

AG/RES. 2176 (XXXVI-O/06)

PROMOTION OF THE INTERNATIONAL CRIMINAL COURT^{1/}

(Adopted by the Plenary at its fourth session, held on June 6, 2006)

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), AG/RES. 2039 (XXXIV-O/04),
and AG/RES. 2072 (XXXV-O/05);

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 No. 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 and peace;

DEEPLY DISMAYED by the persistent violations of international humanitarian law and international human rights law; and reaffirming 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 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 join in the consensus on an OAS resolution that promotes the Court.

MINDFUL that the effective functioning of the International Criminal Court requires cooperation from the states and from international and regional organizations, as well as support from civil society;

WELCOMING that, with the ratification of Mexico, 100 states have now ratified or acceded to the Rome Statute, among them 22 members of the Organization of American States, and that 139 states have signed it, including 27 members of the Organization;

NOTING WITH GRATIFICATION that 17 states of the Hemisphere have signed the Agreement on Privileges and Immunities of the International Criminal Court, seven have ratified it or acceded to it, and others are in the process of doing so;

UNDERSCORING the contribution made by the Assembly of States Parties to the Rome Statute to strengthen cooperation among states and improve the operations of the International Criminal Court;

TAKING NOTE of the results of the fourth session of the Assembly of States Parties to the Rome Statute (November 28 - December 3, 2005), contained in document ICC-ASP/4/32 of the International Criminal Court;

EXPRESSING ITS SATISFACTION with the progress made by the International Criminal Court in developing into a fully operational judicial body;

HAVING SEEN the report of the Inter-American Juridical Committee presented pursuant to resolution AG/RES. 2072 (XXXV-O/05), contained in document CP/doc.4111/06;

EXPRESSING ITS SATISFACTION with the holding 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,” within the framework of the Committee on Juridical and Political Affairs, in which representatives of the International Criminal Court, the International Committee of the Red Cross, and civil society organizations participated, at the Organization’s headquarters on February 3, 2006; and taking note of the results of that meeting, contained in the Rapporteur’s Report (CP/CAJP-2327/06 corr. 1); and

TAKING NOTE of the Annual Report of the Permanent Council to the General Assembly (AG/doc. /06 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 in the Assembly of States Parties to the Rome Statute of the International Criminal Court and to encourage the participation of states that are not yet party thereto.

3. To urge member states of the Organization, whether or not they are parties or signatories to the Rome Statute, to promote and respect its intent and its purpose, in order to preserve its effectiveness and integrity.

4. To renew the appeal to the member states of the Organization that are parties to the Rome Statute to adapt or amend their domestic law, as necessary, with a view to the full and effective implementation of the Statute, including the relevant provisions of international human rights law and/or international humanitarian law.

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

6. To urge the member states of the Organization to consider ratifying or acceding to, as the case may be, the Agreement on Privileges and Immunities of the International Criminal Court, 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.

7. To encourage states to contribute to the Trust Fund established by the United Nations for the benefit of victims of crimes within the jurisdiction of the International Criminal Court, and of the families of such victims, as well as to the Fund for the participation of least developed countries.

8. To request the Inter-American Juridical Committee to prepare, on the basis of the results of the report presented (CP/doc.4111/06), a document of recommendations to the OAS member states on how to strengthen cooperation with the International Criminal Court, as well as on progress made in that regard, and to present it to the Permanent Council, so that it may in turn submit it to the General Assembly of the Organization at its thirty-seventh regular session.

9. 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, ensuring that their national legislation facilitates said cooperation and applies to crimes within the jurisdiction of the International Criminal Court.

10. To request the Permanent Council to hold, with support from the General Secretariat, 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.

11. 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.

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