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ASP 12: Bring Victims Center Stage

ICC members meeting this week should stay focused on improving the delivery of justice to victims through the Rome Statute system

The Hague—Governments meeting this week at the Assembly of States Parties (ASP) should stay focused on improving the delivery of meaningful justice to victims of grave crimes through the International Criminal Court (ICC) and Rome Statute system, the Coalition for the ICC said today.

The 12th annual meeting of the ICC's governing body, currently made up of 122 states parties, takes place in The Hague from 20-28 November. With a dedicated debate on victims scheduled for the first time, civil society from across the world will be in attendance to urge states to advance justice for those most affected by conflict-related crimes while ensuring that the fair trial rights of accused persons are respected.

"Restoring victims' dignity is central to the Rome Statute, providing the opportunity to air their views in court and receive reparations for harm suffered. Yet financial constraints, administrative backlogs, a lack of cooperation, and delays in investigations and prosecutions continue to frustrate victims' hopes for redress," **said William R. Pace, convener of the Coalition for the ICC.** "States attending this Assembly should recommit to ensuring that the Rome Statute system—including the Trust Fund for Victims (TFV)—has the political and financial backing to truly deliver meaningful justice to victims of atrocities that most of us cannot even begin to imagine."

However, discussions risk being sidetracked by some controversial recent developments. The African Union (AU) has requested a debate on the legality of prosecuting sitting heads of state. A small group of countries have also proposed amendments to the ICC's statute and rules on prosecuting heads of state and the requirement for accused persons to be present at trial.

"We welcome and encourage states parties to use the ASP to discuss concerns related to the direction of the Court and international law. However, the Assembly must steadfastly defend the integrity of the Rome Statute: no immunity for heads of state, sitting or otherwise." **Pace added.** "States should not be distracted by the efforts of certain leaders to portray themselves as victims when the Court guarantees fair trial rights. The Assembly should stay focused on strengthening the Court's work and impact so that the actual victims of ICC crimes receive redress."

"The amendment proposed by Kenya to exempt serving heads of state or their deputies from prosecution contravenes everything the Rome Statute stands for. It also contradicts the Kenyan constitution which President Kenyatta swore to uphold," **said Gladwell Otieno speaking for Kenyans for Peace with Truth and Justice.** "Meanwhile, the principle of equality before the law would be violated if some accused are allowed not to attend trial based on status. Kenyatta and Ruto were aware that they had been indicted when running for office. Favoring them would encourage others to evade accountability. The Court should stop being on the defensive and prioritize the interests of the victims of mass atrocities, which is why it was founded."

Integral to victims' redress is the work of the TFV, which remains severely underfunded. The TVF works with the Court in implementing reparations and provides general assistance to communities affected by crimes under its jurisdiction. More states should follow the lead of

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Please note that some of these numbers will not be activated until 20 November.



Finland and Sweden in giving multiannual grants to the TVF to allow for greater stability in its work.

The Assembly will also decide on the ICC's budget for the next year. The Court has requested around €126 million for 2014, an increase of €10.4 million. This includes an extra €7.5 million for a new strategic plan for the Office of the Prosecutor (OTP) and €2 million for the Registry to provide additional protection to victims and witnesses. The ASP's budget experts—the Committee on Budget and Finance (CBF)—are recommending an overall increase of €6.4 million.

However, a consensus agreement among states to adopt the CBF recommended budget was broken shortly before the start of the ASP by Canada. It is proposing a very damaging zero growth budget, contrary to the CBF recommendations. Court officials have made clear that additional means are necessary to implement new strategies and improve performance.

“The Assembly must ensure that the Court is given sufficient resources to conduct its work effectively and independently,” **said Jonathan O’Donohue, leader of the Coalition’s Budget and Finance Team.** “The Assembly should consider the recommendations of the CBF, taking into account the views of the ICC. Any attempts to reduce the budget below what has been recommended by the CBF must be rejected.

“The ICC has made progress in using its resources as efficiently as possible based on continuing internal evaluation and external consultations. However, the Coalition remains concerned that many aspects of its work remain underfunded—such as ensuring victims are informed and can participate in proceedings. States should instruct the Court to clearly outline all of its needs in future budget requests, **O’Donohue added.**”

Improving state cooperation with the Court will, for the second time, also feature as an Assembly plenary discussion. Civil society has been urging states to take stronger action when Court decisions are flouted, such as the failures to arrest Sudanese President Omar Al-Bashir and other fugitives. The Coalition also wants the Assembly to adopt a strong policy that would limit states parties to only essential contact with ICC suspects.

“State cooperation is critical for the ICC to effectively function. States must follow-through with promises to support the Court by executing outstanding arrest warrants and concluding more agreements to relocate and protect victims and witnesses—the judicial process simply cannot be effective otherwise,” **said Lorraine Smith-van Lin, director of the International Bar Association’s ICC Programme.** “Furthermore, states need to finalize agreements with the Court to accept acquitted persons, and those granted interim release, to safeguard the fair trial rights of accused persons before the ICC. Principled discussions on these issues must be followed by concrete action.”

States will hold key elections at the Assembly. Following the withdrawal of Judge Anthony Carmona in March, Geoffrey Henderson of Trinidad and Tobago and Leslie Van Rompaey of Uruguay will run for his seat the ICC judges’ bench, which is earmarked for Latin America and Caribbean states. The Coalition welcomes the [evaluation](#) of the candidates’ suitability for the position conducted by the ASP’s newly-established Advisory Committee on Nominations, which builds on the work of the Coalition’s Independent Panel on Judicial Elections. Both candidates have also completed Coalition [questionnaires](#) outlining their expertise and motivation.

Meanwhile, Mexico, France, Estonia, Germany and the United Kingdom have put forward candidates uncontested for regionally allocated seats on the CBF. Burundi and Burkina Faso will compete for the remaining seat available to African states. Finally, the planned election of



new ASP president has been deferred to the next ASP. States want to undertake further consultations to agree on a consensus candidate.

On the sidelines of Assembly, civil society will meet with African, Asian, European and Latin American governments to discuss means of advancing the Rome Statute system of international justice. The Coalition will also launch its annual report on the status of the ratification and implementation of the Statute around the world.

The Coalition's advocacy teams have issued [recommendations to states attending ASP 12](#).

For more information on the 12th ASP visit our [ASP 12 webpage](#). For more information on ICC elections, visit our [elections webpage](#).

Experts from human rights organizations members of the Coalition are available for background information and comment. Contact: communications@coalitionfortheicc.org

*Journalists wishing to cover the session and related events must submit an **official letter of assignment** by fax to +31 (0)70 515 83 76 and a completed **accreditation form** to asp@icc-cpi.int. Journalists already accredited with the ICC do not need to submit the accreditation form nor the letter, but must confirm their participation via email to asp@icc-cpi.int.*

The Coalition for the International Criminal Court is a global network of civil society organizations in 150 countries working in partnership to strengthen international cooperation with the ICC; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide. For more information, visit: www.coalitionfortheicc.org.