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Consult/ICC (2000) Concl.



*Council of Europe*, Strasbourg  
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Following the joint initiative of the European Committee on Crime Problems (CDPC) and the *Ad Hoc* Committee of Legal Advisers on Public International Law (CAHDI), the Council of Europe organised a consultation meeting on the implications for Council of Europe member States of the ratification of the Rome Statute of the International Criminal Court (ICC) in Strasbourg, 16-17 May 2000.

This meeting was organised in the framework of the intergovernmental programme of activities of the Council of Europe with a view to facilitating an exchange of views and information among the member states of the Council of Europe and considering the possible role that the Council of Europe could play in this respect.

Experts from 32 Member States, the European Commission, 3 Observer States and INTERPOL, NATO and ICRC took part in the meeting.

Participants were informed about developments concerning the Rome Statute and the activities of the Preparatory Commission. They exchanged views concerning the issues of implementation and co-operation with the ICC, including efforts undertaken in this perspective at the national level and in the framework of international organisations participating as observers.

## CONCLUSIONS

Participants recognised that the ratification and implementation process requires thorough consideration by the competent national authorities of a number of legal, administrative and budgetary issues and that exchanges of information and views among Member States, Observer States and organisations mentioned above may benefit this process.

Participants noted that ratification requires that the State Party concerned be able to ensure compliance with the obligations derived from the Rome Statute. This may require *inter alia* adapting constitutional provisions taking into account the specific features of each State, or legislative enactments in the field of international co-operation and judicial assistance, to ensure effective and swift co-operation.

Participants agreed that the preparation of such legislation and of possible co-operation agreements between the States and the ICC and between the latter and international organisations, may to a large extent benefit from the experience of implementing the obligations resulting from United Nations Security Council Resolutions 827 (1993) and 955 (1994) establishing the International Criminal Tribunals for the former Yugoslavia and Rwanda.

Participants acknowledged that the ICC is complementary to national criminal jurisdictions and, therefore, primary responsibility for prosecution of these crimes lies with States, taking also into account the relevant rules of international humanitarian law. To this effect, national legislation and practices should enable States to bring to justice the persons responsible for the crimes under Articles 6-8 of the Rome Statute.

Participants further acknowledged that different approaches are possible for the implementation of the Statute, taking into account different legal systems and traditions.

Participants noted the particular importance for the future work of the ICC of appropriate State support with regard to enforcement of sentences in accordance with Article 103 of the Rome Statute.

Participants noted that 3 Member States of the Council of Europe had ratified the Rome Statute and that a number of others were in a position to do so. They stressed their commitment to the integrity of the Rome Statute and reaffirmed the objective of the early establishment of the ICC and, to that extent, recalled the important role that the 41 member States of the Council of Europe can play, as they represent two-thirds of the necessary number of 60 ratifications for the entry into force of the Rome Statute.

Participants recognised the useful role of the Council of Europe in conformity with the principles and rules contained in its Statute, as well as the treaties concluded within its framework.

Participants thanked the Council of Europe for the organisation of the consultation meeting and called upon the Council of Europe to continue assisting its Member States in the ratification and implementation process with a view to an early establishment of the ICC and its effective functioning by facilitating exchanges of information and views among its member States and observers by appropriate means and in particular by holding consultations at the appropriate time whenever the need arises. For that purpose, appropriate provision should continue to be made in the programme of activities of the Council of Europe.

Participants decided to submit these conclusions to the Committee of Ministers asking it to forward them to the CDPC and CAHDI so that they can take them into account in their work.

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THE CONSULTATION MEETING IS A JOINT INITIATIVE OF THE EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC) AND THE *Ad Hoc* COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI) OF THE COUNCIL OF EUROPE. IT IS ORGANISED WITHIN THE FRAMEWORK OF THE INTERGOVERNMENTAL LEGAL CO-OPERATION PROGRAMME.

*Ce document existe également en français*

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