

FIRST RESUMPTION OF THE FIRST SESSION OF THE ASSEMBLY OF STATES PARTIES TO THE INTERNATIONAL CRIMINAL COURT

(New York, 3 to 7 February 2003)

The first resumed session of the Assembly of States Parties (ASP) to the Rome Statute of the International Criminal Court (ICC) took place at the United Nations Headquarters in New York from 3 to 7 February 2003, pursuant to General Assembly Resolution 57/23. The meetings were attended by the 85 State parties to the Rome Statute, observer States (non-Signatory States invited to the meeting and States that submitted their ratification after 30 November 2002)¹, representatives of intergovernmental organisations, and members of the NGO *Coalition for an International Criminal Court* (CICC).

The necessary sixty ratifications for the entry into force of the Rome Statute on the ICC was reached on 11 April 2002 and on 1 July 2002 the Rome Statute officially entered into force².

Introduction

A milestone in the worldwide effort to enforce human rights was achieved during the ASP's first resumed session, when State parties elected the first 18 judges to preside over the ICC.

"It is a major achievement that we have elected a very strong bench", said Ambassador Prince Zeid Al-Hussein of Jordan, president of the ASP governing body. *"It was a lengthy process, but we are assured of a bench that is representative of all regions and has a very significant female representation"*.

After a marathon of 33 ballots over four days, 18 judges were elected as follows:

| Name | Nationality | Gender | Term of office ³ | Regional Group | Background |
|------------------------------|---------------------|--------|-----------------------------|--------------------------------------|---|
| 1. Clark, Maureen Harding | Ireland | Female | 9 years | Western European and Other (WEOG) | Ad litem judge for the UN tribunal for the former Yugoslavia; lawyer for 26 years as in prosecutorial and criminal defence. |
| 2. Diarra, Fatoumata Dembele | Mali | Female | 9 years | African States | Ad litem judge in the UN tribunal for the former Yugoslavia, former Bamako Appeal Court Criminal Chamber president |
| 3. Fulford, Adrian | UK | Male | 9 years | WEOG | Judge in Crown (high) Court, textbook author on human rights and criminal procedure |
| 4. Hudson-Phillips, Karl | Trinidad and Tobago | Male | 9 years | Latin America and Caribbean (GRULAC) | Former attorney-general and minister for legal affairs |
| 5. Jorda, Claude | France | Male | 6 years | WEOG | President of UN tribunal for the former Yugoslavia, former Paris Appeals Court prosecutor |
| 6. Odio Benito, Elizabeth | Costa Rica | Female | 9 years | GRULAC | International law professor, former judge at UN tribunal for the former Yugoslavia |

¹ As of 3 February 2003, 89 States had ratified the Rome Statute, but only the 85 countries that had ratified the Statute as of 30 November 2002 had the right to vote.

² See Annex 1 below for a chart of status of ratification of the Rome Statute of the ICC.

³ Six judges will serve a full term of nine years; six a term of six years; and six a term of three years. The terms of offices will begin on 11 March 2003.

First Resumption of the First Session of the Assembly of States Parties to the International Criminal Court
(New York, 3 to 7 February 2003)

| | | | | | |
|--------------------------------------|-------------------|--------|---------|--------------|---|
| 7. Pikis, Georghios M. | Cyprus | Male | 6 years | Asian States | President of Supreme Court, former ad hoc judge of European Court of Human Rights |
| 8. Slade, Tuiloma Neroni | Samoa | Male | 3 years | Asian States | Ambassador to UN and United States, former attorney-general of Samoa |
| 9. Song, Sang-Hyun | Republic of Korea | Male | 3 years | Asian States | Professor of law at Seoul National University, author |
| 10. Steiner, Sylvia H. de Figueiredo | Brazil | Female | 9 years | LAC | Judge on Federal Court of Appeals of Sao Paulo, former federal prosecutor |

| Name | Nationality | Gender | Term of office | Regional Group | Background |
|-----------------------|--------------|--------|----------------|-----------------------|--|
| 1. Blattmann, Rene | Bolivia | Male | 6 years | GRULAC | Law professor and former justice minister |
| 2. Kaul, Hans-Peter | Germany | Male | 3 years | WEOG | International lawyer, diplomat and his country's negotiator for the ICC |
| 3. Kirsch, Philippe | Canada | Male | 6 years | WEOG | Diplomat and legal expert who chaired the 1998 Rome conference that set up ICC |
| 4. Kourula, Erikki | Finland | Male | 3 years | WEOG | Director-general, legal affairs of Foreign Affairs Ministry; international law expert |
| 5. Kuenyehia, Akua | Ghana | Female | 3 years | African States | Dean of Law Faculty and acting director of University of Ghana |
| 6. Pillay, Navanethem | South Africa | Female | 6 years | African States | President of UN criminal tribunal for Rwanda since 1995; former acting judge on high court in South Africa |
| 7. Politi, Mauro | Italy | Male | 6 years | WEOG | Ad litem judge of UN tribunal for former Yugoslavia, former appellate court judge, international law professor |
| 8. Usacka, Anita | Latvia | Female | 3 years | Eastern Europe States | Judge on Latvia Constitutional Court, professor of law at University of Latvia |

Election of judges

The election of judges was of the utmost importance for the Court. These high-profile judges will be pioneers of international justice and have a unique responsibility to set the stage for the work of the ICC. Article 36 and 37 of the Rome Statute spells out requirements that judges should meet, including a **high moral character, impartiality and integrity**. The judges' interpretation of the Rome Statute, their decisions relating to the authorization for the Prosecutor to investigate and on the jurisdiction of the Court will be essential for the credibility and successful functioning of the ICC.

The Rome Statute also calls for a bench comprised of at least nine judges from list A (candidates with **competence in criminal law and procedure**, and the necessary relevant experience, whether as a judge, prosecutor, advocate or in other similar capacity, in criminal proceedings) and at least five judges from list B (with established **competence in relevant ar-**

eas of international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court). According to Article 36.8 of the Statute, no two judges can be nationals of the same country. In addition, in the selection of the judges, States parties must take into account the need for the **representation of the principal legal systems of the world; equitable geographical representation; fair representation of female and male judges**; and the need to include **judges with legal expertise on specific issues**, including, but not limited to, **violence against women or children**. Because of this sophisticated combination of criteria required by the Rome Statute, the Assembly adopted an election procedure that provided for **minimum voting requirements**. However, this procedure was not a quota system, and did not guarantee that each regional group or gender received the same number of seats stipulated by the minimum requirements⁴.

All 85 countries that ratified or acceded to the Rome Statute by the deadline of 2 December 2002 were eligible to vote in the election. Forty-five candidates from all regions of the world were put forth by 30 November 2002, the official deadline for nomination of candidates. **Paraguay** and **Benin** later withdrew their nominations, thereby leaving 43 official candidates. Ten of the candidates were from the **Group of African States**, six from the **Group of Asian States**, seven from the **Group of Eastern European States**, eight from the **Group of Latin America and Caribbean States** and 12 from the **Group of Western and Other States**. Ten of the candidates were **women**.

In accordance with the Statute, judges were elected by secret ballot, and the 18 candidates who obtained the highest number of votes and a two-thirds majority of the States parties present and voting were elected to the Court.

Before and during the elections, the CICC and its members advocated for the election of judges with the highest qualifications and integrity, and as fair a representation from different regions and gender as possible. Governments were also asked to refrain from engaging in "**vote-trading**", in which States agree to support one another's candidates with minimal regard for the individuals' qualifications. Despite calls for a process that excluded political considerations, in the run-up to the election, many human rights NGOs expressed fear that there had indeed been widespread vote-trading, particularly through "Agreements of Mutual Support".

Although some national and regional NGOs took positions for or against specific nominees, the CICC and many of its members made efforts to distance themselves from campaigns for any particular candidate, and instead stressed the overall process, including the vital need for States to commit themselves to a **transparent and independent** election process. In general, this strategy paid off, with many human rights NGOs, by the end of the week, congratulating States for electing a **highly qualified and diverse bench**, a signal of their commitment to an effective and fair court.

A jubilant moment occurred after the first ballot was tabulated, when it was discovered that of the first seven judges elected, six were women -- an unprecedented and historic development. Although the Assembly was applauded for fulfilling the minimum gender voting requirements in the first round, NGOs encouraged States parties to go beyond the minimum voting requirement and ensure gender parity. In a subsequent round, one more woman judge (Ms. Anita Usacka from Latvia) was elected. This final result (seven women, 11 men) reveals the effectiveness of the election procedure outlined in the Rome Statute, which is the first founding treaty of an international judicial institution that spells out the need for fair representation of female and male permanent judges.

⁴After four ballots, when the eighteen judges had still not been elected, the minimum voting requirements were discontinued.

In regard to region and area of expertise, the bench to the ICC breaks down as follows:

| Region | Area of Expertise |
|---------------------------------------|------------------------------|
| African States, 3 | List A (criminal law) 10 |
| Asian States, 3 | List B (international law) 8 |
| Eastern European States, 1 | |
| Latin America and Caribbean States, 4 | |
| Western Europe and Other States, 7 | |

At the closing session, Prince Zeid Al-Hussein suggested that the marathon of 33 ballots signified the importance attached by States parties to the court. "*In expressing your sovereign will*", he said, "*You have not only seized the Judges for the following responsibility to perform their duties conscientiously, but also constituted an essential pillar in the structure of the Court*".

Prosecutor

The next resumed session in April, when the Assembly will **elect the Prosecutor**, will be equally as crucial as the first⁵. The postponement of the election for Prosecutor has delayed the work of the Court, and it is crucial that state parties actively search for qualified candidates for the post⁶. During the closing session, Prince Zeid Al-Hussein emphasized the "*critical importance*" of electing the Prosecutor at the next resumed session so the operation of that office can commence in 2003 as planned.

For the President and Bureau of the ASP to most efficiently conduct the search, they require **adequate assistance and resources** from States parties. In addition, NGOs can facilitate the search through research, analysis and evaluation of prosecutor's resumes for the Bureau and President.

The first nomination period for the Prosecutor was opened from 9 September 2002 and expired on 30 November 2002. The period was extended to 8 December 2002, under ICC-ASP/1/Res.3. In the first resumed session, the ASP agreed to **re-open the nomination period** for the position of Prosecutor from **24 March to 4 April 2003**, given that at the closing of the extended nomination period, no nominations had been received. The **election of the Prosecutor** will be held during the second resumed meeting of the Assembly from **21 to 23 April 2003**.

Under Article 42 of the Rome Statute, the Prosecutor will be elected by secret ballot by an absolute majority of the members of the ASP, and shall hold office for a period of **nine years**, unless a shorter period is decided upon at the time of election.

According to the Rome Statute, the Prosecutor shall have the following qualities:

- A person of high moral character
- Highly competent and have extensive practical experience in the prosecution or trial of criminal cases
- Have excellent knowledge of and be fluent in at least one of the working languages of the Court

Most States expressed a wish to elect a Prosecutor by consensus, and the Bureau encouraged States parties to consult informally before presenting their official nominations to the Secretariat.

Various human rights NGOs, such as ***Amnesty International***, have also established criteria for the Prosecutor, which includes: recognition in his or her jurisdiction as an outstanding lawyer, experience in preparing and prosecuting large, highly complex cases in a professional way consistent with the internationally recognized right to fair trial; and recog-

⁵ At this session, the Assembly will also make recommendations on the Registrar.

⁶ It was reported that many States decided not to put forward a candidate for the post for fear it may have limited the chances of their judicial candidates.

nized excellent management experience at the highest levels of his or her national criminal justice system.

Some questions remain over whether there will be political pressure on some States parties to elect a Prosecutor from a state party belonging to the permanent five of the Security Council, and if that is the case, how such a choice may affect the world-wide perception of the independence of the Court. In addition, there are questions as to whether States parties have a preference for choosing a lawyer with a background in civil or common law. Whether governments ultimately consider these issues or not, the most important factor in the election will be each state's commitment to choosing the most highly qualified candidate.

Other matters

During the first resumed session, the ASP also considered other issues relating to the effective establishment of the Court. The Assembly accepted the credentials of nine States that became parties since the ASP's first session in September: **Colombia, Samoa, Malawi, United Republic of Tanzania, Djibouti, Republic of Korea, Zambia, Malta** and **Albania**, with the understanding that four of them, which had not yet submitted credentials, would do so as soon as possible.

During the closing meeting, the Assembly also discussed the Bureau's proposals for the **meetings of the Special Working Group on the Crime of Aggression** (which shall meet during the second session of the ASP in September 2003), and the Bureau's report on the **appointment of the External Auditor**. In regards to submitting proposals for the External Auditor, the deadline was extended until 15 February 2003. The Bureau will report on further developments at the second resumed session in April 2003. The nomination period for proposal of candidates to the **Committee on Budget and Finance** was extended until 7 March 2003.

Concerning the establishment of an **International Criminal Bar**, the Assembly was informed that the President, in consultation with the Bureau, had appointed Hans Bevers of the Netherlands to act as a **focal point** on the establishment of an International Criminal Bar in order to assist the Assembly on future discussions of the matter.

The President also appealed to States parties to make their contributions to the **budget of the Court** for the first financial period, as according to resolution ICC-ASP/1/Res.12. As of 5 February 2003, of the total assessed contributions and assessed working capital fund, only 26% of actual contributions were received from States parties for the financial period of 2002-2003. Twenty-three States parties and 2 non-States parties have contributed to the **ICC Trust Fund**, while assessed contributions are still due from 47 States parties for the 2002 budget and 66 States parties towards the 2003 budget. This information does not include States parties that ratified the Rome Statute after August 2002.

Regarding the **Agreement on Privileges and Immunities of the International Criminal Court**, which was opened for signature on 10 September 2002, there are 25 signatures and 2 parties to the Agreement, as of 7 February 2003.⁷ The Agreement requires ten instruments of ratification for it to enter into force.

The President of the Assembly commented that with the election of judges completed, the need for entry into force of the Agreement is increasingly pressing, and urged all States to consider becoming party to the Agreement "as soon as possible".

Parallel meetings

The CICC held meetings on several issues related to the formal agenda of the ASP, but also pursued discussions on other important components of the ICC campaign to ensure the Court will be as fair, effective and independent as possible. These issues were taken up in NGO strategy sessions, as well as in sessions, which brought together delegates and representatives of civil society, including meetings that covered **the implementing legislation of States**

⁷ See Annex 2 below for chart of status of ratification of Agreement on Privileges and Immunities of the ICC.

Parties, universal jurisdiction, and the Agreement on Privileges and Immunities.

During one session, the CICC shared a **proposal for the establishment of an ICC Documentation Centre**, which will promote education and awareness of the ICC and Rome Statute, and help ensure that all of civil society, including users worldwide, will have open, free and ready access to information related to every aspect of the ICC. (For more information on this initiative, please contact Jens Iverson, CICC at cicctech@iccnow.org).

ICC implementation legislation meeting

Several delegates of different NGOs, such as *Amnesty International* and the CICC, met to share information on ICC implementing legislation, including regional updates and future plans, monitoring of legislative developments at the national level, and updates on organisational strategy, including the involvement of national and local members of the Coalition.

In **Africa**, there is a preliminary project pursued by the government of the Democratic Republic of Congo. Conversations with governments of Niger and Mali will begin in the near future. In Tanzania there is a possibility of creating a coalition that will review the difficulties involved in implementing legislations on the ICC.

In **Latin America**, 19 countries that have signed the Rome Statute, but only 12 have ratified it. Among the ratified countries, three have draft projects already in the parliament and three more (Argentina, Brazil and Venezuela) will do so in the near future.

In **Asia**, South Korea has completed its implementation draft. Mongolia, on the other hand, is still facing problems with its national legislation due to issues on the death penalty.

In **Europe**, there are 36 countries that have ratified the Rome Statute. However, in some of these countries war crimes are still not in their Penal Code.

Universal jurisdiction

A representative of the *International Society for Human Rights* presented on the principles of universal jurisdiction for International Criminal Crimes of Arusha 2002. The process of developing these principles was carried out by several NGOs who wanted to develop an African perspective concerning universal jurisdiction. After a long process - which began in 2000 and was finalized in Arusha 2002 - the NGOs pinpointed 19 principals, which focus on the application and selectiveness of universal jurisdiction, especially in regards to knotty political issues in the African context (for e.g.: why are some people in Rwanda on trial for their crimes but some South Africans still not investigated). The principles are to be applied in times of peace and in times of war. One of the main conclusions drawn by the *International Society for Human Rights* was that, in Africa, a strong national judicial system is necessary in a country to prosecute its own people. (To obtain more information on this issue go to www.iccnw.org).

Agreement on Privileges and Immunities

Participants at this meeting focused on the challenges ahead in regards to the **Agreement on Privileges and Immunities of the ICC (APIC)**⁸. **Norway** and **Trinidad and Tobago** are the only States that have ratified the APIC, and just 25 States have signed it. For the Agreement to enter into force, 10 countries need to ratify the instrument, within the deadline on 30 June 2004.

Although the court will be operational in a matter of months, it will not be able to conduct its work efficiently without sufficient guarantees of protections for its staff. The work of the investigators and staff at the Office of the Prosecutor will particularly suffer, as a lack of privileges and immunities will considerably limit their ability to conduct missions on

⁸ The APIC provides for privileges and immunities relating to the legal status of the Court in Articles 2 to 12 and provides for privileges and immunities of the personnel of the Court in Articles 13 to 22. See www.ichr.org/IJP/home.htm for more details on the agreement.

the ground.

During the meeting on the APIC, NGOs outlined some strategies that might be useful in encouraging countries to sign and enforce the Agreement, including:

- Centring efforts on the signing process, since the campaign for ratification will gain momentum as more States sign the Agreement.
- Promoting the treaty in the Hague as a way to gain publicity and encourage States to sign and ratify the Agreement
- Aiding NGOs in conflict regional areas in the process of promoting the treaty

ANNEX 1

Ratification Status of the Rome Statute of the ICC

| State | Signature | Ratification, Accession (a) | State party number |
|--------------------------|-------------------|--------------------------------|-----------------------|
| Afghanistan | | 10 February 2003 (a) | 89 |
| Albania | 18 July 2002 | 31 January 2003 | 88 |
| Algeria | 28 December 2000 | | |
| Andorra | 18 July 1998 | 30 April 2001 | 30 |
| Angola | 7 October 1998 | | |
| Antigua and Barbuda | 23 October 1998 | 18 June 2001 | 34 |
| Argentina | 8 January 1999 | 8 February 2001 | 28 |
| Armenia | 1 October 1999 | | |
| Australia | 9 December 1998 | 1 July 2002 | 75 |
| Austria | 7 October 1998 | 28 December 2000 | 26 |
| Bahamas | 29 December 2000 | | |
| Bahrain | 11 December 2000 | | |
| Bangladesh | 16 September 1999 | | |
| Barbados | 8 September 2000 | 10 December 2002 | 87 |
| Belgium | 10 September 1998 | 28 June 2000 | 13 |
| Belize | 5 April 2000 | 5 April 2000 | 8 |
| Benin | 24 September 1999 | 22 January 2002 | 49 |
| Bolivia | 17 July 1998 | 27 June 2002 | 71 |
| Bosnia and Herzegovina | 17 July 2000 | 11 April 2002 | 60* |
| Botswana | 8 September 2000 | 8 September 2000 | 18 |
| Brazil | 7 February 2000 | 20 June 2002 | 69 |
| Bulgaria | 11 February 1999 | 11 April 2002 | 60* |
| Burkina Faso | 30 November 1998 | | |
| Burundi | 13 January 1999 | | |
| Cambodia | 23 October 2000 | 11 April 2002 | 60* |
| Cameroon | 17 July 1998 | | |
| Canada | 18 December 1998 | 7 July 2000 | 14 |
| Cape Verde | 28 December 2000 | | |
| Central African Republic | 7 December 1999 | 3 October 2001 | 41 |
| Chad | 20 October 1999 | | |
| Chile | 11 September 1998 | | |
| Colombia | 10 December 1998 | 5 August 2002 | 77 |
| Comoros | 22 September 2000 | | |
| Congo | 17 July 1998 | | |
| Costa Rica | 7 October 1998 | 7 June 2001 | 33 |
| Cote d'Ivoire | 30 November 1998 | | |
| Croatia | 12 October 1998 | 21 May 2001 | 32 |
| Cyprus | 15 October 1998 | 7 March 2002 | 55 |
| Czech Republic | 13 April 1999 | | |

First Resumption of the First Session of the Assembly of States Parties to the International Criminal Court
(New York, 3 to 7 February 2003)

| | | | |
|------------------------------|-------------------|--------------------|-----|
| Democratic Republic of Congo | 8 September 2000 | 11 April 2002 | 60* |
| Denmark | 25 September 1998 | 21 June 2001 | 35 |
| Djibouti | 7 October 1998 | 5 November 2002 | 82 |
| Dominica | | 12 February 2001 a | 29 |
| Dominican Republic | 8 September 2000 | | |
| East Timor | | 6 September 2002 a | 79 |
| Ecuador | 7 October 1998 | 5 February 2002 | 52 |
| Egypt | 26 December 2000 | | |
| Eritrea | 7 October 1998 | | |
| Estonia | 27 December 1999 | 30 January 2002 | 50 |
| Fiji | 29 November 1999 | 29 November 1999 | 5 |
| Finland | 7 October 1998 | 29 December 2000 | 27 |
| France | 18 July 1998 | 9 June 2000 | 12 |
| Gabon | 22 December 1998 | 20 September 2000 | 21 |
| Gambia | 4 December 1998 | 28 June 2002 | 73 |
| Georgia | 18 July 1998 | | |
| Germany | 10 December 1998 | 11 December 2000 | 25 |
| Ghana | 18 July 1998 | 20 December 1999 | 6 |
| Greece | 18 July 1998 | 15 May 2002 | 67 |
| Guinea | 7 September 2000 | | |
| Guinea-Bissau | 12 September 2000 | | |
| Guyana | 28 December 2000 | | |
| Haiti | 26 February 1999 | | |
| Honduras | 7 October 1998 | 1 July 2002 | 76 |
| Hungary | 15 January 1999 | 30 November 2001 | 47 |
| Iceland | 26 August 1998 | 25 May 2000 | 10 |
| Iran (Islamic Republic of) | 31 December 2000 | | |
| Ireland | 7 October 1998 | 11 April 2002 | 60* |
| Israel | 31 December 2000 | | |
| Italy | 18 July 1998 | 26 July 1999 | 4 |
| Jamaica | 8 September 2000 | | |
| Jordan | 7 October 1998 | 11 April 2002 | 60* |
| Kenya | 11 August 1999 | | |
| Kuwait | 8 September 2000 | | |
| Kyrgyzstan | 8 December 1998 | | |
| Latvia | 22 April 1999 | 28 June 2002 | 74 |
| Lesotho | 30 November 1998 | 6 September 2000 | 16 |
| Liberia | 17 July 1998 | | |
| Liechtenstein | 18 July 1998 | 2 October 2001 | 40 |
| Lithuania | 10 December 1998 | | |
| Luxembourg | 13 October 1998 | 8 September 2000; | 19 |
| Macedonia (F.Y.R) | 7 October 1998 | 6 March 2002 | 54 |
| Madagascar | 18 July 1998 | | |

First Resumption of the First Session of the Assembly of States Parties to the International Criminal Court
(New York, 3 to 7 February 2003)

| | | | |
|----------------------------------|-------------------|-------------------|-----|
| Malawi | 2 March 1999 | 19 September 2002 | 81 |
| Mali | 17 July 1998 | 16 August 2000 | 15 |
| Malta | 17 July 1998 | 29 November 2002 | 85 |
| Marshall Islands | 6 September 2000 | 7 December 2000 | 24 |
| Mauritius | 11 November 1998 | 5 March 2002 | 53 |
| Mexico | 7 September 2000 | | |
| Monaco | 18 July 1998 | | |
| Mongolia | 29 December 2000 | 11 April 2002 | 60* |
| Morocco | 8 September 2000 | | |
| Mozambique | 28 December 2000 | | |
| Namibia | 27 October 1998 | 25 June 2002 | 70 |
| Nauru | 13 December 2000 | 12 November 2001 | 45 |
| Netherlands | 18 July 1998 | 17 July 2001 | 37 |
| New Zealand | 7 October 1998 | 7 September 2000 | 17 |
| Niger | 17 July 1998 | 11 April 2002 | 60* |
| Nigeria | 1 June 2000 | 27 September 2001 | 39 |
| Norway | 28 August 1998 | 16 February 2000 | 7 |
| Oman | 20 December 2000 | | |
| Panama | 18 July 1998 | 21 March 2002 | 56 |
| Paraguay | 7 October 1998 | 14 May 2001 | 31 |
| Peru | 7 December 2000 | 10 November 2001 | 44 |
| Philippines | 28 December 2000 | | |
| Poland | 9 April 1999 | 12 November 2001 | 46 |
| Portugal | 7 October 1998 | 5 February 2002 | 51 |
| Republic of Korea | 8 March 2000 | 13 November 2002 | 83 |
| Republic of Moldova | 8 September 2000 | | |
| Romania | 7 July 1999 | 11 April 2002 | 60* |
| Russian Federation | 13 September 2000 | | |
| Saint Lucia | 27 August 1999 | | |
| Saint Vincent and the Grenadines | | 3 December 2002 a | 86 |
| Samoa | 17 July 1998 | 16 September 2002 | 80 |
| San Marino | 18 July 1998 | 13 May 1999 | 3 |
| Sao Tome and Principe | 28 December 2000 | | |
| Senegal | 18 July 1998 | 2 February 1999 | 1 |
| Seychelles | 28 December 2000 | | |
| Sierra Leone | 17 October 1998 | 15 September 2000 | 20 |
| Slovakia | 23 December 1998 | 11 April 2002 | 60* |
| Slovenia | 7 October 1998 | 31 December 2001 | 48 |
| Solomon Islands | 3 December 1998 | | |
| South Africa | 17 July 1998 | 27 November 2000 | 23 |
| Spain | 18 July 1998 | 24 October 2000 | 22 |
| Sudan | 8 September 2000 | | |
| Sweden | 7 October 1998 | 28 June 2001 | 36 |

First Resumption of the First Session of the Assembly of States Parties to the International Criminal Court
(New York, 3 to 7 February 2003)

| | | | |
|--------------------------|------------------|------------------|----|
| Switzerland | 18 July 1998 | 12 October 2001 | 43 |
| Syrian Arab Republic | 29 November 2000 | | |
| Tajikistan | 30 November 1998 | 5 May 2000 | 9 |
| Tanzania (United Rep.) | 29 December 2000 | 20 August 2002 | 78 |
| Thailand | 2 October 2000 | | |
| Trinidad and Tobago | 23 March 1999 | 6 April 1999 | 2 |
| Uganda | 17 March 1999 | 14 June 2002 | 68 |
| Ukraine | 20 January 2000 | | |
| United Arab Emirates | 27 November 2000 | | |
| United Kingdom | 30 November 1998 | 4 October 2001 | 42 |
| United States of America | 31 December 2000 | | |
| Uruguay | 19 December 2000 | 28 June 2002 | 72 |
| Uzbekistan | 29 December 2000 | | |
| Venezuela | 14 October 1998 | 7 June 2000 | 11 |
| Yemen | 28 December 2000 | | |
| Yugoslavia | 19 December 2000 | 6 September 2001 | 38 |
| Zambia | 17 July 1998 | 13 November 2002 | 84 |
| Zimbabwe | 17 July 1998 | | |

* These 10 countries deposited their instrument of ratification simultaneously at the UN ceremony on 11 April 2002, crossing the threshold of 60 ratifications needed for the Rome Statute to enter into force. Each country was designated the 60th State Parties member. This table is updated as of 14 February 2003.

ANNEX 2

Ratification Status of the Agreement on the Privileges and Immunities of the ICC

The Agreement is open for signature by all States from 10 September 2002 at United Nations Headquarters in New York until 30 June 2004. As of 14 February 2003, only two States are parties to the Agreement and 25 States have signed the Agreement.

| Participant | Signature | Ratification, Acceptance (A), Accession (a), Approval (AA) |
|---|-------------------|---|
| Argentina | 7 October 2002 | |
| Austria | 10 September 2002 | |
| Belgium | 11 September 2002 | |
| Benin | 10 September 2002 | |
| Costa Rica | 16 September 2002 | |
| Denmark | 13 September 2002 | |
| Ecuador | 26 September 2002 | |
| Finland | 10 September 2002 | |
| France | 10 September 2002 | |
| Hungary | 10 September 2002 | |
| Iceland | 10 September 2002 | |
| Italy | 10 September 2002 | |
| Luxembourg | 10 September 2002 | |
| Madagascar | 12 September 2002 | |
| Mali | 20 September 2002 | |
| Mongolia | 4 February 2003 | |
| Namibia | 10 September 2002 | |
| New Zealand | 22 October 2002 | |
| Norway | 10 September 2002 | 10 September 2002 |
| Peru | 10 September 2002 | |
| Portugal | 10 December 2002 | |
| Senegal | 19 September 2002 | |
| Switzerland | 10 September 2002 | |
| Trinidad and Tobago | 10 September 2002 | 6 February 2003 |
| United Kingdom of Great Britain and Northern Ireland | 10 September 2002 | |