



International Criminal Court Implementation Assistance Available to Members

At PILON's 26th Annual Meeting held in December 2007 in Rarotonga members tasked the PILON Secretariat with sourcing technical assistance on implementation of the *Rome Statute of the International Criminal Court* for members who may be interested in acceding.

This paper was developed for the 27th meeting in Port Vila in December 2008 to provide members with the contact details of a number of non-government organisations which may be able to provide assistance. It also includes a brief description of the types of assistance which may be available to member States. Links to model implementing legislation and other reference material on implementing the Rome statute are also provided.

The PILON Secretariat is available to assist members in locating and securing appropriate donor assistance for their needs. The Secretariat can also assist in the identification of further donors or facilitating donor assistance to groups of members who are interested in acceding or learning more about the ICC and its activities.

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ASSISTANCE AVAILABLE TO MEMBERS WISHING TO ACCEDE TO THE ROME STATUTE

<p style="text-align: center;">International Committee of the Red Cross (ICRC)</p>	<p>In conjunction with the Samoan Attorney-General, the ICRC co-hosted a Seminar on the International Criminal Court (ICC) in Apia on 14-15 August 2008. One of the outcomes of the seminar was a Pacific model law for the implementation of the <i>Rome Statute of the International Criminal Court</i> (adapted from the Commonwealth Secretariat's model law). Copies of the <i>Model Implementation Law on the ICC for the Pacific</i> are available from the ICRC.</p> <p>The ICRC is willing to provide assistance by running one or two day implementation workshops for government representatives. The workshops could provide more information on the ICC and the Pacific model law and how to adapt it to different State contexts.</p> <p>In summary, the ICRC can provide assistance with:</p> <ul style="list-style-type: none"> • accession to the Rome Statute • how to use the Pacific model law • how to develop implementing legislation • review of implementing legislation (whether based on the Pacific model law or developed independently) • workshops on what the ICC is and why States should become parties, and/or • workshops on implementing the Rome Statute into domestic law. 	<p>Kelisiana Thynne, Legal Adviser Regional Delegation in the Pacific International Committee of the Red Cross</p> <p>Sydney Office Suite 104A, Level 1, 55 Grafton Street Woollahra NSW 2025 AUSTRALIA</p> <p>Phone: +61 2 93 8890 39 Fax: +61 2 93 88 30 42 E-mail: sydney.syd@icrc.org</p> <p>Web: www.icrc.org</p>
<p style="text-align: center;">Coalition for the International Criminal Court (CICC)</p>	<p>The Coalition for the International Criminal Court is a global network of over 2,500 non-government organisations advocating for a fair, effective and independent International Criminal Court.</p> <p>The CICC may be able to coordinate technical or other assistance from its member organisations.</p>	<p>Evelyn Serrano (Manila, Philippines) Asia/Pacific Coordinator Coalition for the International Criminal Court</p> <p>Phone: +63 2 456 6196 Fax: +63 2 926 7882 Email: serrano@iccnw.org</p> <p>Web: www.iccnw.org</p>

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<p>Commonwealth Secretariat</p>	<p>The Commonwealth Secretariat may be able to provide a range of technical assistance to Commonwealth States in the Pacific. States that are interested in acceding to the Rome Statute should contact the Director, Legal and Constitutional Affairs Division, to discuss what support and assistance the Secretariat may be able to provide.</p>	<p>Betty Mould-Iddrisu Director Legal and Constitutional Affairs Division Commonwealth Secretariat</p> <p>Marlborough House Pall Mall London, SW1Y 5HX United Kingdom Phone: +44 20 7747 6500 Fax: + 44 20 7747 6406 E-mail: b.mould-iddrisu@commonwealth.int</p> <p>Web: www.thecommonwealth.org</p>
<p>Amnesty International</p>	<p>Amnesty International is also available to provide assistance to Pacific States which are interested in acceding to the Rome Statute.</p> <p>In summary, Amnesty International can provide assistance with:</p> <ul style="list-style-type: none"> • reference materials on enacting implementing legislation, in particular: <i>International Criminal Court: Checklist of effective implementation</i> • answering questions and providing advice to drafters by e-mail and telephone • review of a State's existing national laws to identify where implementing legislation is required (where laws are provided in English) • review and comments on draft implementing legislation, and/or • depending on resources, Amnesty may also be available to visit States and work with drafters, and/or make presentations at national conferences or seminars. 	<p>Jonathan O'Donohue Legal Adviser International Justice Project Amnesty International</p> <p>Peter Benenson House 1 Easton Street London WC1X 0DW UNITD KINGDOM</p> <p>Phone: +44 20 7413 5608 Fax: +44 20 7956 1157 E-mail: jonodonohu@amnesty.org</p> <p>Web: www.amnesty.org</p>

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<p>Human Rights Law Centre University of Nottingham</p>	<p>The Human Rights Law Centre, University of Nottingham, is able to provide assistance to Pacific States wishing to accede to the Rome Statute. Since 2003 the Centre has provided training on the ICC and the drafting of implementing legislation for over 100 government officials in the Asia-Pacific region. The Centre has previously worked with both Fiji and Samoa.</p> <p>In summary, the Human Rights Law Centre can provide assistance with:</p> <ul style="list-style-type: none"> • drafting • technical assistance • bilateral expert exchanges, and remote assistance following exchange • training or capacity building programs for drafters, government officials, or judicial officers, and/or foreign affairs officers, and/or • presentation and training on Database of National Implementation Legislation (searchable by characteristics of legal system (e.g. common/civil, monoist/dualist) and further filterable by particular elements of interest (e.g. genocide, assistance provisions etc.). <p>For further details of some about assistance which the Centre has previously provided please see: http://trs.undp.vr13.com/institution/show/24 http://legaltoolspartners.wordpress.com/</p>	<p>Emilie Hunter Research and Programmes Director Human Rights law Centre University of Nottingham Room C119 Law and Social Sciences University Park Nottingham NG7 2RD UNITED KINGDOM</p> <p>Phone: +44 115 8468506 Fax: +44 115 84 66 579 E-mail: emilie.hunter@nottingham.ac.uk</p> <p>Web: http://www.nottingham.ac.uk/law/hrlc/international-criminal-justice-unit/index.php</p>
<p>Parliamentarians for Global Action (PGA)</p>	<p>Parliamentarians for Global Action, a non-profit, non-partisan international network of over 1300 legislators in more than 100 elected parliaments around the globe, aims to promote peace, democracy, the rule of law, human rights, sustainable development and population issues by informing, convening, and mobilising parliamentarians to realise these goals.</p> <p>PGA may be able to provide assistance and cooperation on implementing legislation to Pacific island States wishing to accede to the Rome Statute, with a focus on Parliamentarians. Assistance which may be available includes:</p> <ul style="list-style-type: none"> • briefing, consultation, or other written analysis of outstanding issues, • analysis and comment on draft implementing legislation, and/or organisation of workshops (with national, regional or trans-regional focus, as appropriate and compatible with resources of PGA), and/or • organisation of side meetings at other events. 	<p>David Donat Cattin Director, International Law and Human Rights Programme Parliamentarians for Global Action (PGA) Laan van Meerdervoort 70 2517 AN The Hague THE NETHERLANDS</p> <p>Phone: +31 70 360 4433 Fax: +31 70 364 2255 E-mail: donat@pgaction.org</p> <p>Web: www.pgaction.org</p>

European Union (EU)	<p>The EU may be able to provide technical assistance to Pacific island States wishing to accede to the Rome Statute. Under the Common Position and Action Plan, the commission may consider funding direct requests for technical assistance from beneficiary States, where feasible.</p> <p>Types of technical assistance which may be available include:</p> <ul style="list-style-type: none"> • direct technical assistance to beneficiary States by EU or Member States' ICC experts • secondment of EU and/or member States' experts to States interested in acceding, and/or • Secondment of Pacific island State experts to EU member States <p>The EU through the European Instrument for Democracy and Human Rights (EIDHR) the also co-finances projects selected through calls for proposals published on EuropeAid's website—including projects relating to ratification of the Rome Statute.</p> <p>For further details on making a direct request for technical assistance please see: http://www.consilium.europa.eu/uedocs/cmsUpload/ICC48EN.pdf</p> <p>For details on programs funded by EIDHR please see: http://ec.europa.eu/europeaid/where/worldwide/eidhr/index_en.htm</p>	<p>Rafael de Bustamante EU Focal Point for the ICC Council of the European Union 175 rue de la Loi, B-1048, Belgium</p> <p>Phone: +32 2281 51 90 E-mail: icc@consilium.europa.eu</p>
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Other government and non-government donors may be able to provide assistance with the process of accession to the Rome State (or parts of the process) on an ad hoc basis. Members are encouraged to approach individual donors about their capacity to provide assistance.

The PILON Secretariat is available to assist members in locating and securing appropriate donor assistance for their needs. The Secretariat can also assist in the identification of further donors or facilitating donor assistance to groups of members who are interested in acceding or learning more about the ICC and its activities.

IMPLEMENTING LAWS

Model Implementation Law on the ICC for the Pacific

The model law was an outcome of the *Regional Seminar on the International Criminal Court*, held in Apia on 14–15 August 2008 and was developed from the Commonwealth Secretariat’s model law (see below). The model law is a draft Bill which provides States with different options for implementing the Rome Statute into their domestic law—depending on an individual State’s circumstances.

The model law is available from the ICRC (see contact details above), or the PILON Secretariat.

Commonwealth Secretariat’s model law

The Commonwealth Secretariat’s expert group considered the issues surrounding the development of implementing legislation for the Rome Statute of the International Criminal Court and set out drafting instructions that could be used by a legislative drafter to prepare a model law for use by states in developing domestic legislation. This work resulted in a model law.

The Expert Group consisted of representatives of five Commonwealth countries plus observers from the Office of the Prosecutor and the Office of the Registrar of the International Criminal Court and representatives of the International Committee of the Red Cross.

See <http://www.thecommonwealth.org>

http://www.thecommonwealth.org/document/34293/35144/144060/model_law_on_rome_statute_text.htm

See also the *Report of the Commonwealth Expert Group on Implementing Legislation for the Rome Statute of the International Criminal Court, 7- 9 July 2004, Marlborough House, London.*

http://www.thecommonwealth.org/shared_asp_files/uploadedfiles/{F3BC7D68-4922-4B35-A14E-ED26AECA86F5}_FINAL_REPORT-london_ICC.pdf

ICC States Parties’ national implementing legislation

Copies of national implementing legislation of most States Parties to the Rome Statute are available through the International Criminal Court’s Legal Tools database.

<http://www.icc-cpi.int/legaltools/>

(see section on national implementing legislation, organised by country)

ADDITIONAL REFERENCE MATERIALS

International Centre for Criminal Law Reform and Criminal Justice Policy

Manual for the Ratification and Implementation of the Rome Statute
3rd Edition March 2008

See <http://www.icclr.law.ubc.ca/>

[http://www.icclr.law.ubc.ca/Publications/Reports/ICC 3rd Ed Manual for Website.pdf](http://www.icclr.law.ubc.ca/Publications/Reports/ICC_3rd_Ed_Manual_for_Website.pdf)

Checklist of Implementation Considerations and Examples

See <http://www.icclr.law.ubc.ca>

<http://www.icclr.law.ubc.ca/Publications/Reports/Checklist.PDF>

Cooperating with the International Criminal Court: Potential Implications for National Criminal Justice Personnel

[ICCLR's ICC Website](http://www.icclr.law.ubc.ca)

[http://www.icclr.law.ubc.ca/Publications/Reports/ICC Reports/NCJP Guide English.PDF](http://www.icclr.law.ubc.ca/Publications/Reports/ICC_Reports/NCJP_Guide_English.PDF)

Agreement on the Privileges and Immunities of the International Criminal Court:
Implementation Considerations

[http://www.icclr.law.ubc.ca/Publications/Reports/ICC Reports/APIC Guide ENG.pdf](http://www.icclr.law.ubc.ca/Publications/Reports/ICC_Reports/APIC_Guide_ENG.pdf)

Rules of Procedure and Evidence: Implementation Considerations

[http://www.icclr.law.ubc.ca/Publications/Reports/ICC Reports/RPE 2nd ed English.pdf](http://www.icclr.law.ubc.ca/Publications/Reports/ICC_Reports/RPE_2nd_ed_English.pdf)

International Committee of the Red Cross

Model accession and ratification documents.

Available from the ICRC (see contact details above).

Amnesty International

The International Criminal Court: Checklist for Effective Implementation

See <http://www.amnesty.org/>

<http://www.amnesty.org/en/library/asset/IOR40/011/2000/en/dom-IOR400112000en.pdf>

Parliamentarians for Global Action

Parliamentarians for Global Action Parliamentary Kit on the ICC (available on request, see contact details above)

PGA Memo on Implementing Legislation for Parliamentarians (available on request, see contact details above)