Status of Ratification and Implementation of the Rome Statute and the Agreement on Privileges and Immunities (APIC)

and

Recommendations to the States under Review at the 15th session of the Human Rights Council’s Universal Periodic Review (UPR) (21 January -1 February 2013)

(Listed in order of review)

The information and recommendations suggested below for the States under review cover the following elements:

(a) accession to/ratification of the Rome Statute,
(b) of the Agreement on Privileges and Immunities of the Court (APIC), and
(c) the full alignment of national legislations with both agreements.

No recommendations are suggested for the States under review that have already undertaken such steps.

FRANCE

• France ratified the Rome Statute on 9 June 2000.
• France ratified the Agreement on Privileges and Immunities of the Court (APIC) on 17 February 2004.
• The French ICC implementation bill was adopted by the Parliament on 13 July 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 of removing 4 restrictive clauses that relate to the investigation and prosecution of Rome Statute crimes. The draft remains to be put on the official agenda of the Senate.
• The French law on cooperation with the ICC was enacted on 19 February 2002.

During the 1st cycle of the UPR, in 2008, France gave the following response to the recommendation made by Mexico to “withdraw the declaration under article 124 of the Rome Statute of the International Criminal Court.”: “In accordance with the commitments made, the French declaration under article 124 of the Rome Statute of the International Criminal Court concerning the competence of the ICC in judging crimes mentioned in article 8, was officially withdrawn with notification to the UN Secretary-General, Depositary of the Statute, on 13 August 2008. This withdrawal took effect on 15 June 2009, in accordance with the notification of the withdrawal submitted by the French Government.”

Recommendation for the 15th session of the UPR:
France should review the 2010 legislation to ensure that genocide, crimes against humanity and war crimes are able to be effectively investigated and prosecuted before its national courts.

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1 The information provided herein has been noted and compiled by the Coalition for the International Criminal Court either via public domain sources or via direct communications from States themselves. Errors and lacunae may thus be present. * The Coalition welcomes any updates or corrections to the information provided herein.
TONGA
- Tonga did not accede to the Rome Statute.
- The bill for accession to the Rome Statute was submitted to the Cabinet for approval in 2012 and is reported to be at an advanced stage.
- Tonga did not accede to the Agreement on Privileges and Immunities of the Court (APIC)
- No information is available regarding alignment of national legislation with obligations under the Rome Statute.

During the 1st cycle of the UPR, in 2008, Tonga rejected the recommendation made by Italy to “ratify the Rome Statute of the International Criminal Court.”

Recommendation for the 15th session of the UPR:
Tonga should accede to the Rome Statute of the International Criminal Court (ICC) and fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts, and accede to the Agreement on Privileges and Immunities of the Court (APIC).

ROMANIA
- Romania ratified the Rome Statute on 11 April 2002.
- Romania ratified the Agreement on Privileges and Immunities of the Court (APIC) on 17 November 2007.
- The New Criminal Code of Romania, from July 2009, incorporates, under Title XII-“Crimes of genocide, Crimes against Humanity and War Crimes”, provisions to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts.
- The 2004 Law on International Judicial Cooperation in Criminal Matters provides a framework for cooperation with the ICC. In 2010, through the Plan of action of the Assembly of States Parties for achieving universality and full implementation of the Rome Statute of the ICC) Romania reported that the Ministry of Justice had initiated consultations in order to prepare a Special Law on Cooperation with International Courts and Tribunals.

Recommendation for the 15th session of the UPR:
Romania should complete the process of fully aligning its national legislation with all obligations under the Rome Statute, in particular by incorporating detailed provisions to cooperate promptly and fully with the ICC.

MALI
- Mali ratified the Agreement on Privileges and Immunities of the Court (APIC) on 8 July 2004.
- On 20 August 2001, provisions to investigate and prosecute genocide, crimes against humanity and war crimes effectively before national courts were adopted.
Mali has not enacted provisions to cooperate promptly and fully with the ICC.

**Recommendation for the 15th session of the UPR:**
Mali should complete the process to fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court.

**BOTSWANA**
- Botswana ratified the Rome Statute on 8 September 2000.
- Botswana ratified the Agreement on Privileges and Immunities of the Court (APIC) on 13 November 2008.
- Botswana has not aligned its national legislation with all obligations under the Rome Statute, including provisions to cooperate promptly and fully with the ICC, and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before national courts.

**Recommendation for the 15th session of the UPR:**
Botswana should fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts.

**BAHAMAS**
- Bahamas signed the Rome Statute on 29 December 2000 but has not ratified it.
- Bahamas signed the Agreement on Privileges and Immunities of the Court (APIC) on 30 June 2004 but has not ratified it.
- No advance regarding the alignment of national legislation with obligations under the Rome Statute.

**Recommendation for the 15th session of the UPR:**
Bahamas should ratify the Rome Statute of the International Criminal Court (ICC) and fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts, and ratify the Agreement on Privileges and Immunities of the Court (APIC).

**BURUNDI**
- Burundi did not accede to the Agreement on Privileges and Immunities of the Court (APIC).
- Burundi’s legislation of 2009 includes definitions of war crimes, genocide and crimes against humanity and general principles of law.
- Burundi has not enacted provisions to cooperate promptly and fully with the ICC.
Recommendation for the 15th session of the UPR:
Burundi should fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts, and accede to the Agreement on Privileges and Immunities of the Court (APIC).

LUXEMBOURG
- Luxembourg ratified the Rome Statute on 8 September 2000.
- Luxembourg ratified the Agreement on Privileges and Immunities of the Court (APIC) on 20 January 2006.
- On 27 February 2012, Luxembourg adopted a law on cooperation with the ICC and necessary amendments to the criminal code to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts.

In the framework of this campaign, no recommendations are suggested for Luxembourg.

BARBADOS
- Barbados did not accede to the Agreement on Privileges and Immunities of the Court (APIC).
- The government has stated that it is conducting initial evaluations to move forward with the alignment of national legislation with obligations under the Rome Statute.

Recommendation for the 15th session of the UPR:
Barbados should fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts and accede to the Agreement on Privileges and Immunities of the Court (APIC).

MONTENEGRO
- Montenegro ratified the Rome Statute on 23 October 2006.
- Montenegro ratified the Agreement on Privileges and Immunities of the Court (APIC) on 23 October 2006.
- A new criminal code was adopted in December 2003 including provisions to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts.
- The law on cooperation with the ICC was approved on 27 July 2009.

In the framework of this campaign, no recommendations are suggested for Montenegro.
UNITED ARAB EMIRATES
- The United Arab Emirates signed the Rome Statute on 27 November 2000 but has not ratified it.
   A team at the Ministry of Justice is reportedly continuing to examine compatibility issues with the Rome Statute. The Ministry of Foreign Affairs has also been examining possible ratification.
- The United Arab Emirates did not accede to the Agreement on Privileges and Immunities of the Court (APIC).
- No information is available regarding alignment of national legislation with obligations under the Rome Statute.

Recommendation for the 15th session of the UPR:
United Arab Emirates should ratify the Rome Statute of the International Criminal Court (ICC) and fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts, and accede to the Agreement on Privileges and Immunities of the Court (APIC).

ISRAEL
- Israel signed the Rome Statute on 31 December 2000 but has not ratified it.
  Israel sent a letter to the UN on 28 August 2002, declaring that it still has concerns with the RS and does not intend to ratify, thus effectively ‘un-signing’ the treaty.
- Israel did not accede to the Agreement on Privileges and Immunities of the Court (APIC).
- No information is available regarding alignment of national legislation with obligations under the Rome Statute.

During the 1st cycle of the UPR, in 2008, Israel did not respond to the recommendations made by Brazil and Jordan to “Ratify-consider ratifying the Rome Statute of the International Criminal Court.”

Recommendation for the 15th session of the UPR:
Israel should ratify the Rome Statute of the International Criminal Court (ICC) and fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts, and accede to the Agreement on Privileges and Immunities of the Court (APIC).

LIECHTENSTEIN
- Liechtenstein acceded to the Agreement on Privileges and Immunities of the Court (APIC) on 21 September 2004.
Liechtenstein has not fully aligned its legislation with all obligations under the Rome Statute to investigate and prosecute genocide, crimes against humanity and war crimes effectively. Only the crime of genocide is covered by existing legislation.

The law on cooperation with the ICC was adopted in October 2004.

In June 2012, Liechtenstein became the first state to ratify both amendments to the Rome Statute adopted at the Review conference held in Kampala, Uganda, in 2012 (related to the prohibition of the use of certain weapons in a non-international armed conflict, and to the crime of aggression).

**Recommendation for the 15th session of the UPR:**
Liechtenstein should fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts

**SERBIA**

- Serbia ratified the Agreement on Privileges and Immunities of the Court (APIC) on 7 May 2004.
- The criminal code which entered into force in January 2006 includes provisions to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts.
- On 31 August 2009, the Parliament adopted the law on cooperation with the ICC.
- On 20 January 2011, the Republic of Serbia and the ICC signed an agreement on the Enforcement of Sentences of the Court. The agreement entered into force on 28 May 2011.

**In the framework of this campaign, no recommendations are suggested for Serbia.**