

PROMOTION OF THE INTERNATIONAL CRIMINAL COURT^{1/}

(Adopted at the fourth plenary session, held on June 7, 2005)

THE GENERAL ASSEMBLY,

RECALLING its resolutions AG/RES. 1619 (XXIX-O/99), AG/RES. 1706 (XXX-O/00), AG/RES. 1709 (XXX-O/00), AG/RES. 1770 (XXXI-O/01), AG/RES. 1771 (XXXI-O/01), AG/RES. 1900 (XXXII-O/02), AG/RES. 1929 (XXXIII-O/03), and AG/RES. 2039 (XXXIV-O/04);

RECALLING ALSO the recommendation of the Inter-American Commission on Human Rights (OEA/Ser.L/V/II.102, Doc. 6 rev., April 16, 1999, Chapter VII, 21.3.B), as well as its resolution N° 1/03, on the prosecution of international crimes, and the document “Framework for OAS Action on the International Criminal Court” (AG/INF.248/00);

RECOGNIZING that the adoption of the Statute of the International Criminal Court, on July 17, 1998, in Rome, is a milestone in efforts to combat impunity, and that the Court is an effective instrument for consolidating international justice;

DISMAYED by the persistent violations of international humanitarian law and international human rights law;

AFFIRMING that all states have the primary duty to prosecute and punish those violations so as to prevent their recurrence and avoid the impunity of the perpetrators of those crimes;

CONVINCED of the importance of preserving the effectiveness and legal integrity of the Rome Statute and the jurisdiction of the International Criminal Court, and recognizing the firm resolve of the states parties to preserve them;

CONVINCED ALSO of the importance of the Vienna Convention on the Law of Treaties for preserving the effectiveness and legal integrity of the Rome Statute;

WELCOMING the entry into force of the Rome Statute of the International Criminal Court on July 1, 2002, because as of that date the Court became the judicial body complementing the efforts of national jurisdictions to prosecute the perpetrators of the most serious international crimes, such as genocide, crimes against humanity, and war crimes;

^{1/}. Reservation by the United States: The United States has long been concerned about the persistent violations of international humanitarian law and international human rights law throughout the world. The United States will continue to be a forceful advocate for the principle of accountability for war crimes, genocide and crimes against humanity, but cannot support the seriously flawed International Criminal Court. Thus, the United States has not ratified the Rome Statute and has no intention of doing so. In light of this position, the United States cannot in good faith join in the consensus on an OAS resolution that promotes the Court.

RECOGNIZING that 139 states, including 27 members of the Organization of American States, have signed the Rome Statute and that 97 have ratified or acceded to it, among them 20 members of the Organization of American States;

NOTING that only 17 countries of the Hemisphere have signed and three have ratified the Agreement on Privileges and Immunities of the International Criminal Court;

EXPRESSING ITS SATISFACTION with the holding at the Organization's headquarters on April 1, 2005, within the framework of the Committee on Juridical and Political Affairs, of the Working Meeting on Appropriate Measures That States Should Take to Cooperate with the International Criminal Court in the Investigation, Prosecution, and Punishment of the Perpetrators of War Crimes, Crimes against Humanity, Genocide, and Crimes against the Administration of Justice of the International Criminal Court, at which the President of the International Criminal Court was present; and

TAKING NOTE of the Annual Report of the Permanent Council to the General Assembly (AG/doc.4376/05 add. 3),

RESOLVES:

1. To urge those member states of the Organization that have not already done so to consider ratifying or acceding to, as the case may be, the Rome Statute of the International Criminal Court.

2. To urge all member states of the Organization to continue to participate constructively, even as observer states, in the Assembly of States Parties to the Rome Statute of the International Criminal Court in order to ensure the best possible operating environment for the Court, in a context of unconditional defense of the integrity of the Rome Statute and of the Court's jurisdiction.

3. To urge the member states of the Organization that are parties to the Rome Statute to adapt and amend their domestic law, as necessary, with a view to the full and effective application of the Statute.

4. To urge those member states that are not party to the Rome Statute to adapt their criminal legislation in accordance with such instruments of international human rights law or international humanitarian law as may be applicable to them.

5. To urge the member states of the Organization to consider signing and ratifying the Agreement on Privileges and Immunities of the International Criminal Court, or acceding thereto, as the case may be, and in the case of those states that are already party to that Agreement to take the necessary measures for its full and effective implementation at the national level.

6. To request the Inter-American Juridical Committee to draw up a questionnaire, to be presented to the OAS member states, on how their laws allow for cooperation with the International Criminal Court and, on the basis of the findings of the questionnaire, to present a report to the Permanent Council, which, in turn, will transmit it to the General Assembly at its thirty-sixth regular session.

7. To urge the member states of the Organization to cooperate among themselves and, as appropriate, with the International Criminal Court so as to avoid the impunity of the

perpetrators of the most serious international crimes, such as war crimes, crimes against humanity, and genocide.

8. To request the Permanent Council to hold a working meeting on appropriate measures that states should take to cooperate with the International Criminal Court in the investigation, prosecution, and punishment of the perpetrators of war crimes, crimes against humanity, genocide, and crimes against the administration of justice of the International Criminal Court. The International Criminal Court, international organizations, and nongovernmental organizations will be invited to cooperate and to participate in this working meeting.

9. To request the Permanent Council to include the topic of the implementation of the Rome Statute and the Agreement on Privileges and Immunities on the agenda of the Committee on Juridical and Political Affairs.

10. To request the Secretary General to present a report on the implementation of this resolution to the General Assembly at its thirty-sixth regular session.