



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.4/Sub.2/2002/L.14  
7 August 2002

ENGLISH  
Original: FRENCH

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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on the Promotion and  
Protection of Human Rights  
Fifty-fourth session  
Agenda item 3

**ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY**

**Mr. Bengoa, Ms. Betten, Mr. Decaux, Mr. Dos Santos Alves, Mr. Eide,  
Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc,  
Ms. O'Connor, Mr. Park, Ms. Rakotoarisoa, Ms. Warzazi,  
Mr. Weissbrodt, Mr. Yokota and Ms. Zerrougui: draft resolution**

**2002/... Establishment of the International Criminal Court**

*The Sub-Commission on the Promotion and Protection of Human Rights,  
Convinced* that the impunity enjoyed by perpetrators of human rights violations  
constitutes a fundamental obstacle to the observance of human rights,

*Convinced also* that the ratification of the Statute of the International Criminal Court,  
done at Rome on 17 July 1998 (the Rome Statute), by the largest number of States constitutes an  
important guarantee in the struggle against impunity,

*Convinced further* that the implementation of the Rome Statute should encounter no  
limitations,

1. *Welcomes* the entry into force, on 1 July 2002, of the Statute of the International  
Criminal Court (the Rome Statute);

2. *Deeply deplores* the impunity automatically allowed to nationals of States not parties to the Rome Statute, who participate in operations decided or authorized by the United Nations Security Council for the maintenance or restoration of international peace and security, under the terms of resolution 1422 (2002) of the United Nations Security Council of 12 July 2002;

3. *Takes note* of the recent statement by the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers, Dato Param Cumaraswamy, asserting that the transparency and impartiality shown in the selection of judges will to a large extent determine the legitimacy, credibility and effectiveness of the International Criminal Court;

4. *Invites* States parties to opt for a transparent procedure for nominating the Court's judges, after consultation with the highest national judicial and academic authorities, such as to guarantee their full competence, their independence, an equitable geographic and gender representation, and an accurate reflection of the principal legal systems;

5. *Invites* all States to ratify the Rome Statute as soon as possible and to ensure its full implementation;

6. *Emphasizes* that States must not hinder the implementation of the Statute of the International Criminal Court and must observe the principles of the Statute, whether they have ratified it or not;

7. *Decides* to continue consideration of this question.

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