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MOTION FOR A RESOLUTION

further to the Council statement

pursuant to Rule 37(2) of the Rules of Procedure

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on behalf of the PSE Group

on the entry into force of the Rome Statute of the International Criminal Court and the anti-ICC US legislation

European Parliament resolution on the entry into force of the Rome Statute of the International Criminal Court and the anti-ICC US legislation

The European Parliament,

- having regard to its resolution of 18 January 2001,
 - having regard to the adoption in Rome on 17 July 1998 of the Statute of the Permanent International Criminal Court (ICC), competent to judge war crimes, genocide and crimes against humanity, by 120 votes to 7 with 19 abstentions,
 - having regard to the fact that at least 60 ratifications are needed for the Statute to enter into force and for the Court to be established,
 - having regard to the fact that, by 20 February 2002, 52 states had ratified the Statute,
 - having regard to the Council Common Position of 11 June 2001, whereby Member States reaffirmed their commitment to the early establishment of the ICC and to the full implementation of the Rome Statute,
- A. whereas, for the first time, a court with international jurisdiction will be able independently to judge the people responsible for war crimes, genocide and crimes against humanity,
- B. whereas the EU, learning the lessons from European history, is determined to cooperate to prevent crimes against humanity and to put an end to the impunity of their perpetrators and, thus, to support the creation of an international criminal court,
- C. whereas events in very recent years, such as the crimes committed in the Balkans and in Rwanda, and on 11 September 2001, make the need for an international criminal court even more evident,
- D. whereas the consolidation of the rule of law and respect for human rights, the preservation of peace and the strengthening of international security, in conformity with the Charter of the United Nations and as provided for in Article 11 of the EU Treaty, are of fundamental importance to the Union,
- E. convinced that the Statute of the Court, under the aegis of the UN, and surveillance by the Signatory States will guarantee against political abuse and ensure full respect for the principles of impartiality, fairness, independence, individual criminal responsibility and effectiveness,
- F. Conscious that the actual establishment of the Court will be a complex and delicate process, in which the steps taken over the coming months, leading to the entry into force of the Rome Statute, and thereafter to the election of the Registrar and the judges, will be crucial,

1. Congratulates the 52 States that have already ratified the Rome Statute, including 13 Member States of the European Union, 4 candidate countries, (Poland, Hungary, Slovenia and Estonia), and also Croatia and the Federal Republic of Yugoslavia;
2. Urges Greece, Ireland and the associated countries that have not yet ratified the Statute to do so as soon as possible;
3. Urges France to withdraw its declaration under Article 124 of the Rome Statute, thus accepting full jurisdiction of the Court with respect to war crimes committed by its nationals or in its territory;
4. Notes with satisfaction that the UN Preparatory Commission adopted by consensus, on 5 October 2001, the Agreement on the Privileges and Immunities of the Court, the UN/ICC Relationship Agreement, the Financial Regulations, and the Rules of Procedure for the Assembly of States Parties, as well as the preparation by the Bureau of a road map to assist it in the timely completion of its works;
5. Calls upon the EU Member States, in furtherance of the EU's Common Position on the International Criminal Court, to ensure that the Rome Statute enters into force as soon as possible and, beyond the sixtieth ratification, that the Court has the broadest possible geographical representation among the States Parties;
6. Asks Member States to share their experiences on issues related to the ratification of the Statute and to provide technical and/or financial assistance as appropriate to assist third countries to ratify and implement the Rome Statute;
7. Invites the Spanish Presidency to formulate a plan of action setting out the means by which these objectives will be pursued and to establish contact at an early date with all other countries which have already ratified, or will shortly ratify, the Statute, in order to ensure its swift implementation;
8. Calls upon the Union and its Member States to give practical support to the early establishment and smooth functioning of the Court and urges the Union, in cooperation with the other signatories, to ensure that the Court is independent, effective, non-political, fair and staffed by judges and officials of the highest personal and professional qualifications, guaranteeing a balanced geographical and gender representation;
9. Expresses deep disappointment that the US Administration and the US Congress continue not only to refuse US participation in the International Criminal Court but actively to obstruct the efforts of its allies and the overwhelming majority of free nations to bring the Court into being;
10. Deplores as unacceptable interference in the political decision-making of sovereign nations the threat, contained in the American Servicemembers' Protection Act, to impose sanctions against countries which cooperate with the Court, and therefore calls upon the US Administration and the US Congress not to renew attempts to pass the American Servicemembers' Protection Act, in any of its forms;
11. Invites the Commission and Council to continue to raise the ICC issue forcefully and

regularly with the United States at the highest political levels;

12. Instructs its President to forward this resolution to the Council, the Commission, the parliaments of the Member States and the USA, the governments and parliaments of the candidate countries, the UN Secretary-General and the President of the USA.