

29 November 2011

Excellency,

On behalf of the Coalition for the International Criminal Court (CICC), I am writing to urge your Government to use the General Debate segment of the upcoming Tenth Assembly of States Parties from 12 to 21 December in New York to make a strong statement in support of international justice in general and the International Criminal Court in particular.

Excellency, this letter is one of several communications the Coalition is sending you on important issues relating to the Tenth Assembly, including the General Debate, the prosecutor and judicial elections, and the Court's budget. Next year will be the tenth anniversary of the entry into force of the Rome Statute. Almost no one predicted how quickly the Court would become a major actor in international peace and security affairs. The ASP and the Court require the highest political attention; decisions being made at the Tenth ASP will have major impact on the Court for the next decade.

While the CICC calls on States Parties to take advantage of all forums in which to highlight the importance of the Rome Statute system, the annual ASP session presents a particularly important opportunity for state and civil society actors to engage in the process, reflecting on how they have contributed to the Rome Statute process over the course of the last twelve months and the short and long term challenges for the future. Critical areas of note from this year include:

□ **Financial commitment to the Rome Statute system.** A lack of resources would be a severe impediment to the optimal functioning of the Court. States Parties should oppose arbitrarily limiting the Court's 2012 budget which would undermine the ICC's ability to deliver justice. Furthermore, recent progress of the Court's work leads to the increased importance of timely and full payment of States' contributions to the Court's budget. Additionally, the General Debate is an opportunity for States to indicate past and future support for the Least Developed Countries (LDC) Trust Fund.

□ **Calls for consistent support and commitment to the Rome Statute in all fora.** Given the political and practical challenges that the Court is facing, which have been considerable of late, States Parties must commit to consistent and open support for the Court through all relevant bilateral and international efforts, including at the United Nations, and other international and regional organizations. We ask States Parties to use their statements to voice loudly that they will continue to be vital partners in strengthening the ICC.

□ **Support for outreach and communications.** States could stress their support and emphasize the pivotal importance of the Court's outreach work, coupled with a robust public information strategy, setting out coordinated public information and media efforts to raise the Court's profile. Outreach efforts are crucial to promote understanding of the Court's mandate to victim communities, to manage expectations and to enable those most affected to follow and understand the international criminal justice process and the work of the Court. Equally important is support for the Court's efforts to reach out to the wider and general public through its public information activities. Investment in communications and outreach concretely contributes to the Court's overall visibility, cooperation and support, functioning, international legitimacy and local relevance.

□ **Support for field presence.** States should reiterate the Assembly's earlier call on the Court to continue to optimize its field presence, as this is key to improving its ability to carry out its functions, including with regard to investigations, witness protection, facilitating victims' rights to participation and reparations and outreach to victims and affected communities. It is a crucial factor in enhancing the Court's impact and its ability to leave a strong and positive legacy.

□ **Judicial Independence of the Court.** In the deliberations on the various issues before the ASP, no decision should be taken that undermines, or could be perceived to undermine, the judicial independence of the Court. The independence of the Court goes hand in hand with the independence of the Office of the Prosecutor, which needs to be safeguarded by the States Parties.

□ **Organisation of the ASP.** Through administrative oversight and through cooperation with the Court, the ASP and its subsidiary mechanisms have a critical role to play in enhancing the effective functioning of the Court. States should call in the General Debate for an assessment of the current ASP institutional structures to consider whether the current oversight mechanisms of the ASP and the Bureau provide adequate focus, support and procedures, and to assess whether new ASP subsidiary technical (expert) bodies should be established. It is clear that the effectiveness of the ICC is tied with the effectiveness of the ASP.

□ **Universality of the Rome Statute.** This year saw the most ratifications of the Rome Statute since the 2nd ASP Session in 2003. With more than two-thirds of the world's nations having signed, ratified or acceded to the ICC treaty, there is a clear movement towards universal acceptance which reflects the Court's work and global focus. The General Debate provides an opportunity to welcome the 5 new states parties: Cape Verde, Tunisia, Philippines, Maldives, Grenada and to report on steps taken towards universality of the Rome Statute, including ratification of or accession to the Agreement on Privileges and Immunities (APIC), and to encourage observer countries and other non-States Parties to join the Rome Statute system as well as to offer political support and, as appropriate, technical assistance to states working toward that goal. Encouraging wider ratification of the Rome Statute is key to expanding the reach of international justice.

□ **Status of Cooperation and Implementation.** Full and prompt cooperation between states parties and the Court remains essential to the effectiveness and success of the international criminal justice system. The General Debate will provide an opportunity for States to report on progress toward full incorporation and implementation of national obligations under the Rome Statute as well as their efforts at cooperation with the ICC. This occasion provides a good opportunity to hear how states have or intend to achieve this. States parties may also take the opportunity to describe how they have avoided or condemned instances of non-cooperation.

□ **Calls for demonstrated commitment to execute outstanding arrest warrants.** Eleven warrants of arrest are outstanding including four in the situation in Uganda, four in the situation in Darfur, Sudan, and one in the situation in the Democratic Republic of the Congo as well as two in Libya. Four warrants have been outstanding for over six years. Strong political will and pressure is required to ensure that suspects are arrested, and states parties are encouraged to stress the importance of arresting suspects and to demonstrate their intention to execute these outstanding arrest warrants, or to facilitate their execution through inter-state cooperation.

□ **Promote gender justice.** States should express their commitment to gender justice, noting that gender crimes are particularly despicable insofar as they often target the most vulnerable groups - women and children - on a large scale. States should also express support for the inclusion and the incorporation of gender inclusive provisions when implementing the Rome Statute, supporting the achievement of gender balance among ICC staff and closely monitoring the ICC in achieving its gender standards.

□ **Fair proceedings.** Fair trial, due process and equality of arms, as well as victim participation, are inherent principles of the Rome Statute system. These values deserve mention in order to be reflected in all ASP decisions, including through the approval of the Court's budget for legal aid for defence and victims. All actors within the Rome Statute system share the responsibility to guarantee that victims' participation at the ICC has substantive impact, and that victims are involved in the justice process in a manner that ensures their dignity, physical and psychological well-being.

□ **Pledges.** Many states parties made specific pledges during the Review Conference in Kampala in 2010. The General Debate provides an opportunity for states parties to report back on the fulfilment of these pledges and to consider sharing their experiences and challenges in the implementation of their pledges. The General Debate is also an ideal forum to continue the practice of making new pledges, and to support a continuing focus on pledges during future sessions of the ASP.

□ **Demonstrate support for the Trust Fund for Victims.** States should raise their support for the Trust Fund for Victims and commit to generous and regular contributions in the future. Particular attention should be paid to the specific donor appeal aimed at assisting victims of sexual and gender based violence.

Lastly, we would like to note that the Coalition has prepared position papers on a number of issues in advance of the ASP meeting which can be accessed through our website. We have held and are organizing diplomatic briefings in New York and in The Hague in advance of the meetings to which members of your delegation would be most welcome. Please contact Ms. Meriam Manell Sassi (sassi@coalitionfortheicc.org) for any further information in this regard.

Sincerely,



William R. Pace
Convenor