

Note on Cooperation for the Coalition of the ICC

A focus on Latin American countries efforts to enhance the effectiveness of the Rome Statute System through cooperation with the ICC

The Rome Statute of the International Criminal Court (ICC) is part of a global prevention and accountability system to put an end to impunity for mass atrocity crimes, namely genocide, crimes against humanity, war crimes and, prospectively, the crime of aggression. The ICC substantially relies on the assistance of States to carry-out its mandate and thus can be considered a complementary jurisdiction to that of States who are unable or unwilling to prosecute international crimes. In order for the Rome Statute system to effectively function, States Parties have the obligation to cooperate with the Court, enforcing its judicial orders and complying with cooperation requests.

Within its *Parliamentary Campaign for the Effectiveness and Universality of the Rome Statute System*, Parliamentarians for Global Action (PGA) has actively been working in target countries within Latin America. This region of the world constitutes the second largest one represented in the Rome Statute's membership. The 28 Latin American States Parties, many of which have suffered the plight of dictatorial regimes, have been strong advocates for the Court in the fight against impunity for international crimes; such commitment is illustrated by the fact that within the region, only 3 countries have not ratified the Rome Statute.

National legislatures play an essential role as Parliamentarians are the ones tasked with considering, deliberating and approving laws that may fully implement cooperation with the Court within the national legal order. Indeed, pursuant to Article 88 of the Rome Statute, States Parties shall ensure that they have "procedures available under their national laws" for all the forms of cooperation that are specified in Chapter IX of the Rome Statute. The adoption of an implementing legislation raises awareness on, and meets the obligation to cooperate with the Court and creates the normative conditions to facilitate swift enforcement of the Court's decisions and requests, including by establishing a channel of communication between the pertinent sections of the Court and that of national institutions.

Within Latin America, three countries have recently made significant progress, thanks to the leadership of PGA Members, on implementing legislation regarding cooperation: Costa Rica, El Salvador and Honduras.

In Costa Rica, after the parliamentary elections of May 2014 PGA engaged with newly elected legislators in the promotion of the national and international Rule of Law through the strengthening of the Rome Statute system. In this context and under the leadership of **Dip. Ronny Monge Salas**, after attending a PGA workshop in March 2015 on the implementation of the Rome Statute, pledged to promote the cooperation bill already introduced in the previous legislature and amend it to include best cooperation practices of States with the ICC. PGA, upon request of its member, provided technical assistance to ensure that the draft cooperation bill was in compliance with the Statute and international standards. In June 2015, Dip. Monge submitted a bill for the implementation of cooperation mechanism with the ICC. The bill is currently being discussed in the Special Standing Committee for Security and against Drug Trafficking.

On 23 and 30 June 2014, the Legislative Assembly of El Salvador with the assistance of PGA and the ICC, organized two expert-sessions on the Rome Statute to discuss, inter alia, the necessary implementation of cooperation mechanism in fulfilment of the obligations under Part IX of the Rome Statute. After many exchanges with PGA's national group in El Salvador as well as other relevant stakeholders from other branches of government, on 21 May 2014 the Parliament of El Salvador received, from former president Funes, the Bill on

implementation and ratification of the Rome Statute. On 22 May 2014, the bill was formally introduced to the Plenary and subsequently transmitted to the International Relations Committee for review. PGA members in El Salvador, under the leadership of **Dip. Karina Sosa** have been leading the efforts to promote the cooperation bill within parliament and has requested the technical assistance of PGA on the topic. The Cooperation Bill is currently in the Foreign Affairs Committee, presided by Dip. Sosa and after approval by said Committee will be sent to the Plenary. Ratification was attained through an historic plenary vote at the end of November 2015.

Similarly to Costa Rica and El Salvador, after attending a workshop on implementation of the Rome Statute in 2014 and 2015, **Dip. Jorge Cálix** took on the commitment to push for the full implementation of the Rome Statute in Honduras. In May 2015, PGA provided technical assistance to its members in Honduras with the PGA Reference Cooperation Law with the ICC for Latin American Countries. After adapting said reference law to the national procedures, Dip. Cálix introduced it to Parliament. The bill is currently under revision in the Constitutional Affairs Committee presided by **Dip. Oswaldo Ramos Soto**, other PGA Member that has been instrumental to the advancement of discussions on the bill that establishes cooperation mechanisms with the ICC. This Bill has already received the favorable opinion of the Attorney General Office and the Supreme Court of Honduras.

PGA's goal in the region is to ensure universal ratification and full implementation of the Rome Statute. By raising awareness and building parliamentarians' capacity, they become empowered to promote the Rome Statute system by enacting implementing legislation, fostering political will and engaging with the Executive including for the signature of Voluntary cooperation agreements with the Court, so that there may be no corner of impunity neither within the region nor the world.

Melissa Verpile and Romina Morello (PGA), 8 November 2016.