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FOURTH  
CONSULTATION  
ON  
THE IMPLICATIONS FOR COUNCIL OF EUROPE MEMBER STATES OF THE  
RATIFICATION OF THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL  
COURT  
**PROGRESS REPORT**  
**PORTUGAL**

Council of Europe, Athens (Greece)  
14-15 September 2006

## Progress Report

Portugal considers the International Criminal Court (ICC) to be a significant advancement in the development of international law, in the real protection of human rights and for the implementation of an effective system of international criminal justice, in order to prevent and punish the most serious international crimes.

Portugal signed the Rome Statute on 7 October 1998, which was approved domestically by the Resolução da Assembleia da República n.º 3/2002 and by the Decreto do Presidente da República n.º 2/2002, both of 18 January 2002, adopted after a process that entailed a constitutional revision. This revision consisted of adding a new paragraph 7 to article 7º of the Constitution, with a general permission for ratification of the ICC Statute, in view of the uniqueness of our Constitution which forbids extradition if life imprisonment could be applied.

Portugal deposited its instrument of ratification on 5 February 2002, thus becoming the 51<sup>st</sup> State party, and the Statute entered into force for our country on the 1<sup>st</sup> of July 2002.

Portugal has adapted its own criminal legislation to the Rome Statute through Law n.º 31/2004, of 22 July. This law criminalizes acts that are grave violations of international humanitarian law and other similar infractions, and follows closely the ICC Statute, sometimes even going beyond what was achieved in that treaty.

At this moment, we are in the process of ratifying the Agreement on Privileges and Immunities of the ICC, and we hope that this endeavour can be completed until the end of the year or beginning of next year.

As a member of the European Union and in accordance with Common Position 2003/444/CSFP of the Council of the EU, adopted on 16 June 2003, Portugal has been engaging in the promotion of the universality and integrity of the Rome Statute, namely with regard to Portuguese Speaking Countries, of which, besides Portugal, only Brazil and Timor-Leste have so far become parties to the Court. In a meeting organized in the Portuguese Parliament all the members of the Community of Portuguese Speaking Countries (CPLP) have adopted a declaration with their commitment to become parties to the ICC.

We are looking forward for the 1<sup>st</sup> Review Conference of the Statute, which we sincerely hope will allow for the effective inclusion of the crime of aggression in the ICC's jurisdiction.