



INTER-PARLIAMENTARY UNION

**Resolution adopted unanimously by the 112th IPU Assembly
(Manila, 8 April 2005)**

THE ROLE OF PARLIAMENTS IN THE ESTABLISHMENT AND FUNCTIONING OF
MECHANISMS TO PROVIDE FOR THE JUDGEMENT AND SENTENCING OF
WAR CRIMES, CRIMES AGAINST HUMANITY, GENOCIDE AND
TERRORISM, WITH A VIEW TO AVOIDING IMPUNITY

The 112th Inter-Parliamentary Assembly,

Deeply concerned by the fact that in today's world, many regions and whole societies are brutally affected by the persistence of war crimes, crimes against humanity, genocide and/or terrorism, all of which are serious crimes of concern to the international community as a whole,

Convinced that there is no justifiable cause for those abhorrent crimes,

Considering that, in keeping with the principles enshrined in the United Nations Charter, international human rights law, international humanitarian law and international criminal law, appropriate instruments have been developed, and that it is of paramount importance to ensure that their provisions be enforced, in conformity with the international obligations assumed by States,

Recalling in this respect the particular importance of ensuring respect for the rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Geneva Conventions for the protection of victims of war of 12 August 1949 and their Additional Protocols, the Convention on the Prevention and Punishment of the Crime of Genocide and other instruments, treaties and agreements ensuring respect for human dignity, as well as the human rights norms of customary international law as reflected by state practice,

Considering that under international law, no statutory limitation applies to war crimes, crimes against humanity, genocide and terrorism, and such crimes are not subject to amnesty, clemency or pardon, and that this has been confirmed by the judgements of national and international courts,

Recalling the resolutions on peace, security and disarmament adopted by the IPU since 1990,

Stressing the importance of the International Criminal Court (ICC) in preventing and punishing war crimes, genocide and crimes against humanity, and *recalling* in this respect that States party to the Rome Statute of the ICC have a duty to prosecute such crimes themselves or to refer persons suspected of such crimes to the jurisdiction of the ICC, and also that international humanitarian law, as enshrined in the Geneva Conventions for the protection of victims of war of 12 August 1949 and their Additional Protocols, places the obligation on States to search for and try persons alleged to have committed, or have ordered to be committed, grave breaches, regardless of the persons' nationality or where the violations take place,

Recognising that the jurisdiction of the ICC is limited to crimes committed on or after 1 July 2002 and that there is a need for mechanisms to address war crimes, crimes against humanity and genocide committed before that date,

Considering the Rome Statute, which requires States Parties to cooperate with the ICC in order to combat war crimes, crimes against humanity and genocide, and *considering* the 12 international conventions and protocols relating to terrorism,

Concerned at the lack of progress made, on the one hand by the States Parties to the Rome Statute of the ICC and on the other hand by all States, in implementing the necessary mechanisms to support, respectively, the Statute, and the provisions adopted by the United Nations and other bodies to combat these crimes,

Recognising that political will to speak out against racism, xenophobia and intolerance is an essential element in ending impunity,

Concerned at the fact that the implementation of agreements on the prosecution of war crimes, crimes against humanity, genocide and terrorism has been delayed, set aside, or omitted by some States, thus subjecting these agreements to different interpretations and reducing their effectiveness, *alarmed* at the possibility that this may signal a permissive attitude towards impunity, and *concerned* at the fact that many States have not yet ratified or acceded to the Rome Statute,

Convinced that parliaments have a primary responsibility, and must, by enacting necessary legislation, play a central role in the prevention, punishment and avoidance of impunity for war crimes, crimes against humanity, genocide and terrorism, and that a multilateral approach among parliaments is an appropriate way to facilitate the implementation of mechanisms required for the enforcement of judgements and penalties for these abhorrent crimes,

Recalling that each State has the obligation and the duty to prosecute or extradite the perpetrators of war crimes, crimes against humanity, crimes of genocide and terrorist crimes, irrespective of the location of the crime or the nationality of the perpetrator or the victim,

Recalling that victims of war crimes, crimes against humanity, genocide and terrorism have the right to truth, justice and reparation,

1. *Strongly condemns*, without exception, all acts, methods and practices of war crimes, crimes against humanity and genocide;

2. *Strongly condemns* all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, including those in which States are directly or indirectly involved, which threaten friendly relations among peoples, endanger or take innocent lives, have a deleterious effect on international relations and may jeopardise the security and territorial integrity of States;
3. *Strongly advises* all IPU Member Parliaments to assume, before their States and citizens, in conformity with their national legislations and the international obligations of States, the responsibility for implementing and enforcing, through the enactment of national laws, the international agreements that have been concluded to punish and prevent war crimes, crimes against humanity, genocide and terrorism;
3. *Recommends* that through the inter-parliamentary activity of IPU Members, efforts should be combined and experiences shared in order to develop the necessary mechanisms to pursue these objectives, and to avoid impunity for those individuals, organisations and States that commit war crimes, crimes against humanity, genocide and terrorism;
5. *Urges* Member Parliaments duly to codify, in accordance with international law, in particular international humanitarian law, human rights law and refugee law, these abhorrent crimes in their domestic criminal law, and to establish the corresponding penalties and mechanisms to avoid impunity;
6. *Invites* those States which have not yet done so to ratify or accede to the Rome Statute and to ratify the Agreement on the Privileges and Immunities of the International Criminal Court; and *encourages* all Member Parliaments whose States are parties to the Rome Statute to pass domestic legislation in order to allow them to cooperate with the ICC;
7. *Recommends* that all parliaments, including those of States which have not ratified the Rome Statute, enact laws for the prevention and punishment of war crimes, crimes against humanity, genocide and terrorism;
8. *Recommends* that all parliaments support and cooperate with the ICC and other competent bodies (such as national and international commissions for the investigation of crimes against humanity and national and international courts), and thus strengthen parliamentary action to eradicate war crimes, crimes against humanity, genocide and terrorism;
9. *Recommends* that States specifically address the issue of war crimes, crimes against humanity and genocide committed before the entry into force of the Rome Statute in a framework of justice and legality, which are the necessary conditions to attain peace and the respect of human rights in each country and in the international community;
10. *Urges* Member Parliaments to reject bilateral agreements that would provide for immunity from investigation and prosecution, by the ICC or otherwise, for the nationals of any State;
11. *Recommends* that all parliaments do everything in their power to assist with the criminal prosecution of persons being sought by the International Criminal Police Organization (Interpol), including by facilitating their hand-over;

12. *Calls on* parliaments to consider ratifying, if they have not yet done so, the 12 multilateral treaties on terrorism and the relevant regional instruments, to incorporate their provisions into domestic legislation and to see to it that they are duly implemented;
13. *Recommends* that all parliaments urge their respective governments to intensify efforts to come to a global agreement on terrorism, expressing the common awareness of States of the threat of international terrorism and providing a precise definition of the nature and actual features of this phenomenon, so as to combat it more effectively;
14. *Calls for* recognition of the need to strengthen capacity-building assistance for countries which have the political will but lack the technical resources necessary to conclude and implement the 12 conventions and protocols relating to terrorism;
15. *Recommends* that all parliaments enact legislation, in line with international law, to create civil procedures to provide compensation to victims of war crimes, crimes against humanity, genocide and terrorism;
16. *Encourages* parliaments to make the fullest possible use of their competences and roles to achieve these objectives;
17. *Recommends* that parliaments take account of international declarations and conventions on these subjects and of the considerations of the United Nations, the ICC and all related international or regional agencies, authorities and bodies;
18. *Invites* parliaments to include in their agendas, as a priority, the activities required to implement all mechanisms which may contribute to the prosecution of war crimes, crimes against humanity, genocide and terrorism, including the strengthening of rule of law mechanisms, so as to avoid impunity for these crimes and to ensure the rights of the victims of such crimes to just reparation;
19. *Invites* the United Nations and parliaments to promote voluntary contributions to the ICC Trust Fund for Victims.