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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-fifth session
Agenda item 6

ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY

**Mr. Bengoa, Mr. Decaux, Mr. Eide, Mr. Guissé, Ms. Hampson, Ms. Koufa,
Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Rodríguez Cuadros,
Mr. Yokota and Ms. Zerrougui: draft resolution**

2003/... 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 by the largest number of States will constitute an important guarantee in combating impunity,

Recalling its resolution 2002/4 of 12 August 2002 on the establishment of the International Criminal Court,

1. *Welcomes* the establishment of the International Criminal Court, following the election of its judges, women and men representing all continents and all legal systems, and the appointment of its prosecutor;

2. *Deeply deplores* the fact that the immunity allowed to nationals of States parties or not parties to the Rome Statute who participate in operations established 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 12 July 2002 of the Security Council, has been extended by resolution 1487 (2003) of 12 June 2003, at the risk of perpetuating a temporary derogation, by misconstruing article 16 of the Rome Statute;

3. *Also deplores* the fact that, in its resolution 1497 (2003) of 1 August 2003 on the conflict in Liberia, the Security Council has decided that current or former officials or personnel from a contributing State which is not a party to the Rome Statute of the International Criminal Court shall be subject to the exclusive jurisdiction of that contributing State for all alleged acts or omissions arising out of or related to the multinational force or United Nations stabilization force in Liberia, unless such exclusive jurisdiction has been expressly waived by that contributing State;

4. *Condemns* the increasing pressure which is being exerted, both at the multilateral and bilateral levels, to hinder implementation of the Statute of the International Criminal Court and recalls that States must observe the principles of the Statute, whether they have ratified it or not;

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

6. *Decides* to continue consideration of this question at its fifty-sixth session.
