

The Hague / New York, 5 May 2015

H.E. Mr. Serzh Sargsyan

President of the Republic of Armenia

Re: Armenia's Ratification of 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.

Your Excellency, last month, Armenia commemorated the centennial of the Great Calamity (Մեծ Եղեռն) that took the lives of Armenian, Assyrian, and Pontic Greek populations throughout the Ottoman Empire. This solemn anniversary is rendered all the more tragic by the absence of accountability for the crimes committed.

Today, an international mechanism exists to make sure that impunity no longer prevails for such crimes: the International Criminal Court is the world's only permanent judicial institution mandated to investigate and prosecute genocide, war crimes, and crimes against humanity.

However, the Court's ability to achieve justice for victims of international crimes is dependent on its membership and the cooperation it receives from states. Too many states and populations – including Armenia – remain outside of the system for an end to impunity for genocide, crimes against humanity, and war crimes to become a reality.

It is with this aim in mind that **the Coalition is respectfully urging Armenia to expedite efforts to ratify the Rome Statute of the International Criminal Court (ICC)** as part of its Campaign for Global Justice for the month of May 2015.

Your Excellency, Armenia has demonstrated its support for the international justice system on a number of occasions, starting with its active participation in the 1998 Rome Conference of Plenipotentiaries on the Establishment of an International Criminal Court, followed by Armenia's signing of the Rome Statute of the International Criminal Court on 1 October 1999.

The acceptance of recommendations to ratify the Rome Statute made during the 8th session of the UN Human Rights Council's Universal Periodic Review (UPR) in May 2010 was echoed by Armenia's alignment with the statement made on behalf of the European Union at the Assembly of States Parties to the ICC later that year in December – a statement reaffirming the commitment to achieving universality of the Rome Statute. While similar recommendations made during the 21st UPR session in January 2015 are still being examined, during its presentation Armenia stated that, "*ratification of the Rome Statute of the International Criminal Court may be possible when the relevant issues are addressed*

in the constitutional reform process.” We are hopeful that Armenia will accept the 14 recommendations made regarding ratification of the Statute.

Armenia’s support of international justice was also made clear in Your Excellency’s statement at the 66th UN General Assembly meeting in September 2011: *“We unequivocally welcome the clear position adopted by the international community in precluding any possibility of immunity or pardon for perpetrators of genocide or other crimes against humanity...Armenia will contribute its most to the recognition, punishment, and prevention of genocides.”*¹

Putting a true end to impunity however, requires a level of commitment evidenced by the ratification and full implementation of the Rome Statute, as well as a proactive engagement with the international justice system to ensure that perpetrators are held to account wherever they may be.

We very much welcome therefore, the government of Armenia’s response to a previous Coalition campaign calling on Armenia to ratify the Rome Statute in April 2014. In that response, Mr. Vigen Sargsyan, Chief of Staff, stated, *“The issue of the ratification of the Rome Statute has been discussed by the Specialized commission on the Constitutional amendments and included in the draft strategy of Constitutional reforms.”* Indeed, Point 2.6.4 of the draft strategy reads: *“The Constitutional reforms must also create modalities for the ratification of the ICC Statute signed by the Republic of Armenia in Rome on 17 July 1998, taking into consideration that in its Decision SDO-502 of 13 August 2004, the Constitutional Court of the Republic of Armenia found there to be certain incompatibilities between the aforementioned Statute and the RA Constitution.”*²

The adoption of the Commission’s final report in October 2014, approved by Your Excellency on 13 March 2015, and the progress already underway to seek amendment of the constitution to allow for ratification of the Rome Statute is thus a most welcome development. We look forward with great anticipation to the formulation of a new constitutional amendment to enable ratification of the Rome Statute by the 13 January 2016 deadline pursuant to section 4(2) of Your Excellency’s decree of 4 September 2013 establishing the Commission.

Your Excellency, the ongoing negotiations with the European Union (EU) on a new instrument for bilateral relations to replace the draft EU-Armenia Association Agreement provide further impetus for progressing with this important undertaking. Grounded in the 2006 EU-Armenia European Neighborhood Policy (ENP) Action Plan in which Armenia committed to initiate the process of ratification of the Rome Statute and make the necessary legislative and constitutional amendments for its implementation, a new agreement reiterating this promise would represent a firm pledge to eradicating the culture of impunity; advancing the principles of democracy, good governance, justice, and the rule of law; and ensuring justice for victims everywhere. The repeated calls made by Mr. Edward Nalbandian, Minister of Foreign Affairs for the political elements of the EU-Armenia Association Agreement to be retained in the new instrument, are also to be welcomed as a reflection of the engagement by both parties to cooperate in promoting peace and international justice by ratifying and implementing the Rome Statute.

Your Excellency, earlier this month, Palestine became the 123rd state to join the ICC – a milestone on many levels. However, only through universal acceptance of the Court can we ensure that justice is served for grave crimes no matter where they occur. Armenia’s ratification of the Rome Statute is thus not only crucial for ensuring the global jurisdiction, legitimacy, and support for the Court but would also render homage to victims – past, present, and future – of genocide, war crimes, and crimes against humanity.

¹ <http://gadebate.un.org/66/armenia>

² http://moj.am/storage/uploads/A_oo.pdf

During an official visit to Italy on 9 April 2015, Your Excellency is quoted as stating, “We cannot change the past, but we can and must create a future without genocides. We have a duty before all those who became victims of those atrocities and before them, who survived those horrors. We are responsible before all those people, who are at a risk even nowadays in the 21st century.”³

Your Excellency, we could not agree with you more.

We hope to see Armenia take its place in the Assembly of 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. Hovik Abrahamyan, Prime Minister

H.E. Mr. Edward Nalbandian, Minister of Foreign Affairs

H.E. Mr. Hovhannes Manukyan, Minister of Justice

H.E. Mr. Zohrab Mnatsakanyan, Ambassador and Permanent Representative of the Republic of Armenia to the UN

H.E. Ms. Dziunik Aghajanian, Ambassador of the Republic of Armenia to The Netherlands

H.E. Mr. Tatoul Markarian, Ambassador of the Republic of Armenia to Belgium

H.E. Mr. Charles Aznavour, Ambassador and Permanent Representative of the Republic of Armenia to the UN Office in Europe

H.E. Ambassador Arman Kirakossian, Permanent Representative of the Republic of Armenia to the OSCE

H.E. Mr. Armen Papikyan, Ambassador and Permanent Representative of the Republic of Armenia to the Council of Europe

H.E. Mr. Galust Sahakyan, President of the National Assembly of the Republic of Armenia

Mr. Harutyunyan Gagik, President of the Constitutional Court of the Republic of Armenia

³ As reported in ArmenPress, “We can and we must create future without genocides: Armenia’s President,” 10 April 2015. www.armenpress.am/eng/news/801162/we-can-and-we-must-create-future-without-genocides-armenias-president.html