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REPORT OF THE SPECIAL WORKING MEETING  
TO STRENGTHEN COOPERATION WITH  
THE INTERNATIONAL CRIMINAL COURT  
[AG/RES. 2909 (XLVII-O/17)]

March 15, 2018  
Simón Bolívar Room  
Organization of American States  
Washington, D.C.

(Document prepared by the Department of International Law)

## REPORT OF THE WORKING MEETING ON THE INTERNATIONAL CRIMINAL COURT

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The working meeting on the International Criminal Court was held on March 15, 2018, at the headquarters of the Organization of American States (OAS), in compliance with General Assembly resolution AG/RES. 2909 (XLVII-O/17), "Promotion of International Law," which required that a high-level dialogue session be held to discuss "among other matters, measures that could strengthen cooperation with the International Criminal Court."

The fourth paragraph of operative section (iii) of that resolution states:

"4. To express satisfaction at the cooperation in the area of international criminal law between the OAS and the International Criminal Court; to urge the General Secretariat to continue to strengthen that cooperation and to mark the twentieth anniversary of the adoption of the Rome Statute in 2018; and to request the Permanent Council to hold, prior to the forty-ninth regular session of the General Assembly, a working meeting that should include a high-level dialogue session among the permanent representatives of all member states to discuss, among other matters, measures that could strengthen cooperation with the International Criminal Court. The International Criminal Court, international organizations and institutions, and civil society will be invited to cooperate and participate in that working meeting."

The working meeting was chaired by the Chair of the Committee on Juridical and Political Affairs (CAJP), Ambassador Dr. Hugo Cayrús, Permanent Representative of Uruguay to the OAS, who explained the General Assembly's mandate and noted that the twentieth anniversary of the Rome Statute was being commemorated. In opening the meeting, the Chair of the CAJP thanked the speakers in attendance: Mr. James Stewart, Deputy Prosecutor of the International Criminal Court; Ms. Antônia Pereira de Sousa from the Court's Secretariat; Congressman Jorge Luis Cáliz, representing the organization Parliamentarians for Global Action; Ms. Michelle Reyes of the Coalition for the International Criminal Court; Mr. Christopher Harland, a legal advisor to the International Committee of the Red Cross; and Mr. Felipe Michelini, a member of the Board of Directors of the Court's Trust Fund for Victims, who gave his presentation from Montevideo by videolink. He also acknowledged the support that the Department of International Law had provided for the meeting's organization.

The meeting was then addressed by Dr. Dante Negro, Director of the Department of International Law of the Secretariat for Legal Affairs, the General Secretariat agency that serves as the point of contact with the Court under the terms of the Exchange of Letters for the establishment of a cooperation agreement with the International Criminal Court of April 18, 2011. Dr. Dante described the activities to promote international law that the Department carries out in accordance with the terms of the Exchange of Letters. In addition, he explained the background to these working meetings, which have served to publicize the progress made by the OAS member states with the legal instruments that regulate the International Criminal Court's actions. He also invited the participants

to consult the Department's web page, which contained information and reports on the previous working meetings.

**A. High-level dialogue**

Two working panels were held. The first panel of the meeting was a high-level dialogue led by the Deputy Prosecutor of the International Criminal Court, Mr. James Stewart, who described the work carried out by the office under Prosecutor Fatou Bensouda, the main challenges facing the Court, and the importance of strengthened cooperation with it.

At the start of his presentation, Mr. Stewart acknowledged the contribution made by the OAS member states and nationals from those states in the Court's work, placing particular emphasis on the leadership of its recently departed president, Judge Silvia Fernández de Gurmendi.

He stressed that the first responsibility imposed by the Rome Statute fell on the states, and so the domestic implementation of its rules was essential in the architecture of the system.

Regarding the Court's work, he noted that it had secured nine convictions and one acquittal and, in doing so, had adopted several vitally important decisions. He also described the Prosecutor's recent work on crimes involving children, sex- and gender-related issues, and the protection of cultural heritage. Three trials involving four defendants were currently under way. The Court was also working on ten preliminary examinations, which are evidence-gathering processes intended to determine whether reasonable grounds exist for opening an investigation. He spoke of the two ongoing preliminary examinations involving countries in the region, Colombia and Venezuela. The Colombian case, he said, involved possible responsibility for war crimes and crimes against humanity allegedly committed during that country's armed conflict. The situation involves elements of complementarity since the national authorities have developed "a complex and innovative process that works to assign responsibility as part of the peace process" and prevent impunity through transnational justice measures available to antigovernment forces. The Office of the Prosecutor is also monitoring cases of extrajudicial killings of civilians that might have been committed by members of the armed forces but that were reported as guerrilla actions. In the case involving Venezuela, the investigation is focused on allegations of crimes committed since April 2017 in the context of political demonstrations and unrest. It is expected that an impartial and objective report will be produced on the basis of the information received.

Mr. Stewart's presentation highlighted some of the main challenges facing the Court, such as interference with witnesses and victims, the fact that the system did not enjoy universal jurisdiction, the demands placed on it and the resulting impact on the timely processing of cases, and the issue of cooperation.

He estimated that the ICC was currently seeking 15 fugitives from justice, and he noted the assistance received from the United States in handing over two of the four defendants currently facing trial. In the investigations area, he spoke of the memoranda of understanding for cooperation that several states had signed with the Court and he underscored the prominent role played by Argentina, which had signed four such agreements. He spoke of the support of nongovernmental organizations and national authorities in actions taken in the field, particularly the rich exchanges of information in Libya and the support of Argentine forensic teams in investigating war crimes.

Regarding the Court's funding, Mr. Stewart spoke of its efforts to use its resources efficiently, responsibly, and transparently, and he underscored the impact of prompt payment of states' quotas on the enforcement of justice.

Although the Rome Statute has 123 states parties, its universal jurisdiction is threatened by states that fail to ratify it and by those that denounce it, as Burundi had recently done. To counter that, Mr. Stewart called for efforts against impunity both at the domestic level and within regional bodies—including the OAS—through diplomatic and political support for the Court's values.

He concluded by noting the Court's positive evolution and its ability to meet its challenges as it commemorated its twentieth anniversary. International criminal justice was still at an embryonic stage, he said, and for that reason, he called for a renewed commitment in pursuit of the objectives enshrined in the Rome Statute.

The Chair thanked the Deputy Prosecutor, Mr. James Stewart, for his presentation and opened the floor to the representatives of the states. They repeated the welcome extended to Mr. Stewart and applauded his presentation on the International Criminal Court. They also congratulated the Chair on organizing this working meeting on ways to strengthen cooperation with the International Criminal Court and to commemorate the twentieth anniversary of the adoption of the Rome Statute. The delegations also expressed their support for the work of the OAS Department of International Law. The meeting was addressed by the following delegations: Venezuela, Mexico, Argentina, Uruguay, Peru, Costa Rica, Canada, Bolivia, Panama, Brazil, Chile, Paraguay, Guatemala, Colombia, and Ecuador.

The delegation of Venezuela said it had to address the reference to the report by the OAS Secretary General of the OAS on the public hearings involving Venezuela. The Venezuelan delegation had denounced those developments since, in its opinion, the Secretary General was pursuing an international campaign against the country. That denunciation also applied to Mr. Luis Moreno Ocampo and to the three experts assisting the proceedings and, in particular, Mr. Santiago Cantón, whom the delegation criticized for his lack of impartiality and neutrality on topics related to Venezuela. The delegation explained that the hearings were a personal initiative of Secretary General Luis Almagro and had to be seen as violating the OAS Charter and international law, in that they did not have a mandate from the member states; in addition, their funding had not been made clear.

The delegation of Mexico, represented by its Permanent Representative, who had also served as the Vice President of the Assembly of States Parties, renewed its commitment toward the Court and expressed its satisfaction with this working meeting, the mandate for which had arisen from a resolution presented by Mexico. The delegation underscored the importance of addressing the obstacles to cooperation and, in that regard, applauded the signing of the Exchange of Letters between the OAS Secretary General and the International Criminal Court in 2011 and the instrument signed by the Executive Secretary of the Inter-American Commission on Human Rights and the ICC's Office of the Prosecutor in 2012, which it described as a useful framework for outreach and cooperation. The representative of Mexico urged those states that had not done so to consider ratification. He then identified a series of specific actions that his country had been taking, in particular as regards requests for the arrest of suspects and the freezing of assets. He spoke of the states' responsibility to cooperate with investigations and prosecutions. He explained the initiative

proposed by Mexico and France that urges the permanent members of the Security Council to agree to refrain from using their right of veto in situations involving atrocities, and he noted that proposal enjoyed the support of more than 100 states, including 11 OAS members. He regretted the difficulties with executing the arrest warrants for 14 individuals, and then he praised the agreements that Argentina had signed with the Court. He said Mexico was closely monitoring the African Union's interest in bringing a request for an advisory opinion regarding the immunity of heads of state and other senior state officials. He spoke of the prevention activities Mexico had undertaken, in particular the exchange of good practices and training underway at the urging of the Latin American Network for Genocide and Mass Atrocity Prevention and of the office of the Special Adviser on the Prevention of Genocide. Finally, he reported that the commemoration of the twentieth anniversary in Mexico would be marked by training about the Rome Statute for public officials.

The delegation of Argentina, represented by its Permanent Representative, highlighted Argentina's commitment to the ICC and the Rome Statute, as could be seen in its participation in the mandate adopted by the General Assembly in June 2017. Argentina's representative described the state's policy of promoting and respecting human rights, which explained its interest in strengthening the universal application of the Rome Statute, and he underscored Argentina's ratification of the amendments to its crime of aggression provisions in April 2017. He noted the importance of cooperation at the different stages and procedures in the Court's proceedings. He highlighted the importance of strengthening the model for cooperation between states and the Court in order to enable it to carry out its primary role of investigation and prosecution. He concluded by announcing Argentina's signing of the four cooperation agreements proposed by the ICC, which made it the first state to do so: the witness relocation agreement, the agreement on the enforcement of judgments, the framework agreement on interim release, and the framework agreement on the release of persons.

The delegation of Uruguay underscored the commitment the international community had entered into by equipping itself with a legal system charged with prosecuting those guilty of violating the rules of international law and with putting an end to impunity. Uruguay stated that it had participated actively in all the negotiations carried out under the aegis of the United Nations leading to the adoption of the treaty whereby the International Criminal Court was created. Uruguay signed the Rome Statute on December 19, 2000, and ratified it on June 28, 2002, which made it the 72<sup>nd</sup> state party. The ratification of the Rome Statute, the delegation said, reaffirmed the full currency of Uruguay's principle-based foreign policy. Uruguay's commitment to the Court applied both to its nationals who committed crimes covered by the Rome Statute and to foreigners who attempted to use the nation's territory as a refuge. The delegation noted that the country had a model law for cooperation with the Court that served to facilitate the implementation of the Rome Statute. Finally, Uruguay noted the election of Dr. Felipe Michelini, one of its nationals, as a member of the Trust Fund for Victims of the International Criminal Court, an agency that plays an essential role in discharging the Court's mandate.

The delegation of Peru, represented by its Permanent Representative, emphasized the importance of cooperation with the Court, which reflected collective responsibility toward the universal currency of human rights. The Assembly of the States Parties, Peru said, worked to strengthen the international criminal justice system. All that required the implementation of the Court's mandate in domestic law and the development of initiatives to consolidate legal assistance networks, at both the international and regional levels. Peru suggested leveraging the positive experiences of the meetings of national commissions for international humanitarian law within the

CAJP, in order to learn about states' practices in implementing and promoting international humanitarian law. The delegation called for work at the regional level to better disseminate the legal mechanisms provided for in the Rome Statute, which require effective judicial procedures, and for building on the Court's experience for dealing with investigation and prosecution standards. Cooperation between the OAS and the International Criminal Court, Peru said, would allow the consolidation of a solid system of international criminal justice.

The delegation of Costa Rica said that the ICC's main strength was its *erga omnes* jurisdiction. It noted Costa Rica's diplomatic and political support for the Court, with its ambassadors having served as the President and Vice President of the Assembly of States Parties. The delegation expressed concern about the withdrawal threats and the denunciations of the Rome Statute that had been made, and it urged the states that had not yet done so to sign the Statute in order to assure the system's universal jurisdiction.

The delegation of Canada noted, from Mr. Stewart's speech, the bonds that united the International Criminal Court and the OAS, and it said it understood the challenges described. On the occasion of the twentieth anniversary, Canada expressed its agreement with the Court's decisions that furthered international criminal law and helped fight impunity, in particular its rulings on the recruitment of child soldiers, on sex crimes, and on gender-related violence. The delegation noted Canada's interest in working with the international community, including the OAS, to continue providing the Court with support, to overcome the challenges that existed, and to work for the universal enforcement of its Statute.

The delegation of Bolivia clarified two issues in Mr. Stewart's presentation. First of all, regarding the rapporteurs appointed to monitor the situation in Venezuela, Bolivia explained that they did not represent the Organization because they lacked a mandate from the member states. In addition, no OAS instrument provided for a type of cooperation that allowed rapporteurs to be appointed, in that there was no legal basis for such a move either in the Exchange of Letters for the Establishment of a Cooperation Agreement with the International Criminal Court of April 18, 2011, or in the resolutions of the Organization of American States.

The delegation of Panama, represented by its Permanent Representative, lent its voice to the commemoration of the twentieth anniversary of the Rome Statute's adoption. It noted Panama's commitment to peace, adding that it had implemented the Rome Statute through the enactment of Law 14 of March 13, 2002. The delegation reiterated its confidence in the Court's efforts to combat impunity and the protagonism of its country through the drafting of standards and the establishment of cooperation mechanisms. It also noted that it had ratified the Rome Statute's amendments on crimes of aggression. Panama concluded by urging those states that had not yet done so to ratify those amendments and to continue strengthening their cooperation with the Court.

The delegation of Brazil spoke of the International Criminal Court's careful work to prevent impunity in the most serious crimes against humanity. It highlighted Brazil's role in the creation and development of the Court and its commitment to its objectives; and, noting that 29 of the OAS member states were parties to the Rome Statute, it called on those that had not done so to ratify it. Brazil expressed its interest in strengthening and expanding the areas of work in which it cooperated with the Court and, finally, it urged the OAS to continue strengthening international criminal law, in

particular through the Course of International Law organized by the Inter-American Juridical Committee, and it applauded the progress the Court had made.

The delegation of Chile, represented by its Permanent Representative, noted its appreciation of the dialogue within the CAJP and expressed Chile's support for the work of the Court and of the Office of the Prosecutor. It also emphasized the importance of appropriate cooperation from states and civil society in protecting against impunity. Cooperation was the Court's leading tool on which its investigations and proceedings were based, the delegation said, and for that reason efforts must be redoubled to counter actions that could affect its judicial work. Chile reiterated its commitment with the goal of universal jurisdiction and it urged those states that were not parties to not turn their back on the Rome Statute. It invited states to redouble their commitments and efforts to protect victims, and it expressed the country's commitment with that task. Finally, Chile underscored the technical and professional capacity of the three jurists from the Americas— Santiago Cantón, Manuel Ventura, and Irwin Cotler—who were assessing the situation in Venezuela.

The delegation of Paraguay reported that the Kampala amendments were being examined by the National Congress. It also informed the meeting that Law 5877 had been enacted in September 2017, which regulated the full implementation of the Rome Statute, including the establishment of convictions in its national criminal jurisdiction, together with the procedures and agencies needed for cooperation with the Court. At the end of its remarks, the delegation reiterated Paraguay's commitment to the Court and called for the system's universal jurisdiction.

The delegation of Guatemala highlighted the country's active role in the adoption of the Rome Statute in 1998 and its support for the International Criminal Court based on its complementary nature through universal jurisdiction for punishing the serious crimes identified in the Statute. It said that the establishment of the Court had brought about significant accomplishments, but that the universal coverage of its jurisdiction was still a pending challenge. It concluded by noting Guatemala's support for the Court and urging those states that have not already done so to adhere to the Rome Statute.

The delegation of Colombia reiterated the country's commitment toward cooperating with the Court. It spoke of the positive relations between the national authorities and the Court in the preliminary examination that is currently under way. The delegation noted Colombia's utmost willingness, in keeping with the Rome Statute, to report transparently on the progress made in connection with crimes committed in the country. It explained that "Final Agreement for Terminating the Conflict and Constructing a Stable and Lasting Peace" is the first peace agreement signed under the standards established by the Rome Statute and that its provisions contained guarantees of justice for the victims in accordance with international humanitarian law. It called for this meeting to serve to strengthen the Court's operations, and it said it was a timely moment to work on determining the scope of the concept of state cooperation, in order to assist with the implementation of measures at the domestic level. Finally, the delegation spoke of Colombia's work in the negotiations for drafting the crime of aggression provisions, and it announced the holding of a national consultation process regarding their incorporation in domestic law.

The delegation of Ecuador reaffirmed its country's support for the work of the Court, which was ratified by Foreign Minister María Fernanda Espinoza during a visit to its premises in November 2017. On that occasion, Ecuador proposed initiatives for financial investigations related to a proposal

the country had made in connection with tax havens, witnesses relocation, and the organization of a seminar to promote the Court's activities in South America in June of the current year. The delegation expressed its support for efforts to combat impunity.

At the end of the statements by the OAS member states' delegations, Mr. James Stewart thanked all the participants for their attention and for the significant support that the Court received from the member states, dating back to its creation. He assured the delegations that had raised specific issues that the Office of the Prosecutor conducts rigorous and independent examinations of all the information it receives, and he urged all interested parties to submit their points of view to the Court. He also explained the efforts of the Office of the Prosecutor to make the best possible use of the available resources, to train its officers, and to create a multinational culture among its staff in their efforts to alleviate the suffering of people who have been the victims of atrocities.

**B. Presentations by representatives of agencies of the International Criminal Court, international organizations, and civil society**

The meeting then heard presentations by the guests from the Court's Secretariat, international organizations, and civil society, in the following order: Felipe Michelini, representing the Court's Trust Fund for Victims; Antônia Pereira de Sousa, from the Secretariat of the Court; Jorge Luis Cálix, from the organization Parliamentarians for Global Action; Michelle Reyes, from the Coalition for the International Criminal Court; and Christopher Harland, a legal advisor to the International Committee of the Red Cross.

**a. Felipe Michelini, member of the Trust Fund for Victims**

After extending a greeting from the members of the Board of Directors of the Trust Fund for Victims of the International Criminal Court and from its Chair, Dr. Michelini noted the interest and commitment of the Hemisphere's states and the OAS in the creation and expansion of the Court, in light of their past experiences fighting against dictatorships.

He explained the goals of the system designed by the Rome Statute, in which justice was enshrined as a universal value for eradicating impunity and providing victims with comprehensive redress.

In that context, the Trust Fund for Victims, as an agency of the Court, is charged with the reparation and redress of victims, in accordance with Article 79 of the Statute. To that end, the Fund participates in the enforcement of the International Criminal Court's judgments and has a duty of assistance toward the victims and their next-of-kin, as well as toward affected communities.

Dr. Michelini spoke of the recent joint monitoring visit to northern Uganda, which took place on February 19 to 23 thanks to the good offices of Ireland. Attended by observers from a number of states, it detected "serious and grave unsatisfied basic needs" in the areas of health, housing, and habitat. The visit also observed forms of both physical and psychological rehabilitation for victims, along with projects for social reinsertion with respect for personal dignity that are carried out by specialized local organizations.

He explained that the Fund's work in Uganda and the Democratic Republic of Congo had directly benefited 100,000 people and more than 300,000 others indirectly, over the course of almost a decade. In spite of that, however, by no means had comprehensive redress been provided.

After witnessing the suffering of communities that are now getting back on their feet, Dr. Micheleni believed there was "still much to be done," and he urged the OAS member states to ratify their commitment against impunity and to strengthen the Trust Fund to the best of their ability, given that the Statute is an instrument for reasserting the rights of victims.

Dr. Micheleni concluded his presentation by calling for the strengthening of the Statute, its universal enforcement, and its goals and purposes.

**b. Antônia Pereira de Souza, External Relations and Cooperation Officer at the Secretariat of the International Criminal Court**

Dr. Pereira de Souza began her presentation by conveying the greetings of the Registrar of the Court, Mr. Herman von Hebel.

On the occasion of the anniversary of the Rome Statute, she said that the Court's success had arisen from a combination of efforts in which the states served as the lynchpin in the area of cooperation, which bolstered its effectiveness and efficiency. She said that task was assisted by the following developments:

- Adoption of legislation to enforce the Rome Statute, establishing domestic provisions for the implementation of the Statute, identifying procedures and responsibilities at the national level, and setting a legal basis for promoting cooperation with the Court.
- Negotiation of voluntary cooperation agreements, structured around four essential topics for the Court's work in areas where it needs support from states: relocation of witnesses, execution of judgments, interim release, and the release of persons. She highlighted the efforts made by Argentina as the first country to sign the four cooperation agreements with the Court.
- Integration of the Court's mandate and work in cooperation networks, where a proposal has been made to establish networks for financial investigations and the recovery of assets, which can then be used to compensate victims. All of this would also entail a fluid and diligent exchange of information, with the participation of national authorities.
- Activation of the principle of complementarity, taking joint responsibility into account, and in connection with that, sharing experiences for strengthening the justice system, which should be inclusive and efficient.
- Importance of public support for the Court.

Dr. Pereira de Souza concluded by thanking the OAS and those states that have organized regional high-level seminars for promoting cooperation with the Court, such as Argentina, Uruguay, and Trinidad and Tobago, and she spoke of the next such event, to take place in Ecuador in June of the current year.

**c. Jorge Luis Cálix Espinal, Member of the Congress of Honduras representing the organization Parliamentarians for Global Action (PGA)**

Congressman Cálix explained the PGA's commitments for ensuring the effectiveness of the system established by the Rome Statute, which are structured around four pillars:

- The universal enforcement of the Rome Statute implies that all states accept its binding nature; accordingly, he called for its ratification—in particular, by those six countries in the Hemisphere that have not yet done so—and for its implementation. He said that PGA pursues its objectives by providing information on the Court, examining national procedures, and promoting leadership, and he described specific efforts for the ratification of the Statute in the region, in Haiti and Jamaica.
- The principle of complementarity imposes on states the primary obligation of preventing and prosecuting the crimes set out in the Statute, with the role of the Court being an extension of state efforts to eradicate impunity. In that regard, he spoke of the technical assistance provided by PGA in the implementation of provisions in Chile, Ecuador, El Salvador, the Dominican Republic, Honduras, and Paraguay.
- Cooperation with the Court in keeping with Chapter IX implies its implementation in domestic law and, to that end, the PGA secretariat has made available its proposed *Reference Law on Cooperation with the ICC*, which can be used as the basis for drafting and revising domestic legislative proposals. He acknowledged the importance of the bilateral cooperation agreements with the ICC in the areas of witness protection, the execution of judgments, interim release, and the release of persons, and he congratulated Argentina on its leadership in that regard.
- The activation of the Court's jurisdiction over crimes of aggression, which is to enter into force during the current year, is subject to a dual regime, in that it applies to situations referred by the UN Security Council and to those in which the Office of the Prosecutor exercises its jurisdiction.

He applauded Panama's ratification of that amendment in December 2017 and urged those States Parties that have not yet done so to ratify the Kampala amendments.

Mr. Cálix concluded his presentation by emphasizing the role the Hemisphere's countries can play in ending impunity and the leadership of the OAS in promoting peace and respect for human rights.

**d. Michelle Reyes, Americas Coordinator of the Coalition for the International Criminal Court (CICC)**

Dr. Reyes explained the purpose of the Coalition, which supports and monitors the work of the International Criminal Court through a network comprising more than 1,500 organizations in 150 countries.

She described the commemoration of the Rome Statute's twentieth anniversary as an opportunity for renewing the commitment toward the Court and for reflecting on the actions of the states parties. In that context, Dr. Reyes urged the states to commemorate the anniversary by adopting specific measures, such as the following:

- a. Measures on behalf of voluntary cooperation agreements under Chapter IX of the Statute and, in particular, the importance of distinguishing between voluntary and obligatory cooperation commitments, as was clarified in the Appeals Chamber's decision in the case of Jean-Pierre Bemba *et al.* On that topic, she echoed the congratulations extended to Argentina for signing the four voluntary agreements with the Court.
- b. Calls for contributions to the Trust Fund for Victims and other funds of the International Criminal Court, particularly in light of the recent reparations decisions that could impact the Court's budget.
- c. Reaffirmation of states' commitment in those complex and delicate cases and situations relating to the arrest and surrender of suspects, through timely and effective reactions to situations in which certain states do not cooperate. She recommended that the focal points step up their interactions with civil society.
- d. With regard to the implementation of the Rome Statute, she called for the full incorporation of the cooperation rules and for the ratification of the Agreement on Privileges and Immunities of the Court. She joined the congratulations extended to Paraguay for its enactment of a law implementing the Rome Statute, and she acknowledged the progress made in Guatemala, El Salvador, and Honduras. She noted the steps taken by Peru in keeping with the Agreement on Privileges and Immunities. She praised the work of the OAS in promoting model legislation on implementation and in opening up venues for cooperation with the Court.

Finally, Dr. Reyes called on the states to help with the Statute's universal implementation and on the OAS to equip itself with a new mandate in a future General Assembly resolution to continue promoting the values that inspired the creation of the International Criminal Court.

**e. Christopher Harland, legal advisor to the United States and Canada Regional Delegation of the International Committee of the Red Cross (ICRC)**

In his opening remarks, Mr. Harland spoke of the work of Gustave Moynier, one of the founders of ICRC, who in 1872 considered the creation of a permanent agency to monitor violations of the Geneva Convention. That proposal did not bear fruit, but it lay the foundations for the adoption

of the Draft Code of Crimes against the Peace and Security of Mankind in the 1950s and the work of the International Law Commission in drafting the Code of Crimes against Peace and Security in the 1990s, which would later serve as a reference for the Rome Statute.

He then expressed his satisfaction with the incorporation of the list of crimes in Article 8 of the Rome Statute and the amendments related to biological weapons that were adopted in Kampala, and he urged the states to implement the list proposed in the comments on Rule 156 (which is broader in scope than Article 8).

In addition, he noted his institution's pleasure with the adoption of the Statute's principle of complementarity, which he described as one of its key elements.

As regards the implementation of the Statute, he spoke of the ICRC Handbook, which calls for the simultaneous incorporation of the obligations of the Rome Statute with the relevant provisions of the 1949 Geneva Conventions and their Protocols. In this context, he also called for the creation of interministerial Committees, such as National International Humanitarian Law Commissions, given the positive contributions they can make to the implementation of obligations arising from the Geneva rules.

In addition, he advised leveraging the universal enforcement of the 1949 Geneva Conventions as an incentive for new states to ratify the Rome Statute, and he called on states to provide the resources necessary for the Court to reaffirm its legitimacy.

Mr. Harland concluded his remarks with some examples of the cooperation between the ICRC and the Court, such as ICRC members' visits to people being held under the jurisdiction of the Court, their consultations on international humanitarian law issues of common interest, relevant developments, and the ICRC's incentives for implementation. He explained that the ICRC was not required to testify, except when agreements existed, which preserved its freedom to be able to negotiate directly with all the parties in a conflict. He expressed continued willingness to provide states with support on matters of international humanitarian law.

At the end of the second round of presentations, the Chair of the CAJP, Ambassador Cayrús, thanked the participating institutions for their work in pursuit of the Court's objectives. The meeting then heard from the delegations of the following states:

The delegation of Haiti explained the efforts Haiti is undertaking to harmonize its domestic law, particularly the Criminal Code, as a necessary step prior to ratifying the Rome Statute.

The delegation of Peru thanked each of the speakers in this second block and said their presentations had showcased the vital importance of the Rome Statute as a tool for bringing international crimes to justice and for criminalizing offenses at the national level. Peru applauded the progress made with judicial cooperation mechanisms and the strengthening of judicial institutions and noted its government's commitment to supporting the work of the International Criminal Court.

The delegation of Brazil acknowledged the different perspectives presented in the addresses and, in particular, spoke of complementarity between the efforts of different actors from both civil society and states. Brazil noted its appreciation of the event and its effective use of technology.

The delegation of Uruguay also thanked the panelists, with a special mention for Mr. Michelini and the coordination that had taken place for him to give his presentation via videolink.

In closing the working meeting, Ambassador Dr. Hugo Cayrús, the Committee's Chair, agreed to take note of all the presentations given by the different panelists, the statements made by the member states' delegations, and the exchange that had taken place between the delegates and the speakers regarding the topics of cooperation with the International Criminal Court and the commemoration of the twentieth anniversary of the Rome Statute's adoption.

In addition, he asked the Department of International Law to prepare a report on the special meeting, for inclusion in the CAJP's report to the Permanent Council in keeping with Article 32 of its Rules of Procedure.