


[English](#) | [Español](#) | [Français](#) | [Arabic](#) | [Browse documents by other languages](#)

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- [Budget and Finance »](#)
- [Crime of Aggression »](#)
- [Election of ICC and ASP Officials »](#)
- [Gender and the ICC »](#)
- [Interest of Justice »](#)
- [Legal Representation »](#)
- [Review Conference of the Rome Statute »](#)
  - [Proposal of the Netherlands on the inclusion of the Crime of Terrorism in the Rome Statute](#)
  - [Article 124](#)
  - [Proposal of Belgium on amendments to Article 8 of the Rome Statute](#)
  - [Proposal of Mexico on amendment to Article 8 of the Rome Statute regarding Nuclear Weapons](#)
  - [Proposal of Japan](#)
  - [Stocktaking](#)
  - [Liechtenstein \(Chair\) and the Special Working Group's Proposal as regards the Crime of Aggression](#)
  - [Norway's proposal on amendment to Article 103 of the Rome Statute regarding enforcement of sentences](#)
  - [Proposal of Trinidad and Tobago on the inclusion of the crime of International Drug Trafficking in t](#)
- [Victims and Witnesses »](#)
- [Victims Trust Fund »](#)
- [ICC and the Netherlands »](#)
- [Communications and Outreach](#)
- [Ratification and Implementation »](#)
- [Cooperation Agreements and Enforcement »](#)
- [Recruitment of ICC Staff](#)
- [UN and the ICC »](#)
- [USA and the ICC »](#)

[Browse by Region](#)



> [Review Conference of the Rome Statute](#) > Proposal of Trinidad and Tobago on the inclusion of the crime of International Drug Trafficking in t

Proposal of Trinidad and Tobago on the inclusion of the crime of International Drug Trafficking in t

Trinidad and Tobago and Belize have jointly proposed that a crime of International Drug Trafficking be added to Article 5 of the Rome Statute, due to the great impact of drug trafficking on national and regional security. The proposed text is as follows:

#### ARTICLE 5

Crimes within the jurisdiction of the Court

4) The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction in accordance with this Statute with respect to the following crimes:

- (a) The crime of genocide;
- (b) Crimes against humanity;
- (c) War crimes
- (d) The crime of aggression
- (e) The crime of International Drug Trafficking

5) For the purposes of the present statute, crimes involving the illicit trafficking in narcotic drugs and psychotropic substances mean any of the following acts, but only when they pose a threat to the peace, order or security of a state or region:

(a) Undertaking, organizing, sponsoring, ordering, facilitating or financing the production, manufacture, extraction, preparation, offering for sale, distribution, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation or exportation of any narcotic drug or any psychotropic substance contrary to the provisions of the 1961 Single Convention on Narcotic Drugs; the 1961 Single Convention on Narcotic Drugs, as amended; the 1971 Convention on Psychotropic Substances, or the 1988 United Nations Convention against Illicit Traffic in Narcotics Drugs and Psychotropic Substances when committed on a large scale and involving acts of a transboundary character;

(b) Murder, kidnapping or any other form of attack upon the person or liberty of civilians or security personnel in an attempt to further any of the acts referred to in subparagraph (a); and

(c) Violent attacks upon the official or private premises of persons or institutions with the intention of creating fear or insecurity within a State or States or disrupting their economic, social, political or security structures

#### Resolution E (Terrorism and Drug Trafficking):

At the Rome Conference in 1998, Resolution E was adopted. The Resolution provides that while those present at Rome were unable to reach consensus on a definition of Terrorism and Drug Trafficking for inclusion in the Statute it is recommended that a future Review Conference reconsider the inclusion of these crimes. At the Informal Consultation of the NYWG held in June 2009, the majority of those present noted that there would unlikely be substantive discussion of the matter at the 2010 Conference. Instead, they felt, the issue should be considered at Review Conferences that followed. The most common reasons cited for this perspective were the present lack of a comprehensive definition of terrorism in international law (though some argued against this), and a desire to ensure sufficient time and attention was paid to Crime of Aggression as the more pressing matter at the Conference.

#### Resolution E

*The United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court,*

*Having adopted the Statute of the International Criminal Court,*

- *Recognizing* that terrorist acts, by whomever and wherever perpetrated and whatever their forms, methods or motives, are serious crimes of concern to the international community,
- *Recognizing* that the international trafficking of illicit drugs is a very serious crime, sometimes destabilizing the political and social and economic order in States,
- *Deeply alarmed* at the persistence of these scourges, which pose serious threats to international peace and security,
- *Regretting* that no generally acceptable definition of the crimes of terrorism and drug crimes could be agreed upon for the inclusion, within the jurisdiction of the Court,
- *Affirming* that the Statute of the International Criminal court provides for a review mechanism, which allows for an expansion in future of the jurisdiction of the Court,
- *Recommends* that a Review Conference pursuant to article 123 of the Statute of the International Criminal Court consider the crimes of terrorism and drug crimes with a view to arriving at an acceptable definition and their inclusion in the list of crimes within the jurisdiction of the Court.