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Final Report

A Introduction

On 3 and 4 March 2006 the seminar “The Republic of Moldova and the International Criminal Court” took place in Chisinau, Republic of Moldova. The conference was organised in Hotel Codru, located in the centre of the capital in the neighbourhood of the government institutions.

33 persons, among them 23 local participants, attended the seminar. The *local* delegation consisted of three judges of the Constitutional Court of Moldova, a judge from the military court, lawyers of the Ministry of Justice and two officials from the Moldovan Ministry of Foreign Affairs and European Integration. The parliamentarians of the Republic of Moldova were represented by the Deputy President of the Committee on National Security and by Mr. SIDOROV, member of the Committee for Legal Issues. Also local academics specialized in (international) criminal law and an expert in the Moldovan constitution attended. The *international* delegation consisted of three officials from the Ministries of Justice and Foreign Affairs of the Federal Republic of Germany and The Netherlands as well as of two legal staff members of the International Criminal Tribunals (ICC and ICTY).

B Concept of the seminar

Generally, the conference languages were Russian and English. For presentations by local lecturers simultaneous translation from and into the Moldovan language was offered. For instance, Victor BAIESU (ICC) addressed the local participants to the seminar in the Moldovan language.

The seminar focused exclusively on legal aspects in the implementation of the ICC Statute into domestic law. The program of the seminar foresaw merely keynote speeches and provided otherwise ample time for discussions among local and international participants. The aim was to

arrive at equity in speaking time between local and international lecturers. As a result such keynote speeches were delivered by seven local and eight international experts during the two days of the seminar. As the conference progressed such keynote speeches were delivered in substantially shorter fashion followed by longer discussions.

The program was split into four parts: Constitutional amendments necessary to enable ratification of the ICC Statute (1), the principle of complementarity (2), domestic implementation of substantive law of the ICC Statute (3) and creation of a law on co-operation with the ICC (4).

C Program

With regard to constitutional amendments to enable ratification of the ICC Statute the experiences of Germany and The Netherlands were introduced. Parliaments of both States had changed their basic laws with a qualified majority required for constitutional amendments. Victor PUSCAS, the President from the Constitutional Court of the Republic of Moldova, compared the provisions of the ICC Statute with the framework of the Molodvan legal constitution. The principle of complementarity in the ICC Statute was introduced by Victor BAIESU, legal staff member in the Office of the Prosecutor of the ICC. Susen JÄGER, Executive Board of ICLS, presented an overview on ratification and implementation of the ICC Statute in Eastern Europe. Nikola GILLHOFF provided an historic introduction to the history and development of international criminal law.

The implementation of substantive law contained in the ICC Statute into domestic law formed the third part of the seminar. Approaches from Germany and The Netherlands were proposed and discussed. The presentations differentiated between the implementation of general principles and the creation of international crimes in domestic criminal codes.

Vladimir GROSU from the State University of Chisinau noted that the definition of genocide in Moldovan law is not fully implementing the Genocide Convention of 1948 and that no crimes against humanity are currently provided for in Moldovan law. Furthermore Matthias NEUNER, Legal Officer in the Office of the Prosecutor of the ICTY, introduced two domestic models of universal jurisdiction and discussed the implementation of general principles of criminal law such as superior responsibility and superior orders into the domestic legal order.

The last part of the seminar program dealt with domestic laws on co-operation with the ICC. Again, the legislations from Germany and The Netherlands were introduced. Discussions on

surrender and extradition, transfer of accused persons as well as enforcement of penalties under supervision of the ICC were discussed. Hans BEVERIS proposed on all of the above aspects the legislation of The Netherlands and reported especially about the perspective of the host country. Dr. Ralf RIEGEL of the German Ministry of Justice introduced details of the German law on co-operation with the ICC. In particular he reported about Germany's current co-operation with the ICC with regard to requests for assistance and experiences his country made while enforcing two sentences for the ICTY.

Nicolae ESANU, Deputy Minister of Justice of the Republic of Moldova, stated that in spring 2006 his Ministry intends to propose legislation to the government to amend the Moldovan constitution. Ms. FILATOVA, Director of the Division of elaboration of normative acts (General Directorate of Legislation in the Ministry of Justice of Moldova) indicated that such an amendment process may take up to one year. She also delivered a key note speech on the compatibility of Moldovan criminal law with the substantive law of the ICC. As Mr. ESANU also Ms. FILATOVA expressed her willingness to adopt legislation necessary to implement the substantive and procedural notions contained in the ICC Statute. Her commentaries appear to mirror the expectation formulated by Adrian JACOBOWITS DE SZEGED, the EU Special Representative to the Republic of Moldova, who stated that the EU Action plan for Moldova would mention the ratification of the ICC Statute by the Republic of Moldova as a 'priority'.

D Donators

The seminar was generously funded by the German Foreign Office, the Dutch Ministerie voor Buitenlandse Zaaken, the Moldovan office of FES and by the US-based Planethood Foundation.

ICLS wishes to thank all donors and all partners who facilitated the organisation of the seminar including Jorn Leeksma from the ICC Task force of the Dutch Ministerie van Buitenlands Zaaken, Hans Werner Bussmann from the ICC Task Force of the German Ministry of Foreign Affairs as well as Wolfgang Lerke, the German Ambassador to the Republic of Moldova, who hosted a reception on the first day of the conference, for their support.