



AMBASCIATA D'ITALIA
L'AJA

The Embassy of Italy presents its compliments to the Secretariat of the Assembly of States Parties of the International Criminal Court and has the honor to refer to the letter dated 24 April 2009, which referred to the plan of action for achieving universality and full implementation of the Rome Statute, as contained in ICC-ASP/5/Res.3.

In this regard, Italy conveys herewith the information referred to in paragraph 6, sub-paragraph (h) of the plan of action, which will also be forwarded in its digital version to the Secretariat.

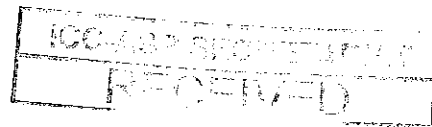
The Embassy of Italy avails itself of this opportunity to renew to the Secretariat of the Assembly of States Parties the expressions of its highest consideration.

[Signature]
The Hague, - 3 NOV. 2009



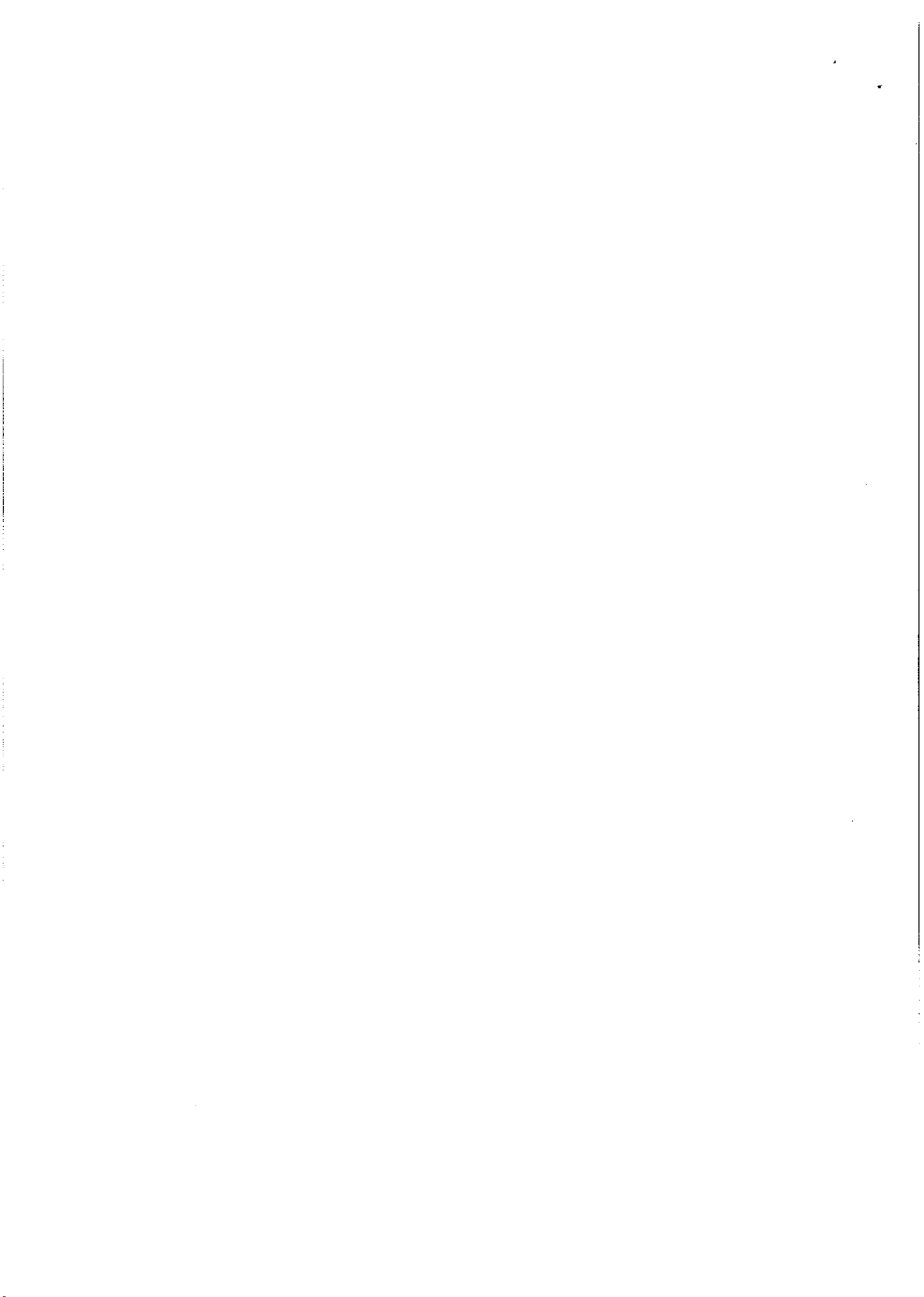
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The Secretariat of the
Assembly of States Parties of the
International Criminal Court
Maanweg, 174 - The Hague



3 NOV 2009

ASP/2009/769



Plan of Action of the Assembly of States Parties for achieving universality and full implementation of the Rome Statute of the International Criminal Court

(ICC-ASP/5 Res. 3 of 1 December 2006)

Italy

Signature: 18 July 1998

Ratification: Parliament authorized ratification by Law No. 232 of 12 July 1999 (Ratification Bill), published in G.U. (Official Gazette) No. 167 of 19 July 1999, and Italy deposited its instrument of ratification on 26 July 1999

(i) Implementing legislation: Article 2 Ratification Bill provides that “full execution is given to the Statute ... starting on the date of its entry into force, in conformity with Article 126 of the Statute”. This entails that, from a normative standpoint, the Statute was fully introduced into the Italian legal order as of 1 July 2002. Moreover, Article 3 Ratification Bill (and its subsequent amendments) also provides the basis for full compliance with the obligation of Italy to pay assessed contributions. However, as many provisions of the Statute are not self-executing, several proposals for its implementation have been drafted¹ and presented to Parliament by different political parties² over the relevant legislatures. The Special Rapporteur presented on 17 September 2009 an unified text.³ The debate is ongoing and results are expected soon.

(iv) Events and activities: various workshops and conferences with the participation of Judges and/or Prosecutors of the ICC or the ad hoc Tribunals and well known Italian lawyers were held in many universities (in Milan, Trento, Florence, Rome, Naples, Palermo, Catania) as well as in other institutions (in Turin, Florence and Syracuse) to spread knowledge and consciousness about the role of the ICC and more broadly the importance of international criminal justice, and discuss specific problems in view of the full implementation of the ICC Statute in Italy. Among these events it is noteworthy mentioning the major *Conference on International Criminal Justice* held in Turin (14-18 May 2007, at www.torinoconference.com). Meetings were also held by NGOs, such as No Peace Without Justice, at the presence of the Vice President of the Italian Senate, Senator Emma Bonino, as well as the Undersecretary of State for Justice Senator Maria Alberti Casellati, and the Registrar of the ICC Silvana Arbia. Retreats for ICC Judges

¹ Named after their Presidents, the following Inter-Departmental Commissions prepared draft implementing legislation: Pranzetti Commission (1998, Minister of Foreign Affairs, completed its works in 2001), La Greca-Lattanzi Commission (1999, Ministry of Justice, finalized a draft in 2001), Conforti Commission (2002, Ministry of Justice, finalized in 2003 two draft texts), Scandurra Commission (2002, Ministry of Defence, finalized a draft adopted only by the on 18 November 2004 (Senate Act No. 2493, XIV Legislature).

² In the current (XVI) Legislature the following proposals for implementing legislation of the Rome Statute are pending for consideration: Camera dei Deputati No. 1439, On. Melchiorre, 2 July 2008; Camera dei Deputati, No. 1695 Gozi and others, 24 September 2008; Camera dei Deputati No. 1782, On. Di Pietro and others, 13 October 2008; Camera dei Deputati No. 2445, On. Bernardini and others, 18 May 2009.

³ Permanent Justice Committee-Camera dei Deputati, On. Roberto Rao.

were organized in Siracusa (2005, 2006 and 2007) and in Rome (2008), where the judiciary had the opportunity to meet relevant Ministers and other high level officials. A meeting of all the Registrars of the international-ized Tribunals was also organized by the Registrar in Venice (2009).

(vii) Constitutional activities: There is general agreement on the fact that since the ICC Statute aims at protecting fundamental values of the international community as a whole which are also fully acknowledged and protected in the Italian Constitution. Thus, appropriate interpretation of relevant Constitutional provisions might suffice to address issues which might arise in the adoption of implementing legislation. However, according to some opinions, it is still to be debated whether any constitutional amendment will be needed to ensure that in the future such legislation is smoothly applied. For a broad overview of these problems see R. Bellelli, 'Italian implementation of the Rome Statute and related constitutional issues', in R. Lee (ed.), *States' responses to issues arising from the ICC Statute: Constitutional, Sovereignty, Judicial Cooperation and International Law* (Ardsey: Transnational Publishers, 2005).

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