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**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**

*Amendments to the revised draft resolution
submitted within the statutory deadline by the delegations of China, Cuba, India, Mexico,
Norway, Philippines and Switzerland*

Title

Amend the title to read as follows:

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

(Norway)

PREAMBLE

Paragraph 1

Amend to read as follows:

(1) *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 terrorism, all of which are serious crimes of concern to the international community as a whole,*

(Cuba)

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

(Norway)

Paragraph 3

Amend to read as follows:

(3) *Considering* that, in keeping with the principles enshrined in the United Nations Charter, international human rights law, international humanitarian law and international criminal law 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,**

(Cuba)

Paragraph 5

Delete the paragraph:

~~(5) *Considering* that under international law, no statutory limitation shall apply to war crimes, crimes against humanity, genocide and terrorism, and such crimes shall not be subject to amnesty, clemency or pardon, and that this has been confirmed by the judgements of national and international courts,~~

(China)

Paragraph 5

Amend to read as follows:

(5) *Considering* that under international law, no statutory limitation shall apply to war crimes, crimes against humanity **and** genocide ~~and terrorism~~, and such crimes shall not be subject to amnesty, clemency or pardon, and that this has been confirmed by the judgements of national and international courts,

(Norway)

Paragraph 7

Amend to read as follows:

(7) ~~*Stressing the importance*~~ **Noting the role** of the International Criminal Court (ICC) **as a mechanism to prevent** ~~in preventing and punishing~~ war crimes, genocide, **aggression** 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,

(Cuba)

(7) *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 the main** duty to prosecute such crimes themselves, or **where this is not possible, based on the principle of complementarity**, 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,

(Mexico)

Paragraph 9

Amend to read as follows:

(9) *Considering* the agreements concluded by the States Parties to the Rome Statute with the ICC in order to combat war crimes, crimes against humanity and genocide, ~~as well as the 12 international conventions and protocols relating to terrorism,~~

(Norway)

Paragraph 10

Amend to read as follows:

(10) ~~*Concerned* at the lack of dynamics in implementing the necessary mechanisms to support the Rome Statute of the ICC and~~ **Recognising the importance of** supporting the provisions adopted by the United Nations and other bodies to combat these crimes,

(Cuba)

(10) ~~*Concerned* at the lack of dynamics in implementing the necessary mechanisms to support the Rome Statute of the ICC and~~ to support the provisions adopted by the United Nations and other **relevant** bodies to combat these crimes,

(India)

Paragraph 12

Amend to read as follows:

(12) *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 be considered as a permissive attitude towards impunity and *concerned* at the fact that many States have not yet signed or ratified the Rome Statute,

(Cuba)

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

(Norway)

Paragraph 13

Amend to read as follows:

(13) *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 implement the mechanisms required for the enforcement of judgements and penalties for these abhorrent crimes,~~

(India)

(13) *Convinced* that parliaments have a primary responsibility, and must play a central role, in the prevention, punishment and avoidance of impunity for war crimes, crimes against humanity **and** genocide ~~and terrorism~~, and that a multilateral approach among parliaments is an appropriate way to implement the mechanisms required for the enforcement of judgements and penalties for these abhorrent crimes,

(Norway)

Paragraph 14

Amend to read as follows:

(14) *Recalling* that **under the provisions of international law**, each State ~~has the obligation and the duty to~~ **shall** prosecute the perpetrators of war crimes, crimes against humanity and crimes of genocide,

(China)

(14) *Recalling* that each State has the obligation and the duty to prosecute **or extradite** the perpetrators of war crimes, crimes against humanity, ~~and~~ crimes of genocide **and terrorist crimes**,

(India)

(14) *Recalling* that each State has the obligation and the duty to prosecute the perpetrators of war crimes, crimes against humanity and crimes of genocide, **since a lack of sanctions for these types of grave offences allows the commission of new atrocities and also worsens domestic and international armed conflicts**,

(Mexico)

Paragraph 15

Amend to read as follows:

(15) *Recalling* that victims of war crimes, crimes against humanity, ~~and genocide~~ **and terrorism** have the right to truth, justice and reparation,

(India)

OPERATIVE PART

Paragraph 1bis

Add a new paragraph, to read as follows:

1. ***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;

(Cuba)

Paragraph 1

Amend to read as follows:

1. *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 rules, the international agreements that have been concluded to punish and prevent war crimes, crimes against humanity, genocide and terrorism;

(Cuba)

Paragraph 2

Amend to read as follows:

2. *Recommends* that through the inter-parliamentary activity of IPU Members, efforts 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 ~~totalitarian~~ States that commit war crimes, crimes against humanity, genocide and terrorism;

(China)

2. *Recommends* that through the inter-parliamentary activity of IPU Members, efforts 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 totalitarian States~~ that commit war crimes, crimes against humanity, genocide and terrorism;

(India)

2. *Recommends* that through the inter-parliamentary activity of IPU Members, efforts 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 ~~totalitarian~~ States that commit war crimes, crimes against humanity **and** genocide ~~and terrorism~~;

(Norway)

Paragraph 3

Amend to read as follows:

3. ~~*Urges*~~ **Recommends that** Member Parliaments ~~duly to codify~~ **consider codifying**, in line with international law, these abhorrent crimes in their domestic criminal law, and establishing the corresponding penalties and mechanisms to avoid impunity;

(China)

3. *Urges* Member Parliaments duly to codify, ~~in line~~ **in accordance** with international law, **in particular international humanitarian law, human rights and refugee law**, these abhorrent crimes in their domestic criminal law, and to establish the corresponding penalties and mechanisms to avoid impunity;

(Switzerland)

Paragraph 4

Amend to read as follows:

4. *Encourages* those States which have not yet done so to **consider ratifying or acceding to** ~~and accede to~~ the Rome Statute and ~~to ratify~~ the Agreement on the Privileges and Immunities of the International Criminal Court, and *invites* all Member Parliaments to pass domestic legislation in order to allow each country to cooperate with the ICC;

(Cuba)

4. ~~*Encourages*~~ **Invites** those States which have not yet done so to ratify and accede to the Rome Statute, and to ratify the Agreement on the Privileges and Immunities of the International Criminal Court, and ~~*invites*~~ **encourages** all Member Parliaments **whose States are parties to the Rome Statute** to pass domestic legislation in order to allow **them** ~~each country~~ to cooperate with the ICC;

(India)

4. *Encourages* those States which have not yet done so to ratify and accede to the Rome Statute, and to ratify the Agreement on the Privileges and Immunities of the International Criminal Court and *invites* all Member Parliaments **to develop specific actions to overcome political and legal obstacles to this process and** to pass domestic legislation in order to allow each country to cooperate with the ICC;
(Mexico)

Paragraph 5

Amend to read as follows:

5. *Recommends* that all parliaments, including those of States which have not ratified the Rome Statute, ~~enact~~ **consider enacting** rules for the domestic implementation of its provisions;
(China)
5. *Recommends* that all parliaments, including those of States which have not ratified the Rome Statute, **consider the possibility of enacting** rules for the domestic implementation of its provisions, **in conformity with their national legislations and the international obligations assumed by States**;
(Cuba)
5. *Recommends* that all parliaments, including those of States which have not ratified the Rome Statute, enact rules for the ~~domestic implementation of its provisions~~ **prevention and punishment of war crimes, crimes against humanity, genocide and terrorism**;
(India)

Paragraph 6

Amend to read as follows:

6. *Recommends* that all parliaments ~~support and cooperate~~ **consider supporting and cooperating** with the ICC and other competent bodies (such as national and international commissions for the investigation of crimes against humanity), and thus strengthen parliamentary action to eradicate war crimes, crimes against humanity, genocide and terrorism;
(China)
6. *Recommends* that all parliaments support and cooperate with the ~~ICC and other competent bodies~~ **and, where appropriate, the ICC**, ~~(such as national and international commissions for the investigation of crimes against humanity)~~, and thus strengthen parliamentary action to eradicate war crimes, crimes against humanity, genocide and terrorism;
(Cuba)

6. ~~Recommends that~~ **Encourages** all parliaments **to** support and cooperate with the ICC and other competent **relevant** bodies (such as national and international commissions for the investigation of crimes against humanity), and thus **to** strengthen parliamentary action to eradicate war crimes, crimes against humanity, genocide and terrorism;

(India)

6. *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 thus strengthen parliamentary action to eradicate war crimes, crimes against humanity **and** genocide ~~and terrorism~~;

(Norway)

Paragraph 7

Amend to read as follows:

7. *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**;

(Mexico)

Paragraph 8

Amend to read as follows:

8. *Urges* Member Parliaments to reject bilateral agreements that would provide for immunity from prosecution for the nationals of any State **who have committed war crimes, crimes against humanity, genocide and terrorism**;

(China)

8. *Urges* Member Parliaments to reject, **in accordance with the principle contained in the Rome Statute which rejects impunity**, bilateral agreements that would provide for immunity from prosecution for the nationals of any State;

(Mexico)

Paragraph 9

Amend to read as follows:

9. *Recommends* that all parliaments enact legislation, **in line with international law**, to create civil procedures that would provide compensation for war crimes, crimes against humanity, genocide and terrorism offences;

(China)

9. *Recommends* that all parliaments enact legislation **to protect victims and** to create civil procedures that would provide compensation for war crimes, crimes against humanity, genocide and terrorism offences;

(Mexico)

9. *Recommends* that all parliaments enact legislation to create civil procedures that would provide compensation for war crimes, crimes against humanity **and** genocide ~~and terrorism~~ offences;

(Norway)

Paragraph 10

Amend to read as follows:

10. *Encourages* parliaments to make the fullest possible use of their competences and roles to achieve these objectives **and to communicate to the citizens of our respective countries these objectives, so as to nurture an international conscience that contributes to preventing new crimes;**

(Mexico)

Paragraph 12

Amend to read as follows:

12. *Invites* parliaments to ~~include in their agendas, as a priority, the activities required~~ **continue to work** to implement ~~all~~ **appropriate** 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;

(Cuba)

12. *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 and 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;

(Norway)

12. *Invites* parliaments to include in their agendas, as a priority, ~~the activities~~ **measures** required **by the executive branch** 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 **calls for the judiciary** to ensure **that** the rights of the victims of such crimes to just reparation **are observed;**

(Philippines)

Paragraph 13

Amend to read as follows:

13. *Invites* the United Nations and parliaments ~~to consider the establishment of a fund for the compensation of~~ **to adopt in their respective spheres of competence the appropriate measures to support the enactment of the compensation fund, as considered in the Rome Statute, for the** victims of crimes of genocide and crimes against humanity.

(Mexico)