, the MFA indicated that it planned to re-activate the ICC implementation process, which had been carried out since 2005 within the context of the reform of the military codes. In this regard, during the 2010 Review Conference, Venezuela pledged to move forward with the implementation process. The implementation of Rome Statute crimes is being carried out in the context of the reform of the Criminal Code, whereas the implementation of cooperation legislation is being done within the Code of Criminal Procedure.

On 11 June 2012, the Minister of Foreign Affairs of Venezuela joined fellow Ministers from UNASUR in a Special Declaration commemorating the tenth anniversary of the ICC, whereby Ministers called on all States Parties to the Rome Statute to ratify the Kampala amendments. In addition, the draft bill on ICC implementation contains a provision on the crime of aggression.





STATUS OF THE ROME STATUTE IN

**ASIA/PACIFIC**

# **STATUS OF THE ROME STATUTE IN ASIA/PACIFIC**

## **Rome Statute**

Ratified/acceded: 17

Signed: 2

Not signed or ratified: 21

## **APIC**

Ratified/acceded: 3

Signed: 1

Not signed or ratified: 36

## **Amendments**

Ratified: 1

None ratified: 39

## **Complementarity Legislation**

In force: 10

In force (partial): 1

In progress: 4

In progress but stalled: 2

No known efforts underway: 23

## **Cooperation Legislation**

In force: 5

In force (partial): 0

In progress: 5

In progress but stalled: 2

No known efforts underway: 28

## AFGHANISTAN

Rome Statute: Acceded (10 February 2003)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In progress but stalled  
Cooperation legislation – In progress but stalled

### *Developments on ratification and implementation*

In March 2005, the Government appointed an inter-ministerial Commission consisting of senior officials of the MFA, MoJ, Ministry of the Interior, Supreme Court, the University of Kabul, and civil society organization APAMR to evaluate and determine steps to implementing the Rome Statute. During a roundtable held in March 2006, the Commission expanded membership to other actors, including civil society organizations. The Afghani Human Rights Commission – a national human rights commission which is independent in its functions and decisions – prepared a preliminary draft on ICC implementing legislation which received feedback from various actors involved in the process. The draft was then presented to the MoJ, where it has remained since 2007. According to Coalition members on the ground, there have been no developments since then.

## AUSTRALIA

Rome Statute: Ratified (1 July 2002)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – Enacted  
Cooperation legislation – Enacted

### *Developments on ratification and implementation*

Australia implemented the Rome Statute through the *International Criminal Court Act 2002* (Act No. 41 of 2002 as amended) which includes substantial provisions on cooperation with the ICC, as well as the *International Criminal Court (Consequential Amendments) Act 2002* (No. 42, 2002), which implements Rome Statute crimes into domestic legislation.

## BANGLADESH

Rome Statute: Ratified (23 March 2010)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – Enacted  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The original *International Crimes (Tribunals) Act of 1973* was enacted to authorize the creation of an independent tribunal to investigate and prosecute perpetrators of crimes under international law. Initially, the tribunal to be formed under the Act had the authority to prosecute only members of the armed forces. In 2009, the Parliament of Bangladesh amended the Act to allow for other individuals to be prosecuted. This law provides the legal basis to investigate and prosecute war crimes, crimes against humanity, and genocide.

In 2012, additional amendments were made that included the allowance for trials *in absentia* and the transfer of a case to another tribunal provided that such transfer is aimed at delivering justice expeditiously. A further amendment in 2013 included “organizations” in the list of those who are prosecutable by the Tribunal, which includes political parties. Other amendments enacted in 2013 allow the government, an informant, or complainant to appeal an order of acquittal or a conviction. The 2013 amendments also specifically mandate the Appellate Division of the Supreme Court to dispose of any appeal from the Tribunal within 60 days.

## **BHUTAN**

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

Bhutan is not addressing the issue at this time.

## **BRUNEI DARUSSALAM**

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The Coalition for the ICC conducted a mission to Brunei Darussalam in April 2013, during that country's time as chair of the ASEAN, meeting with the Attorney General's Chambers and the Shariah Court. While the representatives from these offices expressed a personal interest in the ICC, it was revealed that there is a lack of interest by the government on ratification and implementation of the Rome Statute. This stance is also apparent from previous actions to promote ratification in the country. In 2011, ICC President Judge Sang-Hyun Song visited the country and met with relevant government officials. Brunei Darussalam was the focus of the Coalition's Universal Ratification Campaign in September 2012 whereby the Coalition urged the government to join the ICC as it prepared to take on the leadership of ASEAN for 2013. Few advances have been made, although the Ministry of Foreign Affairs continues to study and monitor the developments of ICC and its work.

## **CAMBODIA**

Rome Statute: Ratified (11 April 2002)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – Enacted  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The process of implementation of Rome Statute crimes into the penal code has already been completed. The penal code, known as the *Criminal Code of 2009*, includes the definition and applicable penalties for genocide, crimes against humanity, and war crimes. The law specifically states that perpetrators of these crimes are not exempt from liability even if they were acting under the order of a legitimate authority (superior orders defense) and that these crimes are not subject to statutes of limitations, i.e. these crimes may be prosecuted no matter how long ago they were committed. The government believes that Cambodia's criminal code and other existing laws are enough to cooperate with the ICC, however, civil society is still pressing for the adoption of a separate law regarding cooperation with the Court.

## **CHINA**

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

For several years, the ICC Project Office of Beijing Normal University in China has been working on increasing national awareness of the ICC. In 2011, a project translating key Rome Statute implementing legislation into Chinese was finalized, and several capacity-building workshops for government representatives and academics were held. Regional ICC seminars, with participation by ICC officials as well as government and judicial functionaries, have also taken place in various Chinese provinces. In June 2013, a student network for the ICC was created by the ICC Project Office to increase awareness of the ICC among students.

On 13 July 2013, the China ICC Network – a coalition of NGOs, law experts and practitioners and students – was launched by the Chinese Initiative for International Criminal Justice (CIICJ) in cooperation with the ICC Project Office, to spearhead the dissemination of information and advocacy on the ICC and international criminal justice in the country. This initiative was supported by the Coalition for the ICC and the Dutch Embassy in Beijing. The Network plans to publish journals on international criminal justice and the ICC; send interns to the ICC and other international tribunals, the Coalition, and other organizations working on international criminal justice and the ICC; participate in regional/international ICC-related gatherings and trainings as part of capacity-building; and generate funding for its operations and program activities.

## **COOK ISLANDS**

Rome Statute: Acceded (18 July 2008)

APIC: Not signed or ratified

Amendments: None ratified

Complementarity legislation – In progress

Cooperation legislation – In progress

### *Developments on ratification and implementation*

The Cook Islands has developed an ICC bill based on the Commonwealth Secretariat's Model Law. The ICRC provided comments to the draft law, in particular on how to make it specifically fit the Cook Islands situation. The process of adopting cooperation and complementarity legislation is hampered by several factors. One of these factors is the lack of a legislative drafter in the Cook Islands, even though the New Zealand Parliamentary Counsel's Office has loaned one of their staff to the Cook Islands to help with the drafting process. Another such factor is that the ICC implementation legislation is only one of many bills waiting to be considered by the Parliament, a situation worsened by the unpredictability of the number of seating days of the Parliament.

## **DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA**

Rome Statute: Not signed or ratified

APIC: Not signed or ratified

Amendments: None ratified

Complementarity legislation – No known efforts underway

Cooperation legislation – No known efforts underway

The Democratic People's Republic of Korea is not addressing the issue at this time.

## **FIJI**

Rome Statute: Ratified (29 November 1999)

APIC: Not signed or ratified

Amendments: None ratified

Complementarity legislation – Enacted

Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The government set up an inter-ministerial working group, which produced an ICC implementing legislation draft. *Decree No. 44* (the Crimes Decree of 2009 of Fiji) includes provisions defining and establishing penalties for genocide and crimes against humanity. The decree was signed into law by the Vice President of Fiji, Epeli Nailatikau, on 4 November 2009 and entered into force in early 2010. War

crimes are also partly covered in the *Geneva Conventions Promulgation of 2007*. With regard to the legislation on cooperation, there are no known efforts being undertaken as the government of Fiji considers the *Crimes Decree of 2009* to be sufficient for the full implementation of the Rome Statute into domestic legislation.

## INDIA

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

There appears to be no movement on the part of the present Indian government towards accession of the treaty. At the UN Human Rights Council's Universal Periodic Review in 2012, India rejected the recommendation to ratify the Rome Statute.

Periodic activities on the ICC in India in the past years have generated greater participation and interest from diverse constituencies including parliamentarians, academia, media, and various civil society groups. The Indian national Coalition for the ICC launched a book on 12 July 2013 entitled, '*Pursuing Justice: Mass Crimes in India and Relevance of International Law*,' as part of their commemorative activities for International Justice Day.

## INDONESIA

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – Enacted  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Through *Presidential Regulation No. 23/2011*, accession to the Rome Statute was included within the National Human Rights Plan for the period 2011-2014. Accession had also been included in the previous plan (2007-2010) but the time period lapsed without achieving accession. A broad network of Coalition members including local groups and international groups such as ICTJ and PGA have been working together with the government and Parliament to ensure that the deadline is met this time, however success is far from certain. As part of the preparations for accession, civil society groups forming part of the Indonesian Civil Society Network for the ICC have assisted the government in the drafting of the accession bill and a study related to implementation concerns. They have also organized workshops and discussions with relevant stakeholders; held media briefing and trainings; produced informational and other ICC campaign materials; translated the Statute into the local language; and updated the Coalition and states parties on the status of ratification by Indonesia.

Misinterpretations of some aspects of the Rome Statute remain an important obstacle, namely the scope of the principle of complementarity; the determination – for admissibility purposes – of when a state is considered to be unwilling or unable to carry out genuine investigations for ICC crimes; the principle of non-retroactivity in ICC jurisdiction; the role of the Prosecutor; and concerns about national sovereignty.

As of December 2011, during a Coalition mission to Jakarta, the Ministry of Foreign Affairs, Ministry of Justice and Human Rights, and the National Human Rights Commission had all endorsed accession. In a regional conference held during the mission, the Deputy Minister of Justice announced that the President had given a 'go signal' for ratification of the RS. In addition, in the context of the UN Human Rights Council's Universal Periodic Review (Session 13) Indonesia accepted a recommendation regarding accession to the Rome Statute. However, last May 2013, the Minister of Defense, Purnomo Yusgiantoro, said that while the government is complying with the principles of the ICC even without ratifying the treaty, they needed more time to study the implications of ratification for Indonesia. A recent endorsement for formal ratification was made by members of the House of Representatives.

In terms of implementation, *Law #26*, also known as the Human Rights Tribunal Code, adopted in 2000 includes two crimes under the jurisdiction of the Court: genocide and crimes against humanity.

## JAPAN

Rome Statute: Acceded (17 July 2007)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – Enacted  
Cooperation legislation – Enacted

### *Developments on ratification and implementation*

*Law No. 37/2007 Concerning Cooperation with the International Criminal Court* was adopted on 27 April 2007. It provides for the cooperation of the Japanese government with the ICC, particularly in relation to the surrender or transfer of ICC suspects. The government has announced its decision that existing domestic laws already criminalize the same crimes under the jurisdiction of the International Criminal Court and therefore no additional criminal law (complementarity) legislation is necessary.

With regard to the Kampala amendments, Japan has made positive comments but has not expressed any intention to ratify them.

## KIRIBATI

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

During the *Asia-Pacific Conference on the ICC and Rule of Law* organized by Parliamentarians for Global Action in cooperation with the Malaysian Parliament in Kuala Lumpur, Malaysia in March 2011, the President of Parliament stated that the government was still in the process of studying the ICC and assessing its own capacity to be a state party. There has been no known progress since that time.

## LAO PDR

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

In early 2005, the Lao government, in coordination with UNDP and the EU, initiated a project aimed at promoting ratification and implementation of the RS. Lao PDR needs to fully implement the RS prior to ratification. As of mid-2006, a proposal based on the study to implement the Rome Statute was still with the Prime Minister's Office. The Prime Minister's office directed the Ministry of Foreign Affairs to further study the ICC.

In February 2010, the Ministry of Foreign Affairs, supported by the Swedish International Development Agency and the Coalition for the ICC, organized a Regional Workshop on the ICC, with ICC President Judge Sang Hyun Song as keynote speaker and with representatives from Asian countries. The workshop was one of several activities aimed at preparing the Laos government for ratification and implementation. Other activities included translation of ICC documents into the local language; integration of ICC modules in law school curricula; participation of Laos delegates at the 8<sup>th</sup> Assembly of States Parties; and dissemination of ICC information at all levels of the government.

Relevant officials have expressed the view that Laos PDR needs more time to increase and develop their capacity to exercise their obligations to cooperate as a state party. As part of this capacity

building, they have been attending ICC events such as the Review Conference in Kampala and recent ASPs, but concrete progress remains unseen.

## **MALAYSIA**

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In progress  
Cooperation legislation – In progress

### *Developments on ratification and implementation*

The Malaysian Cabinet approved accession to the Rome Statute in March 2011, completing the national accession process, but final accession by depositing the instrument of accession with the United Nations remains to be done.

As a practice in Malaysia, ratifying an international treaty is an executive process rather than a legislative one. Thus, the Cabinet's approval in March 2011 is enough to ratify the Statute or any international treaty. While some stakeholders argue that the implementation law could be enacted following ratification, the Attorney General insists that an implementation law is needed as part of the ratification process and that his office is working on an ICC implementation law including complementarity provisions (crimes and general principles).

Note: Malaysia has formed a court under the initiative of its former prime minister, Dr. Mahathir Mohamad, with jurisdiction to prosecute war crimes. The Kuala Lumpur War Crimes Commission, and the Kuala Lumpur War Crimes Tribunal are both under the supervision of the Board of Trustees of the Kuala Lumpur Foundation to Criminalise War, a non-governmental organization founded by the former PM, in part as a result of his criticisms against the ICC. Both the Commission and the Tribunal, being private entities, are not recognized by the United Nations and they do not have the power to arrest nor impose sentences. Verdicts passed by the Tribunal are considered moral judgments.

## **MALDIVES**

Rome Statute: Acceded (21 September 2011)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

While the government had expressed an interest in late 2011, shortly after becoming a state party, in moving forward with implementation, political turmoil in the country has derailed progress for the time being. The situation remains unstable and the government has not yet been able to prioritize domestication of the Rome Statute.

## **MARSHALL ISLANDS**

Rome Statute: Ratified (7 December 2000)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

At the Pacific Roundtable held in Sydney in February 2012, the government said it would commence drafting an implementation bill but would need both technical and logistical support.

The Marshall Islands suffers from a lack of financial and human resources in enacting domestic laws for most of the treaties to which it becomes a state party. Due to this constraint, it has been customary for the Marshall Islands to ratify treaties without enacting domestic implementing legislation. With the

Rome Statute in particular, the government of the Marshall Islands has signified its willingness to draft and enact the necessary legislation to fully implement the Rome Statute provided they receive logistical and technical support.

## **MICRONESIA FEDERATED STATES**

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

At the last UN Human Rights Council's Universal Periodic Review in 2010, Micronesia reaffirmed its commitment to address international treaties, including the Rome Statute.

At the ICC Pacific Outreach Meeting in Sydney in February 2012, a Micronesia official explained that the country's capacity to develop implementing legislation is a significant issue as they must draft the law before Micronesia can ratify the Rome Statute.

## **MONGOLIA**

Rome Statute: Ratified (11 April 2002)  
APIC: Signed (4 February 2003)  
Amendments: None ratified

Complementarity legislation – In progress but stalled  
Cooperation legislation – In progress but stalled

### *Developments on ratification and implementation*

An inter-ministerial committee was formed in 2004 to work on a draft ICC law. In November 2006, Parliament formed a new working committee to prepare draft amendments to the Criminal Code and Criminal Procedure Code. In January 2007, the Mongolian National Legal Center, a university-based legal center associated with the Mongolian national Coalition for the ICC organized a workshop to present the results of comparative research of Mongolian legislation and all international criminal law treaties to which Mongolia is a party.

Members of the Mongolian national Coalition for the ICC subsequently organized meetings with Parliament members, in order to ensure that the draft amendments were introduced with effective follow up. Some MPs promised to support the implementation process, however, with the formation of a new Parliament in mid-2008, progress on the bill slowed. There have been no major developments since that time.

## **MYANMAR/BURMA**

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Civil society efforts to disseminate information on the ICC date back to the adoption of the Rome Statute in 1998. Burmese lawyers have participated in regional and international ICC workshops, seminars and in several sessions of the ASP in both New York and The Hague. The ICC was incorporated in trainings of lawyers and activists in programs run by NGOs along the border and in Thailand.

NGOs in many countries, supported by a number of governments, are campaigning for the creation of a commission of inquiry for Myanmar/Burma "*that will be an instrument to bring about transition to democracy, national reconciliation and establishment of accountability,*" according to UN Special

Rapporteur on Myanmar, Tomas Ojea Quintana. Mr. Quintana has also stated that the commission of inquiry should pursue the truth and facilitate reparations to victims, and put an end to and prevent human rights violations.

Burmese NGOs believe that this is not yet the time to engage with the government to call for ratification of the Rome Statute as more urgent issues in their struggle for democracy remain priority.

## NAURU

Rome Statute: Ratified (12 November 2001)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

## NEPAL

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

In June 2006, the Nepalese Parliament unanimously issued a “commitment resolution” (Sankalpa) directing the government to ratify the Rome Statute. During a Coalition mission to the country in mid-2006, the Prime Minister, Deputy Prime Minister, and House Speaker stated that accession to the Rome Statute would take place shortly. During a subsequent mission in September 2007, the government once again reiterated its support for the process. Subsequent political developments in the country have shifted focus away from the ICC. In July 2009, during an Amnesty International mission to Nepal, the new Foreign Minister committed to ratifying the Rome Statute. Local Coalition members have been pressing the government to meeting this commitment.

The Nepalese national Coalition for the ICC continues to undertake information dissemination and conduct trainings on the ICC among judges, prosecutors, and lawyers. On 17 July 2013, at an event commemorating International Justice Day, the former Foreign Minister said Nepal remains committed to Rome Statute accession; however, the current political situation is likely to forestall ratification in the short term.

## NEW ZEALAND

Rome Statute: Ratified (7 September 2000)  
APIC: Ratified (14 April 2004)  
Amendments: None ratified

Complementarity legislation – Enacted  
Cooperation legislation – Enacted

### *Developments on ratification and implementation*

The implementation of complementarity and cooperation provisions into the domestic legislation of New Zealand is embodied in the *Public Act No. 26/2000* (the International Crimes and International Criminal Court Act 2000), further amended by *Public Act No. 67/2002* (the International Crimes and International Criminal Court Amendment Act 2002).

In June 2012, New Zealand introduced legislation on the crime of aggression, among the first states to do so, but it has not yet ratified the amendments.

## **NIUE**

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

Niue is not addressing the issue at this time.

## **PAKISTAN**

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Despite numerous activities conducted by civil society groups in the country to revitalize the issue of Rome Statute ratification, the government has not moved forward with this process. The current unstable political situation and other issues are taking precedence.

## **PALAU**

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The government signed seven human rights instruments in September 2011 which was considered a major achievement. In February 2012 at the ICC Pacific Outreach Meeting held in Sydney, Australia, the Palau representative stated that ICC ratification was not a priority due to the national elections slated that year. She expressed that there is a possibility of taking up the ICC portfolio under the new government in 2013.

## **PAPUA NEW GUINEA**

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The unstable political situation in Papua New Guinea has made it difficult for any progress to be made in relation to accession to the Rome Statute.

# THE PHILIPPINES

Rome Statute: Ratified (30 August 2011)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – Enacted  
Cooperation legislation – In progress

## *Developments on ratification and implementation*

*Republic Act 9851*, also known as the International Humanitarian Law Bill, was signed into law by President Arroyo on 11 December 2009. The law provides a definition and penalties for international humanitarian law crimes, genocide, and crimes against humanity. It also provides for criminal liability of commanders and other superiors under the principle of command responsibility; protection of civilians, non-combatants, and witnesses, as well as reparations to victims. It further provides for universal jurisdiction over persons, whether military or civilian, suspected or accused of the crimes defined and penalized under the law, and designates the regional trial court as having original and exclusive jurisdiction over the international crimes punishable under the law.

A Working Group on ICC Implementation consisting of representatives from relevant government agencies and civil society was convened in January 2012, initiated by the Institute for International Legal Studies, part of the Law Center of the University of the Philippines, in consultation with the Coalition's Asia-Pacific office. The project has drafted the proposed amendments to the existing IHL Bill, consisting mainly of suggesting the incorporation of elements of crimes as defined by the Rome Statute. The group is currently working on a draft cooperation law which must then be submitted to the Senate for deliberation and approval.

# REPUBLIC OF KOREA

Rome Statute: Ratified (13 November 2002)  
APIC: Ratified (18 October 2006)  
Amendments: None ratified

Complementarity legislation – Enacted  
Cooperation legislation – Enacted

## *Developments on ratification and implementation*

*Act No. 8719 of 2007* or the International Criminal Court (Crimes and Punishment) Act of Korea was adopted in November 2007 by the National Assembly. The Ministry of Justice promulgated the Act on 21 December 2007. Among its provisions are procedures for how Korea is to cooperate with the Court, giving jurisdiction over Rome Statute crimes to domestic courts, and providing penalties for offenses conducted in contravention of cooperating with the ICC in terms of administering justice.

The English translation of the implementation law has been completed and made available on the government website. Civil society throughout Asia is making this version available to countries as a means to help move their own implementing process forward.

# SAMOA

Rome Statute: Ratified (16 September 2002)  
APIC: Ratified (25 September 2012)  
Amendments: Ratified (25 September 2012)

Complementarity legislation – Enacted  
Cooperation legislation – Enacted

## *Developments on ratification and implementation*

Samoa adopted the *International Criminal Court Act (No. 26 of 2007)* on November 2007. The Act, which came into force on July 2008, effectively implements the Rome Statute crimes into Samoan domestic legislation. It also provides for Samoa's cooperation with the ICC. It includes Rome Statute general legal principles such as the irrelevance of official capacity and rejection of the superior orders defense and lays out penalties for crimes against the administration of justice.

Samoa ratified the Kampala amendments on 25 September 2012, both article 8 of the Rome Statute as well as the Crime of Aggression amendment. The government representative who attended the February 2012 ICC Pacific Outreach Roundtable in Sydney, Australia stated that implementing the Kampala amendments into domestic legislation was one of Samoa's priorities.

## **SINGAPORE**

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

## **SOLOMON ISLANDS**

Rome Statute: Signed (3 December 1998)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

## **SRI LANKA**

Rome Statute: Not signed or ratified

APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The government set up a working group to evaluate ICC ratification in 2005. However, major conflicts subsequently took place in the country, leading to the UN Secretary General appointing a Panel of Experts to look into accountability issues related to the final months of the war in Sri Lanka. According to the Panel's report, there are "*credible allegations which, if proven, indicate that a wide range of serious violations of international humanitarian law and international human rights law was committed both by the government of Sri Lanka and by the Liberation Tigers of Tamil Eelam (LTTE), some of which would amount to war crimes and crimes against humanity.*"

In May 2010, the government formed the Lessons Learned and Reconciliation Commission (LLRC) to act as the national mechanism for accountability and reconciliation. The LLRC came out with an Interim Report in November 2010, proposing the creation of a special mechanism under the Attorney General's Office that would examine cases of detention, publish a list of detainees, produce a policy statement on land use in the conflict-affected areas, and facilitate the disarming of armed groups. An inter-agency committee was formed to implement the recommendations, however, there is no clarity on the status of implementation of these recommendations. The calls for the investigation of allegations of war crimes and crimes against humanity remain unheeded, with the call to ratify the Rome Statute a remote possibility at this time.

## THAILAND

Rome Statute: Signed (2 October 2000)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Under the new government, renewed interest in the ICC has been observed. Rome Statute ratification remains an issue of interest for civil society in Thailand.

## TIMOR-LESTE

Rome Statute: Acceded (6 September 2002)  
APIC: Not signed or ratified.  
Amendments: None ratified

Complementarity legislation – Enacted  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

In 30 March 2009, the President of Timor-Leste promulgated the new Penal Code for Timor-Leste, under *Decree-Law No. 19/2009*, which includes a section on genocide, crimes against humanity, and war crimes, and their corresponding penalties. The Decree-Law was published in Timor-Leste's Official Gazette on 8 April 2009 and entered into force 60 days after the publication date. No progress on enactment of ICC cooperation legislation has been reported.

In early December 2012, two activities were organized by civil society organizations to tackle issues relating to the ICC and Timor Leste's implementation of the Rome Statute into national laws. The first one was a workshop with participation by representatives from non-governmental organizations, government institutions, UN agencies, and law practitioners from the public and private sectors. The second activity was a lawyers' training on the ICC and international criminal law. Lawyers from different parts of Timor Leste participated in this activity, representing agencies of the UN and the government, civil society, and law offices. Both events were organized by *Avocats sans Frontieres*, in cooperation with the Association of Timorese Lawyers and the Coalition for the ICC.

## TONGA

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In progress  
Cooperation legislation – In progress

### *Developments on ratification and implementation*

In November 2011, the Cabinet directed the Crown Law Office to produce a policy paper on accession to the Rome Statute and its implementation.

The bill for accession to the Rome Statute was submitted to the Cabinet for approval in 2012 and was reported to be at an advanced stage, at that time. Unfortunately, the policy paper has been on hold since August 2012 due to a vote of no confidence in the National Parliament. At the ICC Pacific Outreach Meeting in Sydney in 2012, Tonga's representative reported that they have been talking with Australia regarding the possibility of drafting implementing legislation.

## TUVALU

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In progress  
Cooperation legislation – In progress

### *Developments on ratification and implementation*

The Tuvalu Cabinet endorsed the proposal to accede to the Rome Statute on 15 March 2012. Under Tuvalu law, an endorsement by the Cabinet completes the national accession requirements. Thus, all that remains to be done for Tuvalu to become a State Party to the International Criminal Court is the formal deposit of the instrument of accession to the UN.

During the ICC Pacific Outreach Meeting in Sydney in February 2012, the government expressed the need for technical and logistical support for drafting its implementation law.

## VANUATU

Rome Statute: Acceded (2 December 2011)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Vanuatu acceded to the Rome Statute through a law that was signed in August 2011. The accession law was published in the Official Gazette of Vanuatu in October 2011, and the instrument was deposited with the UN in December 2011. There are no known efforts concerning implementing legislation at this time.

## VIETNAM

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

In April 2006, under EU sponsorship, a delegation of 14 legal experts led by the Vice-Minister of Justice went to the ICC for a study tour. In October 2006, the Vietnam Lawyer's Association (VLA) published two books on the ICC: (1) a translation of core documents including the Rome Statute and the Rules of Procedure and Evidence, and (2) an introductory book on related issues including the ICC's mandate, jurisdiction, and structure. On the occasion of President Kirsch's presentation on the ICC to the UNGA in October 2007, Vietnam stated that it was seriously considering accession to the Rome Statute. From 24-25 April 2008, the Ministry of Justice and the EU delegation in Vietnam hosted a workshop on the ICC for government officials and other actors.

The Penal Code of Vietnam (No. 15/1999/QH10), which was signed into law on 21 December 1999, covers the crime of aggression and crimes against mankind which includes genocide and war crimes in a single chapter (Chapter XXIV) entitled "*Crimes of Undermining Peace, Against Humanity and War Crimes.*" The law lays out applicable penalties and recognizes command responsibility.

During the 1<sup>st</sup> cycle of the UN Human Rights Council's Universal Periodic Review, Vietnam rejected the recommendation to ratify the Rome Statute.





STATUS OF THE ROME STATUTE IN

# EUROPE

# **STATUS OF THE ROME STATUTE IN EUROPE**

## **Rome Statute**

Ratified/acceded: 42

Signed: 6

Not signed or ratified: 6

## **APIC**

Ratified/acceded: 40

Signed:

Not signed or ratified: 14

## **Amendments**

Ratified: 10

None ratified: 44

## **Complementarity Legislation**

In force: 33

In force (partial): 14

In progress: 2

In progress but stalled: 0

No known efforts underway: 5

## **Cooperation legislation**

In force: 34

In force (partial): 5

In progress: 0

In progress but stalled: 0

No known efforts underway: 15

## ALBANIA

Rome Statute: Ratified (31 January 2003)  
APIC: Ratified (2 August 2006)  
Amendments: None ratified

Complementarity legislation – In force (partial)  
Cooperation legislation – In force (partial)

### *Developments on ratification and implementation*

The 2009 criminal code includes incomplete definitions of crimes under the Rome Statute (crimes against humanity, genocide, and war crimes) in its special section on “*Crimes against humanity*.” The criminal code also includes the crime of “*computerized distribution of pro-genocide material or crimes against humanity*.”

Some Rome Statute principles are included in the code (*nullum crimen sine lege, nulla poena sine lege*, etc) and there is a law on the protection of victims and compensation for damages as well as on witness protection (Law no 9205, data 15.3.2004). In addition, the criminal code provides for universal jurisdiction for crimes against humanity, war crimes, genocide, terrorism and torture: Article 7(a) states, “*The criminal law of the Republic of Albania is also applicable to the foreign citizen, who is situated in the territory of the Republic of Albania and has not been extradited, and who has committed outside of the territory of the Republic of Albania one of the following crimes: a) crimes against humanity; b) war crimes; c) genocide; d) crimes with terrorist purposes; e) torture.*”

General obligations regarding inter-state judicial cooperation and extradition procedures are included in the code but do not cover assistance and cooperation with the ICC specifically. There are no known efforts underway to further align national legislation with the provisions of the RS enabling national investigations and prosecution of RS crimes and full and effective cooperation with the Court.

## ANDORRA

Rome Statute: Ratified (30 April 2001)  
APIC: Ratified (11 February 2005)  
Amendments: Ratified war crimes and aggression amendments (26 September 2013)

Complementarity legislation – In force  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The Penal Code adopted in 2005 (amended in 2008) includes definitions of war crimes, crimes against humanity, genocide, and aggression. Grouped under the heading, “*Crimes against the international community*,” the definitions of each are similar to the norms provided in the Rome Statute. No specific legislation on cooperation with the ICC has been adopted.

Andorra ratified the Kampala amendments on 26 September 2013.

## ARMENIA

Rome Statute: Signed (1 October 1999)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

In August 2004, the Constitutional Court rendered a negative opinion on the compatibility of the Rome Statute with the constitution. The Constitutional Court viewed the ICC as supplementing the national judicial system by virtue of the principle of complementarity, a condition not provided for by the constitution whereby justice is to be administered solely by the courts of Armenia. Ratification of the Statute was also viewed as depriving national authorities of the right to grant pardon or amnesties. The Court concluded that ratification of the Rome Statute would require a constitutional amendment.

The criminal code adopted in August 2003 includes definitions of crimes under the Rome Statute, with comprehensive legislation concerning war crimes (with no distinction between internal or international armed conflicts) in keeping with the Geneva Conventions and Additional Protocols, as well as a special chapter on *Crimes against Peace and Human Security*, detailing definitions of genocide, crimes against humanity, war crimes, as well as aggression.

## AUSTRIA

Rome Statute: Ratified (28 December 2000)  
APIC: Ratified (17 December 2003)  
Amendments: None ratified

Complementarity legislation – In progress  
Cooperation legislation – In force

### *Developments on ratification and implementation*

Legislation on cooperation was enacted on 1 October 2002. Federal Law, “*Bundesgesetz über die Zusammenarbeit mit dem Internationalen Strafgerichtshof*” (Federal Law Gazette I No. 135/2002) implements the provisions on cooperation with the Court contained in Part 9 of the Statute as well as the provisions on enforcement of sentences imposed by the Court in Part 10 of the Statute. The law also designates a channel of communication with the Court: the Federal Ministry for European and International Affairs.

While the crime of genocide is defined in the Austrian Criminal Code in Article 321, there are currently no provisions covering war crimes, crimes against humanity, or aggression. Since 2008, the Ministry of Justice and the Ministry of Foreign Affairs have been working to draft complementarity legislation.

At the UNGA Rule of Law event on 24 September 2012, Austria had pledged: “*By the end of 2012: incorporation of the specific international crimes under the Rome Statute of the International Criminal Court, as well as the crimes of torture and enforced disappearance, into the Austrian Criminal Code (submission of the government bill to the Austrian parliament).*”

At the ASP session in November 2012, Austria stated that it was “*preparing a government bill on the explicit incorporation of specific international crimes in the Austrian Criminal Code corresponding to the relevant provisions in the Rome Statute, which we plan to finalize by the end of this year [2012].*” As of September 2013, that bill is being finalized by the Federal Ministry of Justice. The draft is to be submitted to the newly constituted Austrian Parliament after the elections take place in the second half of 2013.

Austria also pledged “*ratification of the ‘Kampala amendments’ to the Rome Statute of the International Criminal Court regarding the crime of aggression and the war crimes pursuant to Article 8 of the Statute*” in 2013.

## AZERBAIJAN

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In force (partial)  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The process of ratification is impeded by constitutional obstacles concerning, for example, the immunity of state officials and the ability to grant pardon. Another possible issue includes the requirement of trial by jury in the Criminal Procedural Code.

A chapter on *Crimes against peace and human security* in the Criminal Code of September 2000 provides for comprehensive legislation concerning war crimes in keeping with the Geneva Conventions (with no distinction between internal or international armed conflicts). It also incorporates a number of relevant provisions of the Rome Statute, including individual criminal responsibility for some crimes against humanity and war crimes. The crime of genocide is also defined in the code, with attention being given to incitement to commit genocide, as is the crime of aggression.

## BELARUS

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In force (partial)  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The Criminal Code provides for comprehensive legislation concerning war crimes in keeping with the Geneva Conventions (with no distinction between internal or international armed conflicts). The Code also defines crimes against humanity (“security of humanity”) and genocide.

## BELGIUM

Rome Statute: Ratified (28 June 2000)  
APIC: Ratified (28 March 2005)  
Amendments: Ratified war crimes and aggression amendments (26 November 2013)

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

Substantive provisions concerning war crimes, crimes against humanity, and genocide with direct reference to the Rome Statute definitions were inserted in the Criminal Code with the adoption of a law on *Serious Violations of International Humanitarian Law* in August 2003.

Cooperation provisions were enacted in March 2004. The “*Loi concernant la coopération avec la Cour pénale internationale et les tribunaux pénaux internationaux*” designates the Ministry of Justice as the authority for cooperation requests and includes detailed provisions on a variety of forms of cooperation including identification and examination of individuals, evidence collection, and protection of victims and witnesses.

At the UNGA Rule of Law event on 24 September 2012, Belgium had pledged to “*ratify the amendments adopted during the Kampala first Review Conference of the Rome Statute by 2015,*” a pledge which was fulfilled on 26 November when Belgium deposited instruments of ratification for both amendments with the UN Treaty Office.

## BOSNIA AND HERZEGOVINA

Rome Statute: Ratified (11 April 2002)  
APIC: Acceded (24 January 2012)  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

Revised Criminal and Criminal Procedural codes were enacted on 24 January 2003 and have been in force since March 2003. Chapter XVII of the criminal code, entitled “*Crimes against Humanity and Values Protected by International Law*” covers most of the crimes and principles under the Rome Statute, while Chapter XVI (“*Criminal Offences Against The Integrity Of Bosnia And Herzegovina, Endangering Territorial Integrity*”) provides for the criminalization of aggression.

The Law on cooperation with the ICC was adopted by the Parliament on 30 September 2009 (*Law on the application of the Rome ICC Statute and cooperation with the International Criminal Court*, Official Gazette of Bosnia and Herzegovina No.:84/09). The law’s provisions cover cooperation and legal assistance to the ICC, and provide for receiving individuals convicted and sentenced by the ICC, subject to agreements to be concluded for each individual case.

## BULGARIA

Rome Statute: Ratified (11 April 2002)

APIC: Ratified (28 July 2006)

Amendments: None ratified

Complementarity legislation – In force (partial)

Cooperation legislation – In force

### *Developments on ratification and implementation*

The criminal code of 1968 (amended in 2011) includes crimes under the Rome Statute. Chapter Fourteen, *Outrage on Peace and Humanity*, covers war crimes, genocide, and crimes against humanity, although the definitions of the latter are not in line with the Rome Statute, as they focus primarily on the crime of apartheid. The code also includes some provisions regarding the crime of aggression.

Both the criminal procedure code and the dedicated law on *Extradition and the European Arrest Warrant* adopted in 2005 (in force as of April 2006), include provisions on cooperation, regulating, for example, the procedure for issuance and execution of requests for extradition and surrender of persons by the ICC.

At the UNGA Rule of Law event on 24 September 2012, Bulgaria pledged to ‘consider’ the future ratification of the Kampala amendments by the end of 2014. No information regarding progress towards the fulfillment of this pledge was available at the time of publication.

## CROATIA

Rome Statute: Ratified (21 May 2001)

APIC: Ratified (17 December 2004)

Amendments: Ratified war crimes and aggression amendments (20 December 2013)

Complementarity legislation – In force

Cooperation legislation – In force

### *Developments on ratification and implementation*

The criminal code includes provisions on the principles and the definitions of crimes under the Rome Statute. Genocide, wars of aggression, crimes against humanity, and war crimes are defined in Chapter XIII on *criminal offenses against values protected by international law*. Amendments to better align the national legislation and remove contradictions with the Rome Statute were adopted in 2004 via the “*Act on the Application of the ICC and Prosecution of Criminal Offences against International War and Humanitarian Law*” (Official Gazette, no. 105/04). Such amendments included the insertion of provisions on command responsibility (Article 167a) and improved provisions on crimes against humanity (Article 157a).

A law on cooperation with the ICC, entitled, “*Law on the Implementation of the Statute of the International Criminal Court and Prosecution of Crimes against International Law of War and Humanitarian Law*,” was approved by the Parliament on 17 October 2003 and entered into force on 12 November 2003.

In October 2011, Croatia adopted further amendments to the criminal code incorporating the definition of the crime of aggression as agreed upon at the 2010 Review Conference. These amendments entered into force on 1 January 2013. On 20 December, Croatia deposited its instrument of ratification of the Kampala amendments with the Office of Legal Affairs of the United Nations.

## CYPRUS

Rome Statute: Ratified (7 March 2002)

APIC: Ratified (18 August 2005)

Amendments: Ratified war crimes and aggression amendments (26 September 2013)

Complementarity legislation – In force

Cooperation legislation – In force

### *Developments on ratification and implementation*

The “Rome Statute of the International Court (Ratifying) Law of 2002, L. 8(III)/2002” provides direct reference to the definitions of crimes contained in the Rome Statute. Article 2 explicitly states that the crimes of genocide, war crimes, and crimes against humanity are to mean any of the acts defined in the corresponding article concerning the crimes in the Rome Statute. Indeed, the full text of the Rome Statute is incorporated into the Law.

In 2006, the law was amended (by the *Rome Statute of the International Court (Ratifying)(Amending) Law of 2006, L. 23(III)/2006*) to explicitly provide for cooperation with the ICC. A 2011 amendment of the “*Extradition of Fugitives Law, N. 97/70*” (entitled “Extradition of Fugitives (Amending) Law of 2011, L. 154(I)/2011”) enables the extradition of fugitives to the ICC upon the latter’s request, and the Mutual Legal Assistance Law of 2001 (N.23(1)/2001) regulates, among others, evidence gathering, transit of detained persons, and the service of documents.

Cyprus ratified both Kampala amendments on 26 September 2013.

## CZECH REPUBLIC

Rome Statute: Ratified (21 July 2009)

APIC: Acceded (4 May 2011)

Amendments: None ratified

Complementarity legislation – In force

Cooperation legislation – In force

### *Developments on ratification and implementation*

The Criminal Code that entered into force in January 2010 includes provisions on complementarity: definitions of crimes against humanity and genocide in keeping with the Rome Statute, a definition of the crime of aggression, and some war crimes provisions are featured in dedicated sections. Other acts considered to be war crimes under international humanitarian law are covered under the general crimes provisions of the Criminal Code. The 2010 update also introduced the notion of command responsibility into the Czech Criminal Code for first time (section 415).

Section 375 of the Code of Criminal Procedure provides for the mutatis mutandis application of Chapter XXV on “International Cooperation and Judicial Assistance” (which regulates international judicial cooperation with foreign States, including, among others, surrender/extradition, transfer of the person through the Czech territory, and execution of judgments) in cases of cooperation with international criminal courts and tribunals. A 2009 amendment to the Code removed a provision barring surrender of Czech nationals to international criminal courts and tribunals.

On 1 January 2014, new legislation entitled, the “Act on International Judicial Cooperation in Criminal Matters (No. 104/2013 of the Collection of Laws),” providing for cooperation with the ICC entered into force in the Czech Republic, thus completing the state’s obligations as regards implementation of the Rome Statute. The ICC-relevant part of the Act is Part Four. The ICC falls under the category of international courts under Section 145(1)(a) of the Act, i.e. it has the most preferential treatment. Act No. 105/2013 of the Collection of Laws relates to other amendments of other acts and statutes that had to be made in connection with the adoption of the 104/2013 Act.

## DENMARK

Rome Statute: Ratified (21 June 2001)  
APIC: Ratified (3 June 2005)  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

Act No. 132 of 29 of April 1955 provides the earliest definition of the crime of genocide. Criminal Code, Order No. 909 of September 27, 2005 (amended 21 December, 2005) covers crimes against humanity, while the Military Criminal Code of 1973 includes provisions for war crimes.

Act No. 342 on the International Criminal Court adopted on 16 May 2001 authorized ratification of the Rome Statute. While according to the Act, all provisions of the Statute form part of Danish law, the incorporation of the Statute's definitions of crimes in Danish criminal law is not made explicit by the Act. However as noted above, the acts constituting all three categories of crimes contained in the Statute are criminalized under Danish law.

The 2001 Act also outlined a set of supplementary provisions regarding cooperation with the ICC that were deemed necessary to enable Danish authorities to cooperate fully with the Court in practice. These concern, for example, extradition of suspects to the ICC, the execution of ICC judgments in Denmark, and the exclusion of jurisdiction of Danish courts in criminal matters already settled by the ICC.

## ESTONIA

Rome Statute: Ratified (30 January 2002)  
APIC: Ratified (13 September 2004)  
Amendments: Ratified war crimes and aggression amendments (27 March 2013)

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

Genocide, crimes against humanity, and war crimes were first criminalized under Estonian law in 1994 by an amendment to the Criminal Code in force at the time. The 2002 version of the code (adopted prior to Estonia's ratification of the Statute) incorporates extensive definitions of genocide, war crimes, crimes against humanity, and aggression under the section "*Offences against Humanity and International Security*" (Karistusseadustik [Penal Code], 6 June 2001, in force 1 September 2002). The Penal Code also provides for the non-applicability of statutory limitations to crimes against humanity.

The *Ratification of the Rome Statute of the International Criminal Court Act of 5 December 2001 (in force as of 19 January 2002)* paved the way for Estonia's ratification, and also stipulated that requests for surrender by the Court should be fulfilled in accordance with the provisions of the Code of Criminal Procedure dealing with extradition to foreign states. Another Act adopted at the same time made certain amendments to the Code of Criminal Procedure concerning cooperation with the ICC.

At the UNGA Rule of Law event on 24 September 2012, Estonia pledged to pursue ratification of the Kampala amendments by the end of 2013. Estonia ratified both amendments on 27 March 2013. The pre-existing national legislation criminalizing aggression overlaps with the Kampala definition.

## FINLAND

Rome Statute: Ratified (29 December 2000)  
APIC: Ratified (8 December 2004)  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

An Act on the implementation of the provisions of a legislative nature of the Rome Statute of the International Criminal Court and on the application of the Statute ("ICC Crimes Act") was adopted in December 2000. It contains provisions for cooperation with the ICC.

The Criminal Code was amended in 2008 to bring national legislation regarding criminalization of Rome Statute crimes into conformity with the definitions of the Statute. Chapter 11 provides detailed definitions of genocide, crimes against humanity, and war crimes. A definition of the crime of aggression already existed in the Criminal Code of 1995. The 2008 Code also introduced provisions regarding command responsibility and superior orders (RS Articles 28 and 33 respectively).

At the ASP session in 2012, Finland stated that the "*national [Kampala Amendments] ratification process is expected to be finalized by the end of 2014.*"

## **FRANCE**

Rome Statute: Ratified (9 June 2000)

APIC: Ratified (17 February 2004)

Amendments: None ratified

Complementarity legislation – In force

Cooperation legislation – In force

### *Developments on ratification and implementation*

The criminal code includes provisions on the principles and the definitions of crimes under the Rome Statute thanks to the adoption of the French ICC implementation bill (*Loi no 2010-930 du 9 août 2010 portant adaptation du droit penal*) on 9 August 2010.

On 6 September 2012, a group of Senators submitted for consideration a draft law which would amend part of the French ICC implementing legislation of 2010 with the aim to remove 4 clauses that are viewed by some as restricting the modalities for France to investigate and prosecute Rome Statute crimes.

A law adopted by the Senate on 26 February 2013 removed 3 of the 4 clauses, while a draft law addressing the remaining restrictive clause has been transmitted to the lower chamber (*Assemblée nationale*) for consideration. The last clause denies victims the right to initiate proceedings as *partie civile* in contradiction with ordinary French national law. No further information on the status of the draft was available at the time of publication.

A law on cooperation with the ICC was enacted on 19 February 2002. In January 2012 a specialised unit – the "*Pôle genocide et crimes internationaux*" – was established within the Paris district court (*tribunal de grande instance*) to deal with war crimes and crimes against humanity.

## **GEORGIA**

Rome Statute: Ratified (5 September 2003)

APIC: Acceded (10 March 2010)

Amendments: None ratified

Complementarity legislation – In force

Cooperation legislation – In force

### *Developments on ratification and implementation*

Prior to Georgia's ratification of the Rome Statute, provisions for some international crimes were already incorporated in Part 14 ("*Crimes against Mankind*") of the criminal code. Following ratification, amendments were adopted to bring the national legislation into compliance with the Rome Statute. The code's new section 14 on "*Crimes Against Humanity, Peace, Security And International Humanitarian Law*" covers genocide, crimes against humanity, and war crimes.

On 14 August 2003, the Parliament adopted a law on cooperation with the ICC, covering all modes of cooperation envisaged by Part 9 of the Rome Statute. The law provides the legal basis for compliance with cooperation and assistance requests from the ICC for the arrest and surrender of suspects and for other forms of assistance in criminal matters, including the transmission of evidence and information to

the Court, and the enforcement of sentences handed down by the Court. The law also provides for judicial guarantees for the benefit of persons suspected of a crime under the jurisdiction of the ICC who are interrogated in Georgia.

A conflict involving Georgia and Russia over the South Ossetia region in August 2008 is currently under preliminary examination by the ICC's Office of the Prosecutor.

## GERMANY

Rome Statute: Ratified (11 December 2000)

APIC: Ratified (2 September 2004)

Amendments: Ratified war crimes and aggression amendments (3 June 2013)

Complementarity legislation – In force

Cooperation legislation – In force

### *Developments on ratification and implementation*

Legislation including all the crimes under the Rome Statute and cooperation provisions was enacted in 2002.

The 26 June 2002 *Code on International Criminal Law* (entry into force 1 July 2002) specifically incorporates the Rome Statute definitions of genocide, war crimes, and crimes against humanity into national law.

The *ICC Implementation Act* of 21 June 2002 contains several provisions regarding cooperation with the ICC, most notably Article 1 known as the "*Law on Cooperation with the International Criminal Court*." This Law outlines the procedures for cooperation between national authorities and the ICC, including provisions regarding arrest, surrender, and enforcement of sentences.

In November 2008, a new section of the Criminal Code entered into force removing the final hurdle to full implementation. The section extends the German provisions on false testimony to offences committed in proceedings before the ICC.

On 31 August 2012, the government submitted a draft bill for the ratification of the Kampala amendments to the Bundesrat (upper house). On 3 June 2013, Germany deposited their instrument of ratification of both Kampala amendments with the United Nations, making it the sixth ICC State Party to ratify the amendments.

## GREECE

Rome Statute: Ratified (15 May 2002)

APIC: Ratified (6 July 2007)

Amendments: None ratified

Complementarity legislation – In force

Cooperation legislation – In force

### *Developments on ratification and implementation*

On 1 April 2011, the Greek Parliament adopted Law 3948/2011 (Government Gazette, Part A 71/5.4.2011) "*Adjustment of the Provisions of Domestic Law to the Provisions of the Statute of the International Criminal Court ratified by Law 3003/2002 (A' 75)*" which contains both complementarity and cooperation provisions. The law introduced new provisions of substantive and procedural criminal law into national legislation and Rome Statute crimes were directly incorporated by the law without explicit reference to the Statute. The law also provides for arrangements on judicial cooperation and regulates matters related to the request for surrender to the International Criminal Court, specifying the modalities for the arrest of the requested person and his or her provisional surrender to the Court (articles 20-25).

## HUNGARY

Rome Statute: Ratified (30 November 2001)  
APIC: Ratified (22 March 2006)  
Amendments: None ratified

Complementarity legislation – In force (partial)  
Cooperation legislation – In force (partial)

### *Developments on ratification and implementation*

The Criminal Code of 1978 (amended in 2005) covers crimes against humanity in Chapter 11, which under the Code include some war crimes, as well as definitions of genocide and aggression. There is no specific bill on cooperation, but Act XXXVIII of 1996 on *International legal assistance in Criminal Matters* could be applied to some requests from the Court.

At the UNGA Rule of Law event on 25 September 2012, Hungary pledged to “bring its criminal law in line with the provisions of the Rome Statute by adopting a new Criminal Code which will enter into [force] in July 2013.” No information regarding progress towards the fulfillment of this pledge was available at the time of publication.

## HOLY SEE (THE)/ VATICAN CITY STATE

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Amendments to the Criminal Code and the Criminal Procedure Code passed on 12 July 2013 include the insertion of a separate section “dedicated to crimes against humanity, including genocide and other crimes defined by international common law, along the lines of the 1998 Rome Statute of the International Criminal Court.”

## ICELAND

Rome Statute: Ratified (25 May 2000)  
APIC: Ratified (1 December 2003)  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – In force

### *Developments on ratification and implementation*

A Law Implementing the Rome Statute of the International Criminal Court (Lög um framkvæmd Rómarsamþykktar um Alþjóðlega sakamáladómstólinn) was passed by Parliament on 11 May 2001. The law sets out the terms for cooperation with the Court including enforcement of sentences

## IRELAND

Rome Statute: Ratified (11 April 2002)  
APIC: Ratified (20 November 2006)  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

The *International Criminal Court Act of October 2006* provides for the punishment of genocide, crimes against humanity, war crimes, and other offences within the jurisdiction of the ICC, explicitly referring to the definitions enumerated in the Rome Statute.

The Act also regulates requests for arrest and surrender by the ICC, as well as the enforcement of ICC rulings and compliance with requests to freeze and confiscate assets of the accused. The Act also enabled Ireland to ratify the APIC.

## ITALY

Rome Statute: Ratified (26 July 1999)  
APIC: Ratified (20 November 2006)  
Amendments: None ratified

Complementarity legislation – In force (partial)  
Cooperation legislation – In force

### *Developments on ratification and implementation*

On 4 December 2012, the Italian Parliament adopted a law on cooperation with the ICC entitled “*Norme per l'adeguamento alle disposizioni dello statuto istitutivo della Corte penale internazionale*”).

Italy has not adopted specific legislation on the implementation of Rome Statute definitions of crimes although proposals had been drafted shortly following Italy's ratification. Preexisting legislation provides for the crime of genocide, some war crimes, and some crimes against humanity.

## KAZAKHSTAN

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation - In force (partial)  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Kazakhstani government representatives have cited obstacles to ratification stemming from perceived inconsistencies between the Statute, the Constitution, and national legislation. However, at the 43<sup>rd</sup> session of the Committee on the Rights of the Child (2006), the Kazakh authorities stated that the government was in the process of ensuring compliance of domestic legislation with Rome Statute norms in the aim of acceding. This was reiterated at the 7<sup>th</sup> session of the UN Human Rights Council's Universal Periodic Review in February 2010, despite Kazakhstan's formal rejection of the recommendation (made by Slovenia) to accede to the treaty. There have been no further advances with regard to accession to the Rome Statute.

Limited definitions of genocide, crimes against humanity, war crimes, and aggression are included in the criminal code of Kazakhstan. A draft for a revised criminal code was prepared by the General Prosecutor's Office (GPO) and the Ministry of Justice in 2012 to further incorporate violations of international humanitarian law and war crimes provisions. The draft – scheduled to be sent to Parliament for review by the end of 2013 – will not, however, bring the national legislation into full alignment with the Rome Statute, particularly as regards lacunae in the definitions of war crimes and crimes against humanity.

## KYRGYZSTAN

Rome Statute: Signed (8 December 1998)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In force (partial)  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The criminal code includes a chapter on “*Crimes against the peace and security mankind*” which includes definitions of genocide, war crimes, crimes against humanity, and aggression however these are not in full alignment with the Rome Statute. Kyrgyzstan government officials have invoked a need to

review the national legislation in order to evaluate the need to adjust existing provisions on war crimes to comply with the definitions in the Rome Statute prior to ratification. No further information on progress is available.

## LATVIA

Rome Statute: Ratified (28 June 2002)

APIC: Ratified (28 October 2004)

Amendments: None ratified

Complementarity legislation – In force

Cooperation legislation – In force

### *Developments on ratification and implementation*

As of 2008, Latvia was working towards including Rome Statute definitions of war crimes, genocide, and crimes against humanity into national law. The Criminal Code at the time included a chapter entitled, *Crimes against Humanity and Peace, War Crimes and Genocide* which established criminal liability for these crimes, but not in keeping with the definitions established by the Rome Statute.

Amendments to the criminal code made in 2009 include provisions covering crimes against humanity in accordance with Article 7 of the Rome Statute; a more detailed definition of war crimes with reference to international and humanitarian law; and criminal liability for the public incitement to commit genocide, crimes against humanity, and war crimes, and for the denial of the commission of those crimes.

While there is no separate law providing for cooperation with the ICC, the Criminal Procedure Code of 2005 includes a section on *Criminal-legal cooperation with international courts*, allowing for the surrender of persons to the ICC and assistance to the Court in the performance of procedural actions, among others.

A specific law *On the Agreement on Privileges and Immunities of the Court* came into effect 18 November 2004, stipulating that the Ministry of Justice would coordinate the implementation of related commitments.

## LIECHTENSTEIN

Rome Statute: Ratified (2 October 2001)

APIC: Acceded (21 September 2004)

Amendments: Ratified war crimes and aggression amendments (8 May 2012)

Complementarity legislation – No known efforts underway

Cooperation legislation – In force

### *Developments on ratification and implementation*

Liechtenstein has yet to adopt specific legislation on the crimes under the ICC's jurisdiction. Only the crime of genocide is explicitly covered by existing legislation (slavery as a crime against humanity is also included in the law). War crimes and crimes against humanity fall under the scope of other offences in the Criminal Code pertaining to loss of life and limb. In 2010, Liechtenstein indicated that it plans to incorporate explicit reference to war crimes and crimes against humanity into the Criminal Code via a future amendment process. No further information regarding progress towards the fulfillment of this pledge was available at the time of publication.

A *Law on Cooperation with the International Criminal Court and other international tribunals (ZIGG)* adopted in October 2004 provides the legal basis for comprehensive cooperation with the ICC.

On 8 May 2012, Liechtenstein became the first ICC State Party to ratify the amendment on the crime of aggression and the amendment to Article 8 of the Rome Statute.

## LITHUANIA

Rome Statute: Ratified (12 May 2003)  
APIC: Ratified (30 December 2004)  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

Amendments made to the Criminal Code and Criminal Procedural Code including substantive criminal law and cooperation provisions entered into force on 1 May 2003. These amendments introduced a special part – Section XV – to cover crimes against humanity, war crimes, genocide, and aggression. The changes to the Criminal Procedure Code allowed for provisions regarding arrest and surrender to the ICC, the provision of evidence, and the enforcement of sentences.

## LUXEMBOURG

Rome Statute: Ratified (8 September 2000)  
APIC: Ratified (20 January 2006)  
Amendments: Ratified war crimes and aggression amendments (15 January 2013)

Complementarity legislation – In force (partial)  
Cooperation legislation – In force

### *Developments on ratification and implementation*

In February 2012, Luxembourg adopted a law on cooperation with the ICC and necessary amendments to the criminal code to fully implement the Rome Statute (including the definition of the crime of aggression adopted at the 2010 Review Conference). The “*Act modifying the domestic law in accordance with the Rome Statute, approved by the law of 14 August 2000 concerning approval of the Rome Statute of the International Criminal Court*” required modification of the Criminal Code and the Criminal Procedure Code as well as the creation of new procedures specific to the ICC. The codes’ definitions of war crimes, genocide, crimes against humanity, and the crime of aggression are similar to those in the Rome Statute.

Some analysts view the above adaptations to the Criminal Procedure Code to be insufficient as they limit the capacity to investigate and prosecute non-Luxembourgish citizens present in Luxembourg who could have committed any of these crimes outside Luxembourg. This would only be possible if (a) a request of extradition is made by a foreign State with jurisdiction to prosecute and try the person, (b) that foreign State is aware of the presence of that person in Luxembourg and is willing to make the request; and (c) that extradition request is rejected by the competent authorities of Luxembourg. Moreover, some provisions of the Rome Statute were not incorporated into the national legislation, including Article 25 on individual criminal responsibility and Article 27 on the irrelevance of official capacity.

At the UNGA Rule of Law event on 24 September 2012, Luxembourg pledged to complete the ratification process for the Kampala amendments by early 2013, a pledge which was fulfilled on 15 January 2013 when Luxembourg became the fourth State Party to ratify the Kampala amendments. Luxembourg is the first state to have both ratified and implemented the amendments.

## MACEDONIA (FYR OF)

Rome Statute: Ratified (6 March 2002)  
APIC: Ratified (19 October 2005)  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force (partial)

### *Developments on ratification and implementation*

The criminal code includes definitions of crimes against humanity, war crimes and genocide, as well as the crime of aggression.

The criminal procedural code addresses some of the Rome Statute provisions on cooperation, but there are no known efforts underway to further align national law with Part 9 cooperation obligations.

## MALTA

Rome Statute: Ratified (29 November 2002)

APIC: Acceded (21 September 2011)

Amendments: None ratified

Complementarity legislation – In force

Cooperation legislation – In force

### *Developments on ratification and implementation*

The *International Criminal Court Act (XXIV)* was passed by Parliament in November 2002 and includes complementarity and cooperation provisions. It introduced amendments to the Criminal Code that incorporate Rome Statute definitions of genocide, war crimes, and crimes against humanity. The act also includes provisions on cooperation related to enforcement of sentences, arrest, detention, and surrender.

As of March 2012, a new amendment to Article 54A of the criminal code to include the crime of aggression had been drafted and submitted to Parliament. No further information regarding progress of this amendment was available at the time of publication.

## MOLDOVA

Rome Statute: Ratified (12 October 2010)

APIC: Not signed or ratified

Amendments: None ratified

Complementarity legislation – In force

Cooperation legislation – In force (partial)

### *Developments on ratification and implementation*

Following ratification of the Rome Statute in 2010, in consultation with civil society, the Ministry of Justice prepared a draft law to amend the criminal code to bring it into alignment with the Rome Statute. The Parliament adopted the bill on 4 April 2013 (entry into force 21 May 2013). The code now includes provisions on genocide, crimes against humanity, and war crimes, as well as the use of prohibited means and methods in the conduct of war.

Moldova has no specific legislation on cooperation with the ICC, although some provisions related to international legal assistance in the criminal matters, in particular in the Criminal Procedure Code as well as in the *Law on international cooperation in criminal matters*, may allow for cooperation with the Court. Government officials have committed to analyzing existing legislation in order to determine whether amendments are needed to ensure full and effective cooperation with the Court. No further information on the status of this analysis was available at the time of publication.

## MONACO

Rome Statute: Signed (18 July 1998)

APIC: Not signed or ratified

Amendments: None ratified

Complementarity legislation – No known efforts underway

Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

In order to ratify the Statute, Monaco must first amend the Constitution in relation to the executive powers of the royal family. No further information regarding progress towards ratification was available at the time of publication.

The Criminal Code of Monaco contains limited provisions concerning war crimes, but does not cover crimes against humanity or genocide. Monaco does not have any existing legislation specifying cooperation with the ICC.

## MONTENEGRO

Rome Statute: Acceded (23 October 2006)  
APIC: Acceded (23 October 2006)  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

Chapter 35 of the criminal code, entitled, “*Crimes Against Humanity And Rights Guaranteed Under International Law*” includes definitions of crimes against humanity, genocide, war crimes, and aggression as well as provisions on command responsibility.

The Parliament approved a law on cooperation with the ICC on 27 July 2009.

## THE NETHERLANDS

Rome Statute: Ratified (17 July 2001)  
APIC: Ratified (24 July 2008)  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

The *International Crimes Act* came into force on 1 October 2003. The Act consolidates pre-existing legislation regarding international crimes, updates some definitions, and criminalizes crimes against humanity for the first time. The definitions are based on those of the Rome Statute. The ICC Implementation Act (*Act of 20 June 2002 to implement the Statute of the International Criminal Court in relation to co-operation with and the provision of assistance to the International Criminal Court and the enforcement of its decisions*), in force since 1 July 2002, includes cooperation provisions and gives the Dutch Government a statutory basis for transferring suspects to the ICC, protecting and guarding them and transporting them to the Court; it also contains provisions regarding assistance to the Court by The Netherlands as host State.

At the UNGA Rule of Law event on 24 September 2012, The Netherlands pledged to ‘consider’ the future ratification of the Kampala amendments at the earliest possible convenience. Before the end of 2013, draft laws incorporating the Kampala amendments should be sent to parliament for approval and implementation.

## NORWAY

Rome Statute: Ratified (16 February 2000)  
APIC: Ratified (10 September 2002)  
Amendments: Ratified war crimes amendment (10 June 2013)

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

The Criminal Code as amended in March 2005 introduced updated substantive legislation on the crimes of genocide, war crimes, and crimes against humanity based on the definitions in the Rome Statute. Some definitions are more extensive in that they also include certain crimes considered as war crimes under international customary law that are not in the Rome Statute.

The *Law to Implement the Statute of the International Criminal Court* was enacted in 2001 to incorporate the Rome Statute provisions on cooperation into national legislation. The law includes provisions on surrender of persons and enforcement of sentences.

## POLAND

Rome Statute: Ratified (12 November 2001)  
APIC: Ratified (10 February 2009)  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

The original version of the Penal Code (Act of June 6, 1997) for the most part covered all the crimes as provided in the Rome Statute, including the crime of aggression, in a chapter on crimes against peace and humanity and war crimes. However, in order to make the law more fully reflect the Rome Statute definitions of those crimes, a new law amending the Penal Code (on Chapter XVI issues – namely crimes against peace, humanity and war crimes) was adopted by the Polish Parliament on May 20, 2010 (Journal of Laws 10.98.626 from 2010) as the *Act of May 20, 2010 amending the Penal Code*.

A law concerning cooperation with the ICC entered into force in November 2004 as a new regulation forming part of the Code of Criminal Procedure. Chapter 66E of the Code regulates cooperation with the International Criminal Court.

## PORTUGAL

Rome Statute: Ratified (5 February 2002)  
APIC: Ratified (3 October 2007)  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force (partial)

### *Developments on ratification and implementation*

The *Law adapting Portuguese criminal legislation to the Statute of the International Criminal Court* (Law 31/2004) was adopted on 22 July 2004. It amended the criminal code by introducing substantive definitions of genocide, crimes against humanity, and war crimes along the lines of the Rome Statute. There is no specific legislation on cooperation with the ICC however legislation on international judicial cooperation in criminal matters passed in 1999 can be used to address some aspects of cooperation with the ICC, including arrest and surrender of suspects, enforcement of sentences, and mutual legal assistance.

## ROMANIA

Rome Statute: Ratified (11 April 2002)  
APIC: Ratified (17 November 2005)  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

The Criminal Code of 2003 contained a chapter on crimes against humanity, but the definitions were not fully compatible with the Rome Statute. A new Criminal Code was approved in 2009, bringing definitions of genocide, crimes against humanity, and war crimes into line with the definitions in the Rome Statute.

A law on international relations and cooperation on criminal matters was enacted in July 2004 and covers cooperation with the ICC. Nevertheless, Romania is currently draft a specific law on cooperation with the ICC to take into account legislative changes which occurred during the last few years. At the 2013 ASP, Romania announced that the draft law is expected to be finalized and submitted to Parliament for adoption in 2014.

At the 2012 session of the Assembly of States Parties, Romania stated that it was preparing the ratification of the Kampala Amendments. No information regarding progress towards the fulfillment of this pledge was available at the time of publication.

## RUSSIAN FEDERATION

Rome Statute: Signed (13 September 2000)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In force (partial)  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

At the beginning of 2008, a draft law on ratification was prepared for consideration by the office of the President, however it was later withdrawn from the agenda.

As a permanent member of the UN Security Council, the Russian Federation plays an important role in the Rome Statute system, but has demonstrated a mixed track record as regards positive engagement with the International Criminal Court.

The Criminal Code of the Russian Federation covers some war crimes, genocide, and the crime of aggression, although there are no explicit provisions covering crimes against humanity.

## SAN MARINO

Rome Statute: Ratified (13 May 1999)  
APIC: Not signed or ratified  
Amendments: Ratified war crimes amendment (26 September 2011)

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The Penal Code of 1974 (subsequently amended) lacks any provisions on war crimes, crimes against humanity, or genocide. However, in conformity with the *Declaration of Human and Civic Rights*, the Republic of San Marino receives generally recognized rules of international law as an integral part of its constitutional order.

On 26 September 2011, San Marino was the first State Party to ratify the amendment to Article 8 of the Rome Statute.

## SERBIA

Rome Statute: Ratified (6 September 2001)  
APIC: Ratified (7 May 2005)  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

The criminal code which entered into force in January 2006 includes all of the crimes under the Rome Statute. The code addresses some of the Statute's gender provisions: rape, forcible prostitution, forcible pregnancies or sterilization are considered crimes against humanity and war crimes. The criminal code defines the crime of aggression (preexisting to the Kampala amendment text) and all bars to prosecution (i.e. statutes of limitations, amnesties and pardons, immunity for officials) have been eliminated under national law.

Specific legislation allowing for the local prosecution of war crimes suspects was approved by the Parliament in June 2003. The "*Law on the Organization and Jurisdiction of Government Authorities in Prosecuting Perpetrators of War Crimes*" (amended in 2009) provided for the establishment of a legal and institutional framework for the conduct of war crime trials.

On 31 August 2009, the Parliament adopted a law on cooperation with the ICC. Serbia signed an *agreement on the enforcement of sentences of the ICC* with the Court on 20 January 2011, and the Serbian National Assembly subsequently ratified it in the first half of 2011.

## SLOVAKIA

Rome Statute: Ratified (11 April 2002)  
APIC: Ratified (26 May 2004)  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

Shortly after ratification, on 19 June 2002, the Criminal Code and the Criminal Procedure Code were amended to provide a minimal legal framework for cooperation with the ICC. The amended codes also addressed other select questions related to implementation of the Rome Statute, including command responsibility.

In 2005, the Parliament approved a new Criminal Code which came into force on 1 January 2006. In Chapter 12, entitled, “*Criminal Offenses against peace, humanity, criminal offenses of terrorism, extremism and war crimes,*” genocide, crimes against humanity, and war crimes are directly linked with the respective provisions of the Rome Statute. The amendments also provide for the execution of arrest warrants and the enforcement of sentences. The Slovakian Criminal Code also addresses the crime of aggression.

## SLOVENIA

Rome Statute: Ratified (31 December 2001)  
APIC: Ratified (23 September 2004)  
Amendments: Ratified war crimes and aggression amendments (25 September 2013)

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

While the majority of the crimes set out in the Rome Statute were already part of the Slovenian Criminal Code, the code was amended in May 2004 to better align it with the substantive provisions of the Rome Statute. Chapter 14 covers genocide, crimes against humanity, and war crimes, with the definitions largely mirroring those of the Rome Statute. Slovenia also amended a constitutional provision regarding extradition to be in line with the Statute.

An “*Act on cooperation between the Republic of Slovenia and the ICC*” was enacted on 25 October 2002. The Act covers arrest and surrender of suspects, privileges and immunities of Court personnel, and enforcement of reparations orders. While primarily focused on cooperation, the Act does confirm the principle of complementarity by conferring primary jurisdiction to the national authorities “*for the prosecution and trial of perpetrators of crimes within the jurisdiction of the Court as determined in Articles 5 to 8 of the Statute.*”

On 14 May 2012, a further revised criminal code entered into force, inserting Article 103 which incorporates the definition of the crime of aggression agreed to at the Review Conference.

At the UNGA Rule of Law event on 25 September 2012, Slovenia pledged to: “*ratify the Kampala Amendments to the Rome Statute, both on aggression and war crimes, by the end of 2013. Slovenia has already incorporated their provisions in its domestic legislation namely its Criminal Code.*” Slovenia reiterated this pledge at the ASP in 2012, and ratified both amendments on 25 September 2013.

## SPAIN

Rome Statute: Ratified (24 October 2000)  
APIC: Ratified (24 September 2009)  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

The criminal code as amended on 26 November 2003 by *LO 15/2003* included some of the crimes under the Rome Statute, such as modifications to the definitions of and penalties for crimes against humanity and some elements of war crimes. The criminal code also already contained a definition of genocide in keeping with Article II of the 1948 Convention and therefore with the Rome Statute definition as well. In June 2010, the Spanish Parliament approved further amendments to the Criminal Code (by *LO 5/2010*) to bring the definitions of crimes into better alignment with those in the Rome Statute. The code does not contain any provisions covering the crime of aggression.

The *ICC Cooperation Act (LO 18/2003)* was enacted in December 2003 and covers arrest and surrender of suspects, enforcement of sentences, as well as competing requests.

At the 2012 session of the Assembly of States Parties, Spain stated that the necessary administrative processes for ratification of the Kampala amendments were underway, with the hope that they would soon be ratified by Parliament. No information regarding progress towards the fulfillment of this pledge was available at the time of publication.

## **SWEDEN**

Rome Statute: Ratified (28 June 2001)

APIC: Ratified (13 January 2005)

Amendments: None ratified

Complementarity legislation – In progress

Cooperation legislation – In force

### *Developments on ratification and implementation*

The Criminal Code of 1964 includes a chapter on *Serious Violations of IHL* which criminalizes grave breaches against international humanitarian law as established by treaty and custom, including the crime of genocide. It also contains notions of command responsibility and superior orders. However, there is no provision explicitly criminalizing crimes against humanity; acts (such as murder, rape and assault) that would fall under the Rome Statute definition of crimes against humanity would thus not be prosecuted as 'international crimes' under the Swedish Criminal Code. There is no statute of limitation for genocide or war crimes.

Following a government resolution of October 2000, a Commission was appointed to review Swedish legislation on criminal responsibility for international crimes and jurisdiction over such crimes. In November 2002, the Commission on International Law issued its report which entailed a proposal to amend the current criminal code to define genocide, crimes against humanity and war crimes, as crimes under Swedish law. As of July 2013, Sweden had reached an advanced stage in drafting a bill with legislation on and criminalization of the crimes in the Rome Statute. In November 2013, the Minister of Justice announced that that the bill – which will introduce definitions of crimes against humanity into national legislation and amend existing legislation on war crimes and genocide – will come into force in July 2014.

The Act on cooperation with the ICC adopted on 25 April 2002 covers all forms of cooperation as set forth in Part 9 of the Rome Statute, such as arrest and surrender of suspects and offenses against the administration of justice by the ICC, as well as enforcement of sentences and fines, forfeiture and reparation decisions.

## **SWITZERLAND**

Rome Statute: Ratified (12 October 2001)

APIC: Ratified (25 September 2012)

Amendments: None ratified

Complementarity legislation – In force

Cooperation legislation – In force

### *Developments on ratification and implementation*

On 18 June 2010, the Federal Assembly of the Swiss Confederation adopted a law to implement the Rome Statute. The law amends several pieces of national legislation, including the criminal code, the military criminal code, the code of criminal procedure, the *Act of 20 March 1981 on Mutual Assistance on International Crimes*, and the *Military Criminal Procedure of 20 March 1979* to bring Swiss legislation into alignment with the definitions of crimes and the basic legal principles of the Rome Statute. The law introduced a definition of crimes against humanity, refined the definition of war crimes (which had only

been defined in the military code), and redrew the division of competences between the civil and the military jurisdictions. The law also clarified the statutes of limitations concerning Rome Statute crimes.

The law confers on Switzerland the duty to try a suspect before national courts in cases of serious international crimes committed abroad, regardless of the nationality of the perpetrator or the victim, when the suspect is found in Switzerland, and is neither extradited to another state nor surrendered to an international criminal court whose jurisdiction is recognized by Switzerland.

On 25 September 2012, Switzerland ratified the Agreement on the Privileges and Immunities of the International Criminal Court (APIC), thus fulfilling a pledge made at the 2010 Kampala Review Conference.

In June 2013, the Swiss Federal Council launched a consultation on the ratification of the Kampala amendments which was set to end on 20 October 2013. Following the consultation, the Federal Council is expected to submit the amendments to Parliament prior to the holding of a referendum to approve the amendments expected in early 2015.

A law on cooperation with the ICC was enacted on 21 June 2001. The law establishes a central service for cooperation with the Court within the Federal Office of Justice, which is also in charge of considering challenges to the Court's jurisdiction and case admissibility. The decision to refer a situation to the Court or to waive immunity falls to the Swiss Federal Council. In 2012, Switzerland established a specialized unit within the Federal Prosecutor's office – the "*Centre de compétences en matière de droit pénal international*" – to handle investigations and prosecutions of Rome Statute crimes.

## TAJKISTAN

Rome Statute: Ratified (5 May 2000)

APIC: Not signed or ratified

Amendments: None ratified

Complementarity legislation – In force (partial)

Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The Criminal Code includes some war crimes committed in international and internal armed conflicts and the crime of genocide, and excludes statutes of limitations for these crimes. The Code also includes a definition of the crime of aggression and most crimes against humanity, however it lacks acts such as extermination, deportation or forceful transfer of population, forced pregnancy, enforced sterilization, and the enforced disappearance of persons. The code also includes some principles of criminal law such as *nullum crimen sine lege* and superior responsibility. There are no known efforts underway to more closely align national criminal legislation with the Rome Statute. There are no explicit provisions for cooperation with the ICC.

## TURKEY

Rome Statute: Not signed or ratified

APIC: Not signed or ratified

Amendments: None ratified

Complementarity legislation – In force (partial)

Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Chapter 1 of the Turkish Criminal Code entitled, "*International Offenses*," includes incomplete definitions of crimes against humanity and genocide, but not war crimes.

In May 2004, Article 38 of the Constitution was amended (Amendment 5170 - 07.05.2004) to clarify the distinction between extradition of nationals to a foreign country and surrender to the ICC: "*No citizen shall be extradited to a foreign country because of an offence, except under obligations resulting from being a party to the International Criminal Court.*"

The 3rd National Program of Turkey for the Adoption of the EU Acquis, adopted in 2008 lists the Rome Statute as one of the international treaties that Turkey should ratify to be allowed to join the EU and cites Turkey's ongoing efforts to complete the necessary work for its accession.

At the 8th session of the United Nations Human Rights Council's Universal Periodic Review in May 2010, Turkey accepted the recommendations made by several states to consider adhering to the Rome Statute.

There is no law on cooperation with the ICC.

## TURKMENISTAN

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on accession and implementation*

No advances have been reported with regard to accession or implementation of the Rome Statute.

## UKRAINE

Rome Statute: Signed (20 January 2000)  
APIC: Acceded (29 January 2007) *Ukraine was the first Rome Statute non-state party state to become party to the APIC*  
Amendments: None ratified

Complementarity legislation – In force (partial)  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

In July 2001, the Constitutional Court ruled that the Rome Statute was incompatible with the Ukrainian Constitution on the basis of the ICC's complementary nature and the right to pardon or commute sentences, thus necessitating amendment of the Constitution prior to ratification. A Constitutional Assembly established in 2012 is tasked with considering amendments to the Constitution for possible adoption in the coming years. If the ICC-related amendments are included in this review, it could pave the way for Ukraine's ratification of the Rome Statute.

The Criminal Code of 2001 addresses war crimes, genocide, and the crime of aggression in Chapter 20 entitled, *Criminal Offenses against peace, security of mankind and international legal order*, however it does not contain provisions for crimes against humanity.

## UNITED KINGDOM

Rome Statute: Ratified (4 October 2001)  
APIC: Ratified (25 January 2008)  
Amendments: None ratified

Complementarity legislation – In force  
Cooperation legislation – In force

### *Developments on ratification and implementation*

On 28 November 2012 and 13 February 2013 respectively, the United Kingdom notified the UN of the extension of the territorial application of the Rome Statute ratification and of the APIC ratification to the Isle of Man.

The *International Criminal Court Act* including cooperation and substantive criminal law provisions was enacted in May 2001. The Act implements the Rome Statute into the law of England, Wales, and Northern Ireland, while a separate Act does so for Scotland (ICC [Scotland] Act of December 2001). The International Criminal Court Act (Overseas Territories) Orders 2009 and 2010 apply to overseas territories of the UK. While the crime of genocide already existed in the UK's Criminal Code since 1969 through the Genocide Act, the 2001 ICC Act replaces the Genocide Act, and criminalizes war crimes and crimes against humanity in the UK. The 2001 ICC Act also incorporates the Elements of Crimes as defined in the Rome Statute directly into British law.

Part II of the 2001 Act addresses cooperation with the Court, and sets out the procedures for arrest and surrender of suspects, questioning of suspects, search and seizure of evidence, and enforcement of sentences.

## UZBEKISTAN

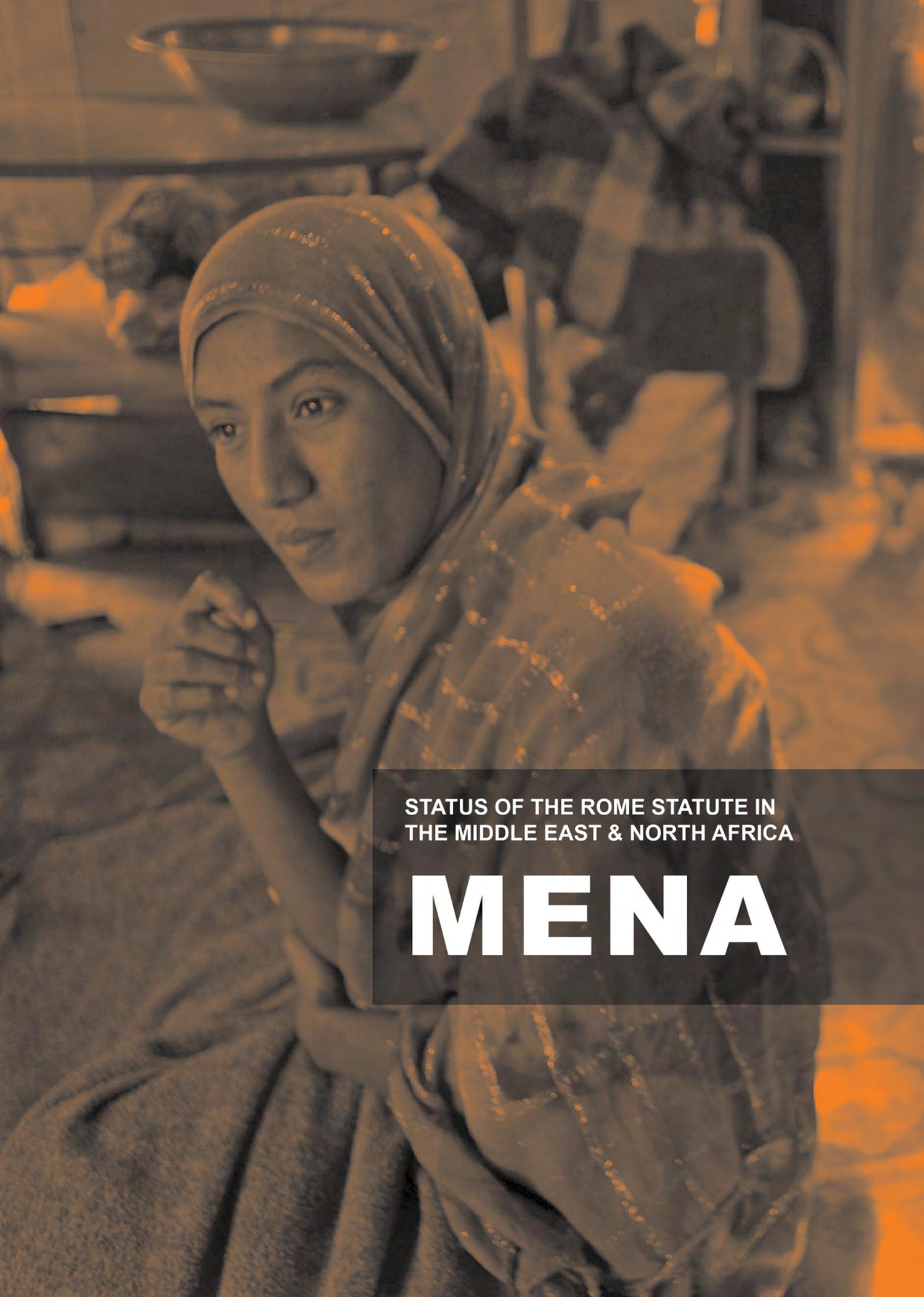
Rome Statute: Signed (29 December 2000)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In force (partial)  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The criminal code of Uzbekistan criminalizes genocide, some war crimes, and the crime of aggression. Section II of the criminal code on “*Crimes against peace and humanity*” includes articles on propaganda of war, aggression, breach of laws and customs of war, genocide, and incitement of ethnic, racial or religious hatred. There are no specific provisions for cooperation with the ICC.



A woman wearing a headscarf is the central focus, looking towards the camera with a serious expression. She is sitting in a room that appears to be a shelter or a temporary living space, with other people and items visible in the background. The lighting is warm and somewhat dim, creating a somber atmosphere.

STATUS OF THE ROME STATUTE IN  
THE MIDDLE EAST & NORTH AFRICA

**MENA**

# **STATUS OF THE ROME STATUTE IN THE MIDDLE EAST & NORTH AFRICA (MENA)**

## **Rome Statute**

Ratified/acceded: 2

Signed: 11

Not signed or ratified: 6

## **APIC**

Ratified/acceded: 0

Signed: 1

Not signed or ratified: 18

## **Amendments**

Ratified: 0

None ratified: 19

## **Complementarity legislation**

In force: 0

In force (partial): 0

In progress: 1

In progress but stalled: 2

No known efforts underway: 16

## **Cooperation Legislation**

In force: 0

In force (partial): 0

In progress: 0

In progress but stalled: 0

No known efforts underway: 19

## ALGERIA

Rome Statute: Signed (28 December 2000)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation - No known efforts underway

### *Developments on ratification and implementation*

No formal decision has been made regarding ratification. Over the years, the government of Algeria has expressed concerns pertaining to a fear of politicization of the Court, which it believes could result in the application of double standards. Algeria has consistently expressed strong opposition to the arrest warrant against President Al-Bashir of Sudan.

Algeria did not respond to recommendations to ratify and implement the Rome Statute and the APIC made during the 2<sup>nd</sup> cycle of the UN Human Rights Council's Universal Periodic Review (UPR) in May 2012.

## BAHRAIN

Rome Statute: Signed (11 December 2000)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation - No known efforts underway

### *Developments on ratification and implementation*

In May 2006, the Ministry of Foreign Affairs publicly announced its intention to ratify the Rome Statute. A draft proposal was prepared by the Ministry of Foreign Affairs and the Ministry of Justice, but has remained stalled for several years and has yet to be submitted to Parliament.

On 23 November 2011, the government of Bahrain accepted the report of the Bahrain Independent Commission of Inquiry (BICI), appointed by His Majesty to investigate and report on the events which took place in the Kingdom during February/March 2011, and the consequences of those events.

Bahrain rejected recommendations to ratify the Rome Statute made during the Human Rights Council's Universal Periodic Review in 2012.

## EGYPT

Rome Statute: Signed (26 December 2000)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation - No known efforts underway

### *Developments on ratification and implementation*

During the 1<sup>st</sup> cycle of the UN Human Rights Council's Universal Periodic Review (2008-2011), Egypt accepted recommendations to consider ratifying the Rome Statute. On 6 March 2011, former International Court of Justice Judge Nabil El Arabi and then Foreign Minister of Egypt stated publicly that Rome Statute ratification would be a priority for his term. Most recently, in February 2013, Former Minister of Justice, Ahmed Mekki announced plans to consider the ratification of the Rome Statute as part of the work of the Commission on International Humanitarian Law Commission. He noted however that the biggest obstacle to Egypt's ratification is the arrest warrant against Sudan's President Omar Al-Bashir, and that Egypt was considering signing a bilateral agreement with Sudan as per Article 98 of the Statute to overcome this obstacle.

## ISLAMIC REPUBLIC OF IRAN

Rome Statute: Signed (31 December 2000)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation - No known efforts underway

### *Developments on ratification and implementation*

Iran participated in the Rome Conference and has since expressed interest in the ICC, in particular as regards the modalities for the Court's jurisdiction over war crimes and the crime of aggression.

Iranian officials and scholars have noted, as an obstacle to Iran's ratification, the divergent definitions of crimes against humanity in the Rome Statute and Islamic (Shari'a) law. Some penalties provided for by Islamic law could be categorized as torture or inhumane acts in international law and the Rome Statute. Some believe this could put Iran at risk for ICC investigation and prosecution in accordance with Article 7.1 of the Statute.

## IRAQ

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation - No known efforts underway

### *Developments on ratification and implementation*

The Council of Ministers announced Iraq's decision to accede to the Rome Statute on 15 February 2005, but the decision was annulled two weeks later, reportedly under U.S. pressure.

In 2011, the Parliament of the region of Kurdistan issued a petition requesting Iraq's Central Government to join the ICC. Ratification of international treaties is under the authority of Iraq's Central Government, which is hesitant to join the ICC in part due to incompatibility between national legislation, in particular the Penal Code, and the Rome Statute.

In April 2013, Kurdistan's Ministry of Martyrs and Anfal Affairs requested the Central Government to take immediate steps toward the ratification of the Rome Statute. No further information regarding a response to this request was available at the time of publication.

## ISRAEL

Rome Statute: Signed (31 December 2000)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation - No known efforts underway

### *Developments on ratification and implementation*

On 28 August 2002, Israel notified the UN of its intention to not ratify the treaty, thus effectively 'un-signing' the treaty. Israel's main concerns with the Rome Statute are the provisions on population transfer and the then-pending definition of the crime of aggression.

## JORDAN

Rome Statute: Ratified (11 April 2002)  
APIC: Signed (28 June 2004)  
Amendments: None ratified

Complementarity legislation – In progress  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

In 2005, the MFA set up a joint legal committee to prepare draft implementing legislation, based heavily on German and Belgian implementation laws. In addition, eight articles in Jordan's military code are reported to have been amended in accordance with the RS. However, the work of the committee has since been suspended, and the implementation process has stalled.

## KUWAIT

Rome Statute: Signed (8 September 2000)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – In progress but stalled  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Kuwait has not progressed towards ratification of the Rome Statute due to concerns of incompatibility with the Kuwaiti Constitution. While a ratification proposal was drafted in 2007, no further progress has been made in this regard. Nevertheless, Kuwait expressed its intention to ratify the Statute at the 9<sup>th</sup> session of the ASP and at its last Universal Periodic Review. During the general debate of the Kampala Review Conference in 2010, Head of the Kuwaiti Delegation and then Undersecretary of the Ministry of Justice Muhammad Abdullah Al-Ansari reconfirmed Kuwait's intention to consider ratification of the Rome Statute. The Kuwaiti delegation also made several statements during the conference discussions, particularly in sessions dedicated to defining of the crime of aggression.

At the ASP session in 2012, the Kuwaiti Delegation expressed its belief in the importance of the ICC and Kuwait's interest in continuing its active participation in the ASP and Court related initiatives as an observer.

The National Committee for International Humanitarian Law has sought the approval of a draft national law on crimes that fall within the jurisdiction of the International Criminal Court (ICC), based on the Model Arab Law. In 2011, the draft was referred to the legislation review committee of the Ministry of Justice, as a prelude to its submission to the Minister of Justice, followed by the Council of Ministers and to the National Assembly. No further information on the advancement of this process was available at the time of publication.

## LEBANON

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation - No known efforts underway

### *Developments on ratification and implementation*

Lebanese scholars have opined that a constitutional amendment is not required for accession. Rather, Lebanon's hesitation to join the ICC can be traced to several aspects pertaining to the 2006 Israel-Lebanon conflict and the ongoing conflict in Syria. Furthermore, the consecutive Lebanese governments have been incapable of reaching a consensus regarding the ratification of the Rome Statute due to conflict of interest amid the various political parties in Lebanon.

## LIBYA

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation - No known efforts underway

### *Developments on ratification and implementation*

Following the UN Security Council referral of the situation in Libya to the ICC in February 2011, arrest warrants were issued against officials of the previous regime (with one case subsequently terminated due to the death of the suspect): Abdullah Al-Senussi and Saif al-Islam Gaddafi.

In 2012, Libyan authorities challenged the admissibility of the case against Saif Al-Islam Gaddafi, based on ongoing investigations and prosecutions at the national level for the same conduct as investigated by the ICC. The ICC's Pre-Trial Chamber I found that the case against Gaddafi was admissible before the Court and reminded Libya of its obligation to surrender the suspect to the Court. Even though Libya's legislation does not provide for international crimes, such as the crimes against humanity of persecution and murder, the crimes with which Gaddafi is charged are sufficient to successfully challenge the admissibility of the case. In addition, some of the offences with which Gaddafi will potentially be charged provide for the death penalty.

The Chamber noted that the draft bill incorporating international crimes had not been adopted in Libya at the time of the admissibility decision. However, it concluded that a domestic investigation or prosecution for "ordinary crimes" would be sufficient as long as the case covers the same conduct. The lack of legislation criminalizing crimes against humanity in Libya does not necessarily render the case admissible before the Court. The Government of Libya is currently appealing this decision and is providing more documentation to the Court.

In addition, Al-Senussi's case before the Court was declared inadmissible, and he could be tried in Libya. The Chief Prosecutor of the ICC decided not to appeal the judges' decision; however, Al-Senussi's lawyers will pursue an appeal.

Given that Libya is still undergoing post-conflict reconciliation and rebuilding, progress towards ratification appears unlikely in the near future. The Government has deployed significant efforts to rebuild institutions and restore the rule of law. They are trying to implement a strategy to improve the effectiveness of the police service and the security for the courts and participants in the proceedings. The government is reportedly in the process of reviewing the national criminal code and criminal procedure code to strengthen Libya's ability to investigate and prosecute grave crimes, but no concrete reform is in progress.

## MOROCCO

Rome Statute: Signed (8 September 2000)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

A wide cross-section of lawmakers is supportive of ratification. Both the Equity and Reconciliation Commission and the Conseil Consultatif des Droits de l'Homme have formally recommended ratification of the Rome Statute. On numerous occasions in 2012, the Government indicated its willingness to consider ratifying the Rome Statute. This was reaffirmed by Morocco's acceptance of recommendations to ratify the Rome Statute at the 13<sup>th</sup> session of the Universal Periodic Review in May 2012, reversing its earlier position of rejection of similar recommendations made during the 1<sup>st</sup> cycle of the review from 2008-2011.

The newly adopted constitution affirms the country's adherence to universal human rights and the preeminence of international law over national legislation. In particular, the Constitution of the Kingdom of Morocco of 2011 now provides for requirements relevant to IHL. Article 23 of the Constitution stipulates that, "the Law shall punish for the crime of genocide, other crimes against humanity and war crimes, and all other serious and systematic violations of human rights." The inclusion of this language in the constitution may facilitate progress towards ratification; however, the question of the King's immunity still remains a concern for Morocco.

Some parliamentarians are pushing for a review of Morocco's criminal code in order to include definitions of genocide, crimes against humanity, and war crimes, but there is neither a commitment by the government nor a draft law underway yet.

## OMAN

Rome Statute: Signed (20 December 2000)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The MFA expressed support for the ICC during the Inter-sessional Meeting on the Crime of Aggression at Princeton University in June 2005. According to an ICRC and Arab League report from 2010-2011, the National IHL Committee has concluded a report on the compatibility of the RS with Omani law and has recommended Oman's ratification. The government is open to discussing the implications of ratification, including technical assistance.

Oman received recommendations to ratify the Rome Statute at the June 2009 session of the Committee on the Rights of the Child and at in January 2011 at the Universal Periodic Review in the Human Rights Council but has not responded.

## PALESTINE

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation - No known efforts underway

### *Developments on ratification and implementation*

Palestine attended the Rome Conference in 1998 as an observer delegation, and has since frequently expressed support for the Court as a tool for accountability to end impunity for crimes such as those allegedly committed in the Palestinian territories.

On 29 November 2012, the United Nations General Assembly (UNGA) approved a resolution to upgrade Palestine's status at the UN from an observer entity to a non-member observer state. Palestine thus has the capacity to apply for membership to United Nations agencies and to ratify international treaties such as the Rome Statute. Despite several announcements by Palestinian officials of the country's intention to join the ICC, it remains unclear whether any concrete steps towards ratification will be taken in the near future.

## QATAR

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation - No known efforts underway

### *Developments on ratification and implementation*

The Qatari Cabinet has been studying the Rome Statute and monitoring ICC developments since its establishment. Qatar has condemned the arrest warrant for Sudan's President Omar Al-Bashir, and to date, the ICC is not among Qatar's political priorities.

Following the organization of a technical seminar on the ICC in Qatar in May 2011, the ICC launched a "Calling Arab Counsel" campaign encouraging qualified lawyers from the region to participate in the

Court's proceedings. In June 2011, Qatar signed an agreement with the ICC naming Doha as the Court's regional seat for information, training, and qualifying Arab lawyers to work for the ICC.

## **SAUDI ARABIA**

Rome Statute: Not signed or ratified  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation - No known efforts underway

## **SYRIAN ARAB REPUBLIC**

Rome Statute: Signed (29 November 2000)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

Due to current political instability, there are no prospects for advancing on ratification or implementation of the Rome Statute. However, local civil society organizations are interested in the ICC and are advocating for ICC involvement to address the international crimes allegedly committed in Syria. Given that Syria is not party to the Statute, a referral of the situation of Syria can only be initiated by the UN Security Council. Despite a push for this led by Switzerland in 2012, divisions within the Council on the appropriate response to the Syrian crisis have prevented consensus on the ICC aspect.

## **TUNISIA**

Rome Statute: Acceded (24 June 2011)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation - In progress but stalled  
Cooperation legislation - No known efforts underway

### *Developments on ratification and implementation*

In 2012, Tunisian authorities agreed to draft implementing legislation as a medium-term goal. However, the process has since stalled amid the political complexities in the country, making the implementation of the Rome Statute of lesser priority.

## **UNITED ARAB EMIRATES**

Rome Statute: Signed (27 November 2000)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

The United Arab Emirates (UAE) has participated actively in some ICC-related initiatives, such as the Working Group on Aggression and the preparation of the draft Arab Model Law presented to the Council of Arab Ministers of Justice on their 21<sup>st</sup> session in 2005. The Ministry of Justice reportedly continues to examine compatibility issues with the Rome Statute, while the MFA has been examining the prospects for ratification.

In January 2013, Minister of State for Foreign Affairs, Dr. Anwar Mohammad Gargash announced that the UAE was studying the issue of accession to international conventions, including those featured in recommendations made at the 2013 Universal Periodic Review, which included the Rome Statute. At the UPR session Dr. Gargash, in accepting many recommendations, stating that "*The UAE is a strong supporter of the Universal Periodic Review process and believes it represents the primary legitimate forum for multilateral dialogue on a country's human rights record.*" However, the UAE's stand on ICC ratification was not made clear.

## YEMEN

Rome Statute: Signed (28 December 2000)  
APIC: Not signed or ratified  
Amendments: None ratified

Complementarity legislation – No known efforts underway  
Cooperation legislation – No known efforts underway

### *Developments on ratification and implementation*

In 2007, the Yemeni Parliament voted in favor for the Rome Statute ratification, a vote that was later revoked. On 11 June 2013, the Yemeni cabinet announced its approval to join the ICC and appointed the Ministers from the Human Rights and Legal Affairs ministries to work towards the completion of meeting the legal requirements for ratification. No further information on progress on this point was available at the time of publication.

In violation of Yemen's obligations under international law, in January 2012, the Yemeni authorities passed an immunity law, known as "*Immunity law for Ali Abdullah Saleh from legal and judicial prosecution, No. 1/2012,*" granting immunity from legal and judicial prosecution to former President Saleh and all officials who worked under him during his official tenure.



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## TOGETHER FOR JUSTICE

The COALITION FOR THE INTERNATIONAL CRIMINAL COURT includes 2,500 civil society organizations in 150 different countries working in partnership to strengthen international cooperation with the ICC; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide.

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