

Your Excellency,

In your capacity as a representative of a State Party to the Rome Statute of the International Criminal Court (ICC) and as member of the United Nations, I have the honour of writing to you on behalf of the Coalition for the International Criminal Court, a network of over 2,500 non-governmental organizations in more than 150 countries advocating for a fair, effective and independent International Criminal Court (ICC), to encourage you and your government to make specific recommendations in relation to the ICC to States coming up for review at the **14th session of the Human Rights Council's Universal Periodic Review (UPR) to be held from 22 October to 5 November 2012 in Geneva.**

The ICC and the Rome Statute system represent the greatest advance in international criminal law in the last fifty years, creating for the first time a permanent mechanism to investigate and prosecute crimes that shock the conscience of humankind. In April 2012, Guatemala became the 121st State to ratify the Rome Statute of the ICC. This is in itself a remarkable achievement; however, continuing to secure universal acceptance of the Court remains a primary objective in order to ensure that perpetrators of genocide, war crimes, and crimes against humanity have no safe haven where they can avoid justice. It is therefore necessary that ICC States Parties - in all fora but particularly in United Nations bodies – ensure that the primary objective of universality of the Rome Statute is achieved.

During the 1st cycle of the UPR, ICC States Parties participating in the UPR issued more than 100 recommendations to more than 60 States in relation to the ICC – the majority on ratification of the Rome Statute on the basis of paragraph 2 of Human Rights Council (HRC) Resolution 5/1 (2007). These recommendations have been influential in generating discussion on international justice at both the national level and in UN fora, in promoting the adoption of concrete steps to strengthen the membership of the ICC, and in increasing the effectiveness of domestic legal systems in dealing with national investigations and prosecutions of crimes against humanity, genocide, and war crimes.

The second cycle of review beginning with the 13th UPR session (22 May-4 June 2012), offered a new opportunity to strengthen the commitment of the international community at large to the historic initiative to end impunity for the perpetrators of the most serious crimes that the ICC represents. We welcome in this regard that ICC States Parties issued more than 50 recommendations in relation to the ICC to 11 States under review, the majority on ratification and implementation of the Rome Statute but also on the ratification of the 2010 Review Conference amendments.

Your Excellency, we therefore appeal to your government to reaffirm its commitment to the fight against impunity at the Human Rights Council during this 10th anniversary year of the Rome Statute of the ICC coming into force.

Specifically, we appeal to you and your government, as a State Party to the Rome Statute, to promote the worldwide ratification of the Rome Statute and of the Agreement on Privileges and Immunities of the Court (APIC) (on the basis of paragraph 2 of HRC Resolution 5/1 (2007)) and their implementation into national legislations (on the basis of paragraph 1 of HRC Resolution 5/1 (2007)) during the discussion in the UPR Working Group of the Human Rights Council by making the following recommendations **to the States under review that have not yet undertaken such steps** (listed in order of review):

- to **the Czech Republic**¹: to complete the process to fully align its national legislation with all obligations under the Rome Statute, in particular by incorporating provisions to cooperate promptly and fully with the International Criminal Court;
- to **Gabon**²: to fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts
- to **Ghana**³: to complete the process to fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts, and to ratify the Agreement on Privileges and Immunities of the Court (APIC);
- to **Ukraine**⁴: to confirm its commitment to the ICC showed by the accession to the APIC, to ratify the Rome Statute of the International Criminal Court (ICC), and to fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts [*Note: Ukraine is the first and only non-State Party to have acceded to the APIC (on 29 January 2007)*]
- to **Guatemala**⁵: to fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts and to accede to the Agreement on Privileges and Immunities of the Court (APIC);
- to **Benin**⁶: to complete the process to fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts
- to **Pakistan**: to accede to the Rome Statute of the International Criminal Court (ICC) and to fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts, and to accede to the Agreement on Privileges and Immunities of the Court (APIC);
- to **Zambia**⁷: to fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts, and to accede to the Agreement on Privileges and Immunities of the Court (APIC);
- to **Japan**⁸: to fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to investigate and prosecute genocide, crimes

¹ The Czech Republic ratified the Rome Statute on 21 July 2009

² Gabon ratified the Rome Statute on 20 September 2000

³ Ghana ratified the Rome Statute on 20 December 1999

⁴ Ukraine signed the Rome Statute on 20 January 2000, and acceded to the APIC on 29 January 2007

⁵ Guatemala acceded to the Rome Statute on 2 April 2012

⁶ Benin ratified the Rome Statute on 22 January 2002

⁷ Zambia ratified the Rome Statute on 13 November 2002

⁸ Japan acceded to the Rome Statute on 17 July 2007

against humanity and war crimes effectively before its national courts, and to accede to the Agreement on Privileges and Immunities of the Court (APIC);

- to **Peru**⁹: to complete the process to fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts, and to ratify the Agreement on Privileges and Immunities of the Court (APIC);

- to **Sri Lanka**: to accede to the Rome Statute of the International Criminal Court (ICC) and to fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts, and to accede to the Agreement on Privileges and Immunities of the Court.

Your Excellency, we urge you to raise the above concerns with these States when submitting written recommendations and to make a focused intervention highlighting your recommendations during the interactive dialogue.

In addition, the Coalition encourages you to follow up on the recommendations made during the 13th session to ensure the prompt implementation of accepted recommendations, and to encourage States that have rejected or not responded to recommendations to consider them.

The Coalition's initiatives on advancing universality of the Rome Statute through the UPR are being carried out with the participation of our global membership, in particular Steering Committee members Amnesty International and Parliamentarians for Global Action (PGA); these organisations will be in contact with you in advance of the upcoming UPR session.

The Coalition remains at your disposal and is prepared to work with your government to provide support and advice in your efforts within the United Nations Human Rights Council.

Sincerely,

William R. Pace

Convenor
Coalition for the International Criminal Court



⁹ Peru ratified the Rome Statute on 10 November 2001