

AG/RES. 2279 (XXXVII-O/07)

PROMOTION OF THE INTERNATIONAL CRIMINAL COURT^{1/}

(Adopted at the fourth plenary session, held on June 5, 2007)

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), AG/RES. 2072 (XXXV-O/05), and AG/RES. 2176 (XXXVI-O/06);

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 a component of the international criminal justice system and an effective instrument for consolidating international justice and peace;

NOTING WITH CONCERN the continuation in some parts of the world of persistent violations of international humanitarian law and international human rights law; and reaffirming that all states have the primary duty to investigate, 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, including the jurisdiction of the International Criminal Court; and recognizing the essential role of the Vienna Convention on the Law of Treaties and the firm resolve of the states parties to preserve them;

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;

MINDFUL of the importance of effective cooperation from the states and from international and regional organizations, and of support from civil society, to the effective functioning of the International Criminal Court;

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 (ICC). 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, nor support the use of the OAS regular budget to fund cooperation and any other support rendered to the ICC, including under any OAS-ICC cooperation agreement. The United States understands that any such support will result only from specific fund contributions.

NOTING in this respect that Article 87.6 of the Rome Statute recognizes the role intergovernmental organizations can play in providing cooperation to the Court and that, in its resolution ICC-ASP/5/Res. 3, contained in ICC publication ICC-ASP/5/32, the Assembly of States Parties, at its fifth session, decided to invite other relevant regional organizations to consider concluding such agreements with the Court;

WELCOMING that 104 states have now ratified or acceded to the Rome Statute, among them 23 members of the Organization of American States—Saint Kitts and Nevis being the state in the Hemisphere most recently to do so—and that 139 states have signed it, including 27 members of the Organization;

NOTING WITH GRATIFICATION that 10 member states of the Organization have ratified or acceded to the Agreement on Privileges and Immunities of the International Criminal Court, among them Uruguay, Bolivia, and Ecuador in 2006, and Argentina in early 2007; and that others are in the process of doing so;

NOTING the outcome of the fifth session of the Assembly of States Parties to the Rome Statute, held from November 23 to December 3, 2006, and from January 29 to February 1, 2007;

EXPRESSING ITS SATISFACTION with the progress made by the International Criminal Court in developing into a fully operational judicial body, and that the confirmation of charges in the case *The Prosecutor v. Thomas Lubanga Dyilo*, on January 29, 2007, marks the beginning of a new phase for the Court;

RECOGNIZING the important work of the Coalition for the International Criminal Court with member states in promoting and defending the Rome Statute;

HAVING SEEN the report of the Inter-American Juridical Committee presented pursuant to resolution AG/RES. 2276 (XXXVI-O/06), provided in document CP/doc.4194/07;

EXPRESSING ITS SATISFACTION with the holding, at the Organization's headquarters, on February 2, 2007, 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 and with support from the Office of International Law, in which representatives of the International Criminal Court, international organizations, and civil society organizations participated; and taking note of the results of that meeting, contained in the Rapporteur's report (CP/CAJP-2457/07 rev. 1); and

TAKING NOTE of the Annual Report of the Permanent Council to the General Assembly (AG/doc.4698/07 corr. 1),

RESOLVES:

1. To renew its appeal to those member states of the Organization that have not already done so to consider ratifying or acceding to, as the case may be, the 1998 Rome Statute of the International Criminal Court.

2. To urge member states of the Organization that 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 and bring about its universal adoption.

3. To remind the member states of the Organization that are parties to the Rome Statute that it is important to adapt or amend their domestic law, as necessary, with a view to the full and effective implementation of the Statute, including the relevant adaptations in accordance with such instruments of international human rights law or international humanitarian law as may be applicable to them.

4. To urge the member states of the Organization to cooperate to the greatest extent possible 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.

5. 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.

6. To encourage states to contribute to the trust fund established by the Assembly of States Parties to the Rome Statute 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.

7. To invite member states to participate actively in the work of the Assembly of States Parties, as states parties or observers, where appropriate, with the purpose, among others, of stepping up discussions on the review conference planned for 2009 and ensuring the integrity of the Rome Statute.

8. To request the Inter-American Juridical Committee, on the basis of the information received from and updated by the member states, the recommendations contained in report CP/doc.4194/07, and existing cooperation law, to prepare model law on cooperation between states and the International Criminal Court, taking into account the Hemisphere's different legal systems, and to submit it to the General Assembly at its thirty-eighth regular session.

9. To invite the General Secretariat to designate a point of contact to consider entering into a cooperation agreement with the International Criminal Court and to report to the member states on progress in that regard before the thirty-eighth regular session of the General Assembly.

10. To request the Permanent Council to hold a working meeting, with support from the Office of International Law, on appropriate measures that states should take to cooperate with the International Criminal Court, which should include a high-level dialogue in which member states discuss the recommendations contained in report CP/doc.4194/07. The International Criminal Court, international organizations, and nongovernmental organizations will be invited to cooperate and participate in this working meeting.

11. To request the Permanent Council to include the topic of the implementation of the Rome Statute and of 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 to the General Assembly at its thirty-eighth regular session a report on the implementation of this resolution, which will be carried out within the resources allocated in the Organization's program-budget and other resources.