

# **JUSTICE 2 COMMITTEE**

Tuesday 1 May 2001  
(*Morning*)

Session 1

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# CONTENTS

Tuesday 1 May 2001

	Col.
INTERNATIONAL CRIMINAL COURT (SCOTLAND) BILL .....	146

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## JUSTICE 2 COMMITTEE

†9<sup>th</sup> Meeting 2001, Session 1

### CONVENER

\*Pauline McNeill (Glasgow Kelvin) (Lab)

### DEPUTY CONVENER

\*Mrs Lyndsay McIntosh (Central Scotland) (Con)

### COMMITTEE MEMBERS

\*Scott Barrie (Dunfermline West) (Lab)

\*Christine Grahame (South of Scotland) (SNP)

\*Ms Margo MacDonald (Lothians) (SNP)

\*Mrs Mary Mulligan (Linlithgow) (Lab)

Tavish Scott (Shetland) (LD)

\*attended

### CLERK TO THE COMMITTEE

Gillian Baxendine

### SENIOR ASSISTANT CLERK

Claire Menzies

### ASSISTANT CLERK

Fiona Groves

### ACTING ASSISTANT CLERK

Graeme Elliott

### LOCATION

The Chamber

† 8<sup>th</sup> Meeting 2001, Session 1—joint meeting with Justice 1 Committee.



## Scottish Parliament

### Justice 2 Committee

*Tuesday 1 May 2001*

*(Morning)*

[THE CONVENER *opened the meeting at 11:51*]

**The Convener (Pauline McNeill):** I open the meeting by clarifying that this is the 9<sup>th</sup> meeting of the Justice 2 Committee. It is not our 10<sup>th</sup> meeting, which is how the meeting was advertised because of previous business.

Do members agree to discuss in private items 3, 4 and 5 of the agenda?

**Members** *indicated agreement.*

## International Criminal Court (Scotland) Bill

**The Convener:** Agenda item 2 is on the International Criminal Court (Scotland) Bill. Following the Parliament's agreement to motion S1M-1864, the bill has been formally referred to the Justice 2 Committee.

I refer members to paper J2/01/10/1, which is a note by the clerk that summarises the written submissions that we have received. We have received a draft response to the bill from the Faculty of Advocates, which has asked us to keep the contents of that paper private until its council ratifies it.

Members will note that a number of helpful, but weighty, written submissions have been received. Today, we must discuss the written submissions so that we can decide which organisations to call for oral evidence and whether we need one or two evidence sessions, which will depend on whether we can fit in two sessions before we move on to consider our stage 1 report.

Do members wish to draw attention to any points in the written submissions?

**Christine Grahame (South of Scotland) (SNP):** I will make a general observation. I want to make it clear that I have not had an opportunity to read all the written submissions in detail, because I have been trying to study the budget documents.

While there is general support for the bill, the submissions suggest that it requires quite a lot of tweaking, if I may use that expression, about which I have several concerns.

We might want to approach the bill in a thorough fashion and call witnesses to give oral evidence about specific points, particularly where the submissions corroborate one another. Hearing oral evidence might strengthen those points. For example, different submissions agree that certain sections of the bill require examination, and we might want to consider those points by identifying a commonality of view that we would like to follow up.

I make that suggestion after only a cursory examination of the written submissions, which are fairly substantial.

**The Convener:** A number of themes run through the submissions.

**Christine Grahame:** The commonality of themes was what I was getting at.

**The Convener:** For example, the vast majority of the submissions refer to both universal jurisdiction and a United Nations trust fund for

victims. We might be able to ask whomever we call to give oral evidence to address those issues—it depends on the perspective that members are looking for.

I am keen to invite a representative from Amnesty International UK, given that organisation's perspective on the international criminal court, or a representative from the Scottish Human Rights Centre, which has been quite active in relation to parliamentary committees.

**Ms Margo MacDonald (Lothians) (SNP):** We should invite both those organisations. The Scottish Human Rights Centre has done a lot of work on the issue.

**Christine Grahame:** It was interesting to hear from the Medical Foundation for the Care of Victims of Torture, which is an organisation that I did not know about. That organisation's submission links into the trust fund issue. Amnesty International suggests, in paragraph F of its submission of 25 April, that there should be a separate Scottish crimes against humanity trust fund. The view that Scotland should have its own trust fund is interesting.

**The Convener:** Another running theme is whether there should be a residence qualification.

**Christine Grahame:** Yes—the submission from Amnesty International UK also refers to that.

**The Convener:** Although we can invite individuals and organisations to come along to the committee, they might not be available on the dates that are suggested. We will have to try to match that up. If we are unable to fit in another oral evidence session, we should invite the minister to come along as soon as possible. We should ensure that we take evidence from the minister before we produce our stage 1 report.

**Christine Grahame:** I ask my usual question: if some of the organisations that we have mentioned are able to appear before us, could we see them before we see the Minister for Justice? That would allow us to put to him the reservations that organisations have raised. Although those reservations will probably have been raised in writing, we would be able to put them on the record.

**The Convener:** That would make sense, and it would allow us to make sense of some of the points that are made in the submissions. We would then have a series of issues to put to the minister.

Do members agree to invite Amnesty International UK and the Scottish Human Rights Centre?

*Members indicated agreement.*

**Christine Grahame:** I would also like to invite the Medical Foundation for the Care of Victims of Torture. It would be interesting to hear that organisation's take on the bill.

**The Convener:** Do members agree to invite the Medical Foundation for the Care of Victims of Torture?

*Members indicated agreement.*

**The Convener:** Do members wish to invite any other individuals or organisations? The list in the clerk's note includes Dr Iain Scobbie from the University of Glasgow, the Law Society of Scotland, Physicians for Human Rights UK and the Bar Human Rights Association.

**Christine Grahame:** I want to be helpful. It seems to me that we are considering the generality of human rights issues that are involved in the bill and the problems with the bill that have been raised by human rights organisations. Perhaps the issues that would be raised by Dr Scobbie, the Law Society and the Faculty of Advocates, such as problems with jurisdiction and so on, might come in at stage 2, when we are considering amendments to the bill. By that time, we will have considered the broad principles of the bill.

**The Convener:** The bill involves issues of principle and technical legal issues on how Scots law will interact with the law of the international criminal court. Do members agree that it is important for us to hear specific evidence on the legalities from either the Law Society or Dr Scobbie?

*Members indicated agreement.*

**The Convener:** Therefore, do members agree to invite the following organisations to provide oral evidence: Amnesty International UK, Dr Iain Scobbie, the Law Society of Scotland, the Scottish Human Rights Centre and the Medical Foundation for the Care of Victims of Torture?

*Members indicated agreement.*

**Christine Grahame:** How much time do you think we might be able to allocate to taking oral evidence? We must often curtail those sessions, as opposed to having too much time available.

**The Convener:** We will have about 30 minutes for each witness.

**Christine Grahame:** That should be about right.

**The Convener:** I realise that the submissions are weighty, but if members have the chance to read them, they will find that the running themes that they contain will help to focus the mind. It is difficult to get one's head around some of the concepts, but those themes narrow the focus for us. Thirty minutes is probably quite generous.

12:00

**Christine Grahame:** Thirty minutes is fine.

**The Convener:** The minister might be available on 15 May, which should fit in with our time scale reasonably well. Thereafter, we will produce our stage 1 report. I hope to get a slot in the chamber before the summer recess.

Do members wish to raise other points on the bill?

**Ms MacDonald:** It might be interesting to observe what is happening in other jurisdictions that might be at the same stage as us, although I am not sure whether there is a reasonably time-efficient way of doing so. That would allow us to keep an eye on developments.

I was going to say that I am obsessed by America, but that would not have been correct. However, I am most interested in what is happening in America because, regardless of what others might say, the Americans are the prime movers. Is there any way in which the committee could monitor what is happening elsewhere, or would it be up to members to do so by using their own research facilities?

**The Convener:** That is a good point. Perhaps we could ask Amnesty International UK about that, or we could check with the Scottish Parliament information centre whether there are other witnesses who are not included on the list in the clerk's note whom we could ask to come to the committee to address that point. Do members agree to do that?

**Members** *indicated agreement.*

**Ms MacDonald:** As members can see, I am a narrow nationalist.

**The Convener:** I want to raise a final point about the bill. Other members and I asked for a list of signatories to the Statute of the International Criminal Court. That list has been received, although I do not know whether it has been circulated to members. If not, we will circulate it, because the list of countries and the stages that they have reached is quite interesting.

**Ms MacDonald:** I was interested to note that Mali has signed up to the statute.

**The Convener:** We now move on to discuss item 3—on the Crown Office and Procurator Fiscal Service—in private.

12:02

*Meeting continued in private until 12:41.*





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