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Peace and International Security

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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**

Preliminary draft resolution prepared by the co-Rapporteurs
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The 112th Assembly of the Inter-Parliamentary Union,

- (1) *Deeply concerned* at the fact that in today's world, many regions and whole societies are brutally affected by war crimes, crimes against humanity, genocide and terrorism, all of which are grave breaches of international law,
- (2) *Convinced* that there is no justifiable cause for those abhorrent crimes,
- (3) *Considering* that, in keeping with the principles enshrined in the United Nations Charter, there has been a development of international human rights law, international humanitarian law and international criminal law, and that it is of paramount importance to ensure that their provisions are enforced, and *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 and other instruments, treaties and agreements ensuring respect for human dignity,
- (4) *Considering* that under international law, crimes against humanity are imprescriptible, and that this has been confirmed by the judgements of national and international courts,
- (5) *Recalling* the resolutions on peace, security and disarmament adopted by the IPU since 1994,

(6) *Recognising* the importance of the International Criminal Court (ICC) in preventing 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 judge 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 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 violation took place,

(7) *Considering* the agreements concluded 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,

(8) *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 bodies to combat these crimes,

(9) *Concerned* at the fact that the implementation of agreements on the prosecution and judgement of war crimes, crimes against humanity, genocide and terrorism has been delayed, set aside, or omitted by States, thus subjecting these agreements to different interpretations and reducing their effectiveness, and *alarmed* at the possibility that this may be considered as a permissive attitude towards impunity,

(10) *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, 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 aberrant crimes,

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

1. *Invites* all IPU Member Parliaments to assume, before their States and citizens, 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;
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 who commit war crimes, crimes against humanity, genocide and terrorism;
3. *Urges* Member Parliaments duly to codify, in line with international law, these abhorrent crimes in their domestic criminal law, and to establish the corresponding penalties and mechanisms to avoid impunity;

4. *Invites* those States which have not yet done so to ratify the Rome Statute and accede to the ICC, and to ratify the Agreement on the Privileges and Immunities of the International Criminal Court;
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;
6. *Recommends* that all parliaments support and cooperate with the ICC and other competent bodies, and thus strengthen parliamentary action to eradicate war crimes, crimes against humanity, genocide and terrorism;
7. *Encourages* parliaments to make the fullest possible use of their competences and roles to achieve these objectives;
8. *Recommends* that parliaments take account of international agreements on these subjects and of the considerations of the United Nations, the International Criminal Court and all related international or regional agencies, authorities and bodies;
9. *Invites* parliaments to include in their agendas, as a priority, the activities required to implement all mechanisms which may contribute to the prosecution and judgement of war crimes, crimes against humanity, genocide and terrorism, so as to avoid impunity for these crimes and to ensure the rights of the victims of such crimes to just reparation.