

Parliamentary Council of Europe (PACE) calls for greater cooperation with the ICC, ‘the vigorous prosecution of crimes against journalists and political activists,’ and for America to ratify the ICC’s Rome Statute

STRASBOURG, France, Jan. 27 (PACE)—Parliamentary Council of Europe (PACE) called for a greater role of the International Criminal Court (ICC) during its Winter Session in Strasbourg today and, among other things, adopted a resolution calling for investigation of crimes allegedly committed by high officials during the Kuchma rule in Ukraine, specifically the murder of Ukrainian journalist murdered in the year 2000, Georgiy Gongadze, case as an emblematic example.

In the resolution 1645 adopted on Tuesday the Council said, *inter alia*, that it “stresses the importance it attaches to the safety of journalists and political activists, especially those linked to opposition groups, in all member states of the Council of Europe.

“Crimes against journalists and political activists must be investigated by the competent authorities as a matter of priority, without political interference. The authorities must strive to identify not only the actual perpetrators of these crimes but also their instigators and organisers, without regard to the rank and position of the suspects.”

In a separate resolution 1856, adopted today, the Council affirmed, “It invites the Committee of Ministers to continue to follow closely the implementation of the judgment of the European Court of Human



Rights in the Gongadze case and to ensure, in cooperation with the Ukrainian authorities, that all necessary investigative measures are speedily carried out, including: the vigorous pursuit of the authentication of the so-called “Melnychenko recordings,” with the participation of foreign experts; the pursuit of other available methods of establishing the authenticity of these recordings, such as the interrogation as witnesses of persons whose voice was allegedly recorded, and comparisons between discussions allegedly recorded and actual events.”

The resolution went on to demand justice in the cases of Georgy Gongadze, General Pukach, Yuriy Kravchenko.

In other news related to the PACE Winter Session, Jan. 26-30, Swiss politician Dick Marty called on the United States to ratify the Rome Statute of the International Criminal Court (ICC) which aims to punish those who commit genocide, War Crimes, and Crimes Against Humanity.

“The new American administration wishes to break with the past and return to the path of the rule of law,” said Dick Marty (Switzerland, ALDE), former PACE rapporteur on the illegal transfer of detainees and secret detentions in Europe, at a press conference today in Strasbourg.

“Some European governments would be well advised to tell the truth before the Washington Post or the New York Times reveal it,” he added. Mr Marty made an urgent appeal to Council of Europe member

states to follow the example of Switzerland and Portugal, the only countries that have indicated their willingness to accept prisoners from Guantanamo due to be freed by the United States. Mr. Marty also said that he sincerely hoped that the way the UN Security Council and the EU managed their terrorist “blacklists” would be revised to bring them into line with the basic standards of a country governed by the rule of law.

Lastly, he called on the United States to ratify the Rome Statute establishing the International Criminal Court promptly, “as the ICC will only function properly if all major states take part.”

The United States adheres to the American Service-Members Protection Act in 2002, an act which has been called the “Hague Invasion Act” by employees of the ICC because the United States, through this document, promises to invade Holland if any American government officials or service members are ever indicted there. The the American Service-Members Protection Act authorizes the President to use “all means necessary and appropriate” to bring about the release from captivity of U.S. or Allied personnel detained or imprisoned against their will by or on behalf of the ICC.

Although the United States supports the International Criminal Tribunal for the former Yugoslavia (ICTY, 1993); US law specifically prohibits any United States Court or any government agency from cooperating with the ICC (1998).

The Committee on Legal Affairs and Human Rights of the Council of Europe Parliamentary Assembly (PACE) also deplored the ‘climate of impunity’ in the Chechen Republic citing the recent assassinations of Human Rights lawyer Stanislav Markelov and freelance Indy

reporter Anastasiya Baburova in broad daylight in Moscow Jan. 19, only a few yards from the Kremlin, and Chechen refugee Umar Israilov in Vienna Jan. 13.

The Council adopted the following statement this morning.

“Following the recent spate of murders and disappearances of a lawyer, a journalist, a witness and other critics of, in particular, the regime of the President of the Chechen Republic, the committee urges the competent authorities in Moscow and Vienna to carry out full inquiries and to prosecute the killers as well as the instigators and organizers of these crimes.

Stanislav Markelov, gunned down in Moscow on [19] January 2009, was a courageous human rights lawyer. He represented, inter alia, the injured parties in the cases of Colonel Yuri Budanov, Sergey Lapin (a policeman found guilty of torture), Mokhmadsalakh Masayev (who disappeared in Chechnya in the summer of 2008 after accusing the Chechen authorities of having subjected him to secret detention and torture) as well as several victims of members of fascist groups.

Anastasiya Baburova, who died shortly after being shot alongside Stanislav Markelov, was a young journalist with Novaya Gazeta, who had reported on Markelov’s work.

Umar Israilov, a Chechen refugee who was murdered on 13 January 2009 in Vienna, had made an application to the European Court of Human Rights, in which he accused Chechen President Ramzan Kadyrov of being personally involved in serious human rights violations, including torture.

The committee deplores the climate of impunity which reigns in the Chechen

Republic, which the Assembly has highlighted in several reports on the human rights situation in this region (Docs. 10774 and AS/Jur (2008) 21). It is concerned that this is now spilling over beyond the borders of the North Caucasus region, threatening outspoken journalists, lawyers and others in Moscow and even in other countries in which they have been granted asylum.

In a series of recent judgments, the European Court of Human Rights held the Russian Federation responsible for a large number of enforced disappearances, arbitrary killings and torture in Chechnya, stressing the absence of any meaningful investigations of these crimes by the competent authorities.

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These judgments, and the fresh cases above, urgently require a clear signal from the highest authorities of the Russian state to the effect that perpetrators of such serious human rights violations shall be punished in accordance with the law. The recent pardon of Colonel Yuri Budanov, condemned after several scandal-ridden trials to 10 years in prison in July 2004 for murdering a Chechen girl, and who has become a popular hero to ultra-nationalist and fascist groups in Russia, sends the wrong signal.”

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