



Letter from parliamentarians to States Parties to the Statute of the International Criminal Court

8th Session of the Assembly of the International Criminal Court

18 November 2009

As parliamentarians engaged in actions to prevent the use of nuclear weapons and promote their abolition, we write in support of the Mexican proposal to include the issue of nuclear weapons in the agenda of the First Review Conference of the Statute of the International Criminal Court.

The Statute of the ICC is an important component of international law and international legal mechanisms. The Statute provides an enunciation of acts, the commission of which would constitute genocide, crimes against humanity and war crimes. Such enunciation is vital in order to prevent the commission of such acts and to provide a fair and just response should such crimes be committed or attempted. We understand that a major task of the forthcoming Review Conference will be to conclude a similar enunciation of the crime of aggression.

The International Court of Justice in 1996 noted that “The destructive power of nuclear weapons cannot be constrained in either space or time... They have the potential to destroy all civilization and the entire ecosystem of the planet,” and that “The radiation released by a nuclear explosion would affect health, agriculture, natural resources and demography over a very wide area.”

The Court affirmed that due to these unique characteristics, the threat or use of nuclear weapons is generally “contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law”.

The United Nations Security Council has reinforced this in Resolution 1540 which affirms that “proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,” and requires that “all States, in

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accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.”

Including the crime of the employment of nuclear weapons in the Statute of the International Criminal Court, as proposed by Mexico, would uphold the legal norm against nuclear weapons in international criminal law, and constitute part of the obligation to implement that norm, without distinction between State and non-State actors.

The Mexican proposal is complementary to the proposals submitted by Liechtenstein and the Special Working Group on the definition of the crime of aggression; by Netherlands on the inclusion of the Crime of Terrorism; and by Belgium on the inclusion of biological weapons, chemical weapons and anti-personnel mines as war crimes in the Rome Statute.

Yours sincerely,



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PNND Council Member. Former senator

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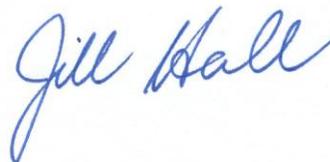
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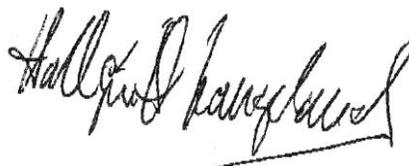
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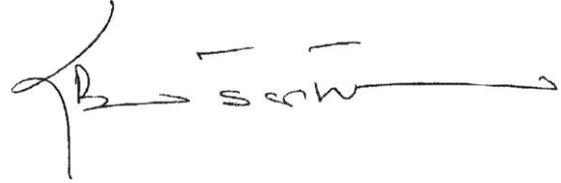
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