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 16th session of the Human Rights Council’s Universal Periodic Review (UPR) (22 April- 3 May 2013)

(Listed in alphabetical order)

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.

AZERBAIJAN
- Azerbaijan has not acceded to the Rome Statute.
- Azerbaijan has not acceded to Agreement on Privileges and Immunities of the Court (APIC).
- No developments regarding the alignment of national legislation with obligations under the Rome Statute have been made.

During the 1st cycle of the UPR, in 2009, Azerbaijan rejected the recommendation made by Liechtenstein to “accede to the Rome Statute of the International Criminal Court”.

Recommendation for the 16th session of the UPR:
Azerbaijan 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).

BANGLADESH
- Bangladesh ratified the Rome Statute on 23 March 2010.
- Bangladesh has not acceded to the Agreement on Privileges and Immunities of the Court (APIC).
- The 1973 International Crimes (Tribunals) Act, further amended in 2009, includes provisions to investigate and prosecute genocide, crimes against humanity and war crimes before national courts.
- Bangladesh has not enacted provisions to cooperate promptly and fully with the ICC.

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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.
2 The Coalition welcomes any updates or corrections to the information provided herein.
Recommendation for the 16th session of the UPR:
Bangladesh 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 accede to the Agreement on Privileges and Immunities of the Court (APIC).

BURKINA FASO
• Burkina Faso ratified the Rome Statute on 16 April 2004.
• Burkina Faso ratified the Agreement on Privileges and Immunities of the Court (APIC) on 10 October 2005.
• On 3 December 2009, Burkina Faso adopted the law including provisions to investigate and prosecute genocide, crimes against humanity and war crimes effectively before national courts, and to cooperate promptly and fully with the ICC.

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

CAMEROON
• Cameroon signed the Rome Statute on 17 July 1998 but has not ratified it.
• Cameroon has not acceded to the Agreement on Privileges and Immunities of the Court (APIC).
• No developments regarding the alignment of national legislation with obligations under the Rome Statute have been made.

During the 1st cycle of the UPR, in 2009, Cameroon did not respond to the recommendations made by Brazil and France to “ratify the Rome Statute of the ICC”.

Recommendation for the 16th session of the UPR:
Cameroon 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).

CANADA
• Canada ratified the Rome Statute on 7 July 2000.
• Canada ratified the Agreement on Privileges and Immunities of the Court (APIC) on 22 June 2004.
• On 29 June 2000, the “Crimes against Humanity and War Crimes Act” was enacted, which includes provisions to investigate and prosecute genocide, crimes against humanity and war crimes effectively before national courts. It also amended several existing laws, including the Extradition Act, to allow for cooperation with the Court.

In the framework of this campaign, no recommendations are suggested for Canada.
CAPE VERDE
• Cape Verde ratified the Rome Statute on 10 October 2011.
• Cape Verde has not acceded to the Agreement on Privileges and Immunities of the Court (APIC).
• No developments regarding the alignment of national legislation with obligations under the Rome Statute have been made.

During the 1st cycle of the UPR, in 2008, Cape Verde rejected to the recommendation made by Brazil to “consider ratifying the Rome Statute of the ICC” and it did not respond to the recommendation made by Portugal to “complete the ratification process of the Rome Statute of the ICC as soon as possible and ensure that the Statute and the APIC are effectively implemented in national legislation”.

Recommendation for the 16th session of the UPR:
Cape Verde 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).

COLOMBIA
• Colombia ratified the Rome Statute on 5 August 2002.
• Colombia ratified to the Agreement on Privileges and Immunities of the Court (APIC) on 15 April 2009.
• Colombian criminal law includes most of the crimes and principles covered by the Rome Statute. However, some provisions may require revision to ensure that genocide, crimes against humanity and war crimes are able to be effectively investigated and prosecuted before its national courts.
• Colombia has not enacted provisions to cooperate promptly and fully with the ICC.

During the 1st cycle of the UPR, in 2008, Colombia rejected the recommendation made by Mexico to “consider withdrawing the declaration regarding the article 124 of the Rome Statute”.

Recommendation for the 16th session of the UPR:
Colombia 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.

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2 Note: Article 124 of the Rome Statute is an optional protocol, a transitional provision, which allows States to choose not to have their nationals subject to the Court’s jurisdiction over war crimes for a seven year period after ratification. Only two states, France and Colombia, have made use of this Article. In 2008 France withdrew its declaration leaving. Although Colombia did not withdraw the declaration, the effects of such declaration in Colombia expired on 1 November 2009. At the Review Conference of the Rome Statute held in Kampala, Uganda, in 2010, ICC States parties agreed not to delete article 124 of the Rome Statute and to review article 124 again in five years with a view towards its elimination.
CUBA

- Cuba has not acceded to the Rome Statute.
- Cuba has not acceded to Agreement on Privileges and Immunities of the Court (APIC).
- No information is available regarding the alignment of national legislation with obligations under the Rome Statute.

During the 1st cycle of the UPR, in 2009, Cuba did not express a clear position on the recommendation made by Brazil to “consider acceding to the Rome Statute of the ICC”.

Recommendation for the 16th session of the UPR:
Cuba 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).

DJIBOUTI

- Djibouti ratified the Rome Statute on 5 November 2002.
- Djibouti has not acceded to the Agreement on Privileges and Immunities of the Court (APIC).
- No developments regarding the alignment of national legislation with obligations under the Rome Statute have been made.

Recommendation for the 16th session of the UPR:
Djibouti 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).

GERMANY

- Germany ratified the Rome Statute on 11 December 2000.
- Germany ratified the Agreement on Privileges and Immunities of the Court (APIC) on 2 September 2004.
- Legislation including provisions to cooperate promptly and fully with the ICC and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts, and to cooperate promptly and fully with the Court was adopted in July 2002.
- On 31 August 2012, the government submitted a draft bill to Parliament on the ratification of the amendments to the Rome Statute adopted at the Review Conference held in Kampala, Uganda, in 2010. The Bundestag approved the bill in December 2012, with approval by the Bundesrat to follow.

In the framework of this campaign, no recommendations are suggested for Germany.
RUSSIAN FEDERATION
- The Russian Federation signed the Rome Statute on 13 September 2000, but has not ratified it.
- The Russian Federation has not acceded to the Agreement on Privileges and Immunities of the Court (APIC).
- No developments regarding the alignment of national legislation with obligations under the Rome Statute have been made.

During the 1st cycle of the UPR, in 2009, the Russian Federation rejected the recommendations made by Brazil, France and Slovakia “to ratify the Rome Statute of the ICC”.

Recommendation for the 16th session of the UPR:
The Russian Federation 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).

TURKMENISTAN
- Turkmenistan has not acceded to the Rome Statute.
- Turkmenistan has not acceded to the Agreement on Privileges and Immunities of the Court (APIC).
- No information is available regarding the alignment of national legislation with obligations under the Rome Statute.

Recommendation for the 16th session of the UPR:
Turkmenistan 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).

TUVALU
- Tuvalu has not acceded to the Rome Statute.
- Tuvalu has not acceded to the Agreement on Privileges and Immunities of the Court (APIC).
- No information is available regarding the alignment of national legislation with obligations under the Rome Statute.

Recommendation for the 16th session of the UPR:
Tuvalu 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).
UZBEKISTAN
• Uzbekistan signed the Rome Statute on 29 December 2000 but has not ratified it.
• Uzbekistan has not acceded to the Agreement on Privileges and Immunities of the Court (APIC).
• No information is available regarding the alignment of national legislation with obligations under the Rome Statute.

During the 1st cycle of the UPR, in 2009, Uzbekistan did not express a clear position on the recommendations made by Brazil, Mexico and Slovakia to “consider ratifying the Rome Statute establishing the ICC”.

Recommendation for the 16th session of the UPR:
Uzbekistan 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).

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As the largest partnership in the world advancing the cause of international justice (with more than 2,500 member organizations from 150 countries), the Coalition for the International Criminal Court (CICC) is leading the global fight to end genocide, war crimes, and crimes against humanity though a commitment to the core values of human rights and justice.

The Coalition works to promote accountability for gross human rights violations and redress for the victims of such crimes, by working 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.