

The Hague / New York, 6 May 2014

H.E. Mr. Ilham Aliyev
President of Azerbaijan

Re: *Azerbaijan's Accession to the Rome Statute of the International Criminal Court (ICC)*

Your Excellency,

We have the honor of writing to you on behalf of the Coalition for the International Criminal Court (CICC), a global network of more than 2,500 non-governmental and civil society organizations in 150 countries, advocating for a fair, effective, and independent Court as well as increased access to justice for victims of genocide, crimes against humanity, and war crimes.

As part of its Campaign for Global Justice for the month of May 2014, the Coalition is respectfully urging Azerbaijan to accede to the Rome Statute of the International Criminal Court (ICC).

Your Excellency, Azerbaijan has previously demonstrated its support for the international justice system created by the Rome Statute, starting with its active participation in the 1998 Rome Conference of Plenipotentiaries on the Establishment of an International Criminal Court, followed by attendance of several sessions of the Assembly of States Parties.

The incorporation into the 2000 Criminal Code of Azerbaijan of provisions on criminal responsibility for crimes against humanity and war crimes reflecting the definitions in the Rome Statute was further evidence of Azerbaijan's support for ending impunity for international crimes.

While holding the Presidency of the United Nations Security Council (UNSC), during the 16 May 2012 briefing on the situation in Libya, H.E. Mr. Agshin Mehdiyev stressed Azerbaijan's "*strong understanding that the protection of civilians, respect for international human rights and humanitarian law and the fight against impunity for the most serious crimes are the responsibility of the international community as a whole.*" He further noted, "*It is clear that the International Criminal Court's intervention in Libya at the height of the violence strengthened the people's resolve to stop crimes and ensure justice for victims.*"¹ This was reiterated by Deputy Permanent Representative Mr. Tofiq F. Musayev before the November 2013 UNSC meeting on the situation in Libya: "*The contribution of the International Criminal Court to fighting against impunity is evident, and the Court's activity to that end should be further supported.*"²

We understand that the lack of a definition and jurisdictional modalities for the crime of aggression was of concern to Azerbaijan in the past – leading to the rejection of recommendations to accede to the Rome Statute made within the context of the UN Human Rights Council's Universal Periodic Review (UPR) in February 2009. As you know, this issue was rectified at the 2010 Review Conference in Kampala, where states parties adopted necessary amendments to the treaty on the crime of aggression. We therefore welcome the fact that ICC-related recommendations made during the 2nd cycle of the UPR in

¹ Report of the 6772nd meeting of the UN Security Council, concerning the situation in Libya, 16 May 2012. Security Council Report. <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Libya%20S%20PV%206772.pdf>

² Statement by Mr. Tofiq F. Musayev, Deputy Permanent Representative of the Republic of Azerbaijan to the United Nations, Security Council's 7059th meeting on the situation in Libya to consider the Sixth report of the Prosecutor of the International Criminal Court pursuant to resolution 1970, 14 November 2013, <http://www.un.int/azerbaijan/pdf/scstat/52e041f732532.pdf>

April 2013 were not outright rejected.³ We can only hope that during the next UPR cycle, Azerbaijan can proclaim its membership in this essential judicial institution.


Your Excellency, as of today there are 122 States Parties to the Rome Statute. However, many others remain outside the system. Securing universal acceptance of the Court remains an important objective that will ensure that justice can be served for grave crimes no matter where they occur. The Organization for Security and Cooperation in Europe – of which Azerbaijan is member – recognized this in its 2003 Resolution calling on its members to work together for universal accession to the Rome Statute. And as Azerbaijan prepares to take on the rotating chairmanship of the Council of Europe’s Committee of Ministers, we encourage Your Excellency to work towards implementation of Resolution 1644 (2009) of the Parliamentary Assembly of the Council of Europe, which urged member states to join the ICC.

Your Excellency, we are in full agreement that, “*the fight against impunity for the most serious crimes [is] the responsibility of the international community as a whole.*” Justice for these crimes can only be served if all states actively engage in the international justice system established by the Rome Statute of the International Criminal Court.


It is with this noble aim in mind that we urge Azerbaijan to join the ranks of those states that have united in the cause of ensuring accountability for the most serious crimes of concern to the international community as a whole. Azerbaijan’s accession to the Rome Statute is not only crucial for expanding the jurisdiction of the Court – and therefore the global reach of efforts to end impunity – but would also represent a firm commitment to good governance, justice, and the rule of law.

We hope to see you among the ICC States Parties in the near future.

Sincerely,



Jelena Pia-Comella
Program Director
Coalition for the ICC



Kirsten Meersschaert Duchens
Head of The Hague Secretariat, Regional Coordinator for Europe
Coalition for the ICC

CC:

H.E. Mr. Artur Rasizade, Prime Minister

H.E. Mr. Elmar Mammadyarov, Minister of Foreign Affairs

H.E. Mr. Fikrat Mammadov, Minister of Justice

H.E. Mr. Agshin Mehdiyev, Ambassador and Permanent Representative of Azerbaijan to the UN

H.E. Mr. Mir-Hamza Efendiyev, Ambassador of Azerbaijan to The Netherlands

H.E. Mr. Fuad Isgandarov, Ambassador of Azerbaijan to Belgium

H.E. Mr. Murad N. Najafbayli, Ambassador and Permanent Representative of Azerbaijan to the UN Office at Geneva

H.E. Mr. Galib M. Israfilov, Permanent Representative of Azerbaijan to the OSCE

H.E. Mr. Emin Eyyubov, Ambassador and Permanent Representative of Azerbaijan to the Council of Europe

Mr. Ogtay Asadov, Chairman of the National Assembly of Azerbaijan

Mr. Farhad Abdullayev, Chairman of the Constitutional Court of Azerbaijan

³ Chad, Costa Rica, Guatemala, Montenegro, Spain, Sweden, Switzerland, and Uruguay made recommendations to Azerbaijan to accede to the Rome Statute; Sweden, Switzerland, and Uruguay recommended the alignment of national legislation with the Rome Statute; and Costa Rica recommended ratification of the Agreement on Privileges and Immunities of the Court (APIC).