

5 November 2009

Distinguished 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 Assembly of States Parties from 18 to 26 November 2009 in The Hague to make a strong statement in support of the International Criminal Court.

Critical areas of note from this year include:

- **Demonstrated commitment to a successful Review Conference.** The General Debate will allow states to set the tone for the next few months of preparations for the 2010 Review Conference, including announcing their expectations and their plans on the various issues to be addressed as part of the stocktaking proceeding. Demonstrated commitments at this stage to be presented at the highest level will have a multiplying effect vis-à-vis other states, reinforce the need for proper substantive preparations and thereby contribute to the significance of the Review Conference.
- **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 Prosecutor and need to be safeguarded by the States Parties at all costs.
- **Commitment to the election of the most highly qualified candidates.** Electing judges is one of the most significant tasks of the Assembly and its 110 States Parties in terms of ensuring effective quality justice. Beyond the obligatory minimum voting requirement to vote for one GRULAC candidate, states should demonstrate that they are setting politics aside and focus solely on an objective assessment of the relevant qualifications, experience and skills. Vote trading has no place in the Rome Statute system and with the current amount of public information and exposure of the candidates, an informed assessment is clearly possible.
- **Calls for consistent support and commitment to the Rome Statute in all fora.** Given the political and practical challenges that the Court is facing due to its mandate, States Parties must commit to consistent public 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.

THE CICC IS A GLOBAL NETWORK OF OVER 2,500 CIVIL SOCIETY ORGANIZATIONS SUPPORTING  
A FAIR, EFFECTIVE, AND INDEPENDENT INTERNATIONAL CRIMINAL COURT.

Steering Committee: Amnesty International (AI), Asian Forum for Human Rights and Development (FORUM-ASIA), Asociación Pro Derechos Humanos (APRODEH), Civil Resource Development and Documentation Centre (CIRDDOC-Algeria), Comisión Andina de Juristas (CAJ), Fédération Internationale des Ligues des Droits de l'Homme (FIDH), Human Rights First (HRF), Human Rights Network- Uganda (HURINET-U), Human Rights Watch (HRW), No Peace Without Justice (NPWJ), Parliamentarians for Global Action (PGA), The Redress Trust (REDRESS), Women's Initiatives for Gender Justice, and World Federalist Movement (WFM).

□ **Status of implementation and cooperation.** The General Debate will provide an opportunity for States to report on progress toward full implementation of national obligations under the Rome Statute as well as their efforts at cooperation with the ICC. States Parties have a tremendous task before them in implementing the sixty-six recommendations in the Bureau's report on cooperation as adopted by the Assembly. This occasion provides a good opportunity to hear how States have or intend to achieve this.

□ **Calls for demonstrated commitment to execute outstanding arrests warrants.** Eight warrants of arrest are outstanding including four in the situation in Uganda, three in the situation in Darfur, Sudan, and one in the situation in the Democratic Republic of the Congo. Two of the warrants have been outstanding for over two years and four have been outstanding for over four years. States are encouraged to demonstrate their intention to execute, or to facilitate the execution of, these outstanding arrest warrants.

□ **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 mentioning 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 share the responsibility to guarantee that victims are involved in the justice process in a manner that ensures their dignity.

□ **Universality of the Rome Statute.** 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 two new States Parties, Chile and the Czech Republic, 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, and 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 and ensuring the equal application of the law.

□ **Organisation of the ASP** The Assembly involvement in the Rome Statute system has expanded both in terms of depth and width. States should call for an assessment of current ASP and Bureau structures to consider whether the current oversight structures of the ASP and the Bureau provide adequate focus, support and procedures. The effectiveness of the ICC is tied with the effectiveness of the ASP.

□ **Support for field presence, outreach and communications.** States should reiterate the Assembly's earlier call on the Court to continue optimize its field office and note the Registry's recent efforts in this regard. States could emphasize that ICC outreach work should be coupled with a robust communications strategy, setting out coordinated Court-wide public information

and media efforts to raise the Court's profile. Investments in communications, outreach and the strengthening of the Court's field offices concretely contribute to the Court's overall visibility, functioning, international legitimacy and local relevance. These efforts deserve States' continued support and ongoing oversight by the Assembly.

□ **Promote gender justice.** States should express their commitment to gender justice through the Rome Statute system, including 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.

□ **Demonstrate support for the Trust Fund for Victims.** During the General Debate, States should raise their support for the Trust Fund for Victims and commit to future generous and regular contributions. Particular attention should be paid to the specific donor appeal aimed at assisting victims of sexual violence in all four situation countries.

□ **Financial commitment to the Rome Statute system.** 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.

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, as well as regional lunches and other meetings for delegates during the session.

Sincerely,

A handwritten signature in black ink that reads "William R. Pace". The signature is written in a cursive style with a prominent loop at the end of the last name.

**William R. Pace**  
Convenor