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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on the Promotion and  
Protection of Human Rights  
Fifty-fourth session  
Agenda item 7

**DRAFT PROVISIONAL AGENDA AND ADOPTION OF THE REPORT**

**Draft report of the Sub-Commission on the Promotion  
and Protection of Human Rights\***

**Rapporteur: Mr. Emmanuel DECAUX**

CONTENTS

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\* Documents E/CN.4/Sub.2/2002/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/2002/L.11 and addenda.

#### **2002/4. Establishment of the International Criminal Court**

*The Sub-Commission on the Promotion and Protection of Human Rights,*

*Convinced* that the impunity enjoyed by perpetrators of human rights violations constitutes a fundamental obstacle to the observance of human rights,

*Convinced also* that the ratification of the Statute of the International Criminal Court, by the largest number of States will constitute an important guarantee in the struggle against impunity,

1. *Welcomes* the entry into force, on 1 July 2002, of the Statute of the International Criminal Court (the Rome Statute);
2. *Deeply deplores* the immunity automatically allowed to nationals of States parties or not parties to the Rome Statute who participate in operations decided or authorized by the United Nations Security Council for the maintenance or restoration of international peace and security, under the terms of resolution 1422 (2002) of the United Nations Security Council of 12 July 2002;
3. *Notes* that the transparency and impartiality shown in the selection of judges will to a large extent determine the legitimacy, credibility and effectiveness of the International Criminal Court;
4. *Invites* States parties to opt for a transparent procedure for nominating the Court's judges, after consultation with the highest national judicial and academic authorities, such as to guarantee their full competence, their independence, an equitable geographic and gender representation, and an accurate reflection of the principal legal systems;
5. *Urges* all States to ratify the Rome Statute as soon as possible and to ensure its full implementation;
6. *Emphasizes* that States must not hinder the implementation of the Statute of the International Criminal Court and must observe the principles of the Statute, whether they have ratified it or not;
7. *Decides* to continue consideration of this question at its fifty-fifth session.

*18th meeting*

*12 August 2002*

[Adopted without a vote. See chap. V.]