

Brussels, 4 September 2014

H.E. Dr. Ahmet DAVUTOĞLU, Prime Minister of Turkey

Re: Turkey's Accession to 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, campaigning for a fair, effective, and independent Court and increased access to justice for victims of crimes against humanity, genocide, and war crimes.

As part of its Campaign for Global Justice for the month of September 2014, the Coalition is urging Turkey to expedite efforts to accede to the Rome Statute of the International Criminal Court (ICC). Indeed, Turkey has demonstrated its support for the international justice system created by the Rome Statute on numerous occasions. Turkey has taken several important steps domestically that have paved the way for accession to the Rome Statute: a May 2004 amendment to Article 38 of the Constitution clarified the distinction between extradition of nationals to a foreign country and surrender to the ICC, thus removing what may have been an obstacle to accession.

The Coalition recalls former Turkish Prime Minister H.E. Mr. Recep Tayyip Erdoğan's address to the Parliamentary Assembly of the Council of Europe on 6 October 2004 noting that "Legal changes that will enable Turkey to become a party to the International Criminal Court, as is the case with the majority of the members of the Council of Europe, are among the reforms that we have accomplished" and that "Having completed the domestic legal preparations, I would like to announce today from this rostrum that Turkey will, in the near future, ratify the Rome Statute and become a party to the International Criminal Court."

The European Union (EU) has repeatedly called on Turkey to accede to the Rome Statute, especially since the EU accession negotiations started in October 2006. Turkey's Third National Program for the adoption of the *EU Acquis* of 2008 includes a reference to the ICC and Turkey's ongoing efforts to complete the necessary work for its accession to the Rome Statute. The European Commission has included the importance of the ICC ratification in its regular report, and the European Parliament has regularly adopted resolutions calling on Turkey to accede to the Rome Statute of the ICC, the latest dating 12 March 2014.

The Coalition further welcomes Turkey's participation in several sessions of the Assembly of States Parties and, in particular, in the Review Conference of the Rome Statute, held in Kampala, Uganda. (31 May to 11 June 2010). At the Review Conference, the Head of the Turkish Delegation, Mr. Ismail Aramaz, reinforced earlier statements of support for the Rome Statute, noting that, "*While additional progress is required in further aligning our legislation more closely before we can finally accede to the Statute, especially with respect to war crimes and the crime of aggression, Turkey remains committed to the goal of accession as declared by Prime Minister Erdoğan in 2004.*"

We also welcome that Turkey accepted the recommendations made by several states to consider adhering to the Rome Statute at the 8th session of the United Nations Human Rights Council's Universal Periodic Review in May 2010. We encourage Your Excellency to ensure that concrete steps towards accession –or accession itself– be taken by the next Review, the 21st session of the UPR in January 2015, so that your Government can report that it successfully implemented the recommendations accepted during the previous cycle.

Earlier in 2014, in an interview by CNN's Christiane Amanpour concerning Syria, Your Excellency noted that "all of those who are responsible for these crimes must be accountable and international investigation should start as early as possible in order to protect the basic values, universal values, all the different for the future of our next generations."

It is with these progressive commitments in mind that the Coalition renews its call today on Turkey as part of the Coalition's Campaign for Global Justice. Your Excellency, we urge Turkey to uphold its commitment to the fight against impunity and rule of law and accede to the Rome Statute without further delay, and to fully align Turkey's legislation with all obligations under the Rome Statute, including accession to the Agreement on Privileges and Immunities of the ICC (APIC).

By acceding to the Rome Statute, Turkey would be able to actively participate in the decision-making processes of the Assembly of States Parties (ASP). Additional States Parties to the Rome Statute will translate into more geographically diverse and qualified judicial nominations. These candidacies would ensure that the ICC includes the highest qualified professionals and is enriched by the strength and diversity of the elected officials.

In addition, Turkey's accession to the Rome Statute would not only reaffirm its commitment to fighting impunity but would also signify a key commitment in the country's candidacy to a non-permanent seat at the UN Security Council. It would be taken as a clear sign of Turkey's willingness to contribute to international peace and security and to further efforts towards the enhancing of human rights, democracy and the rule of law around the world. The other two candidate States within the Western European and Others Group (WEOG) -namely New Zealand and Spain- joined the Court fourteen years ago and have supported it since then.

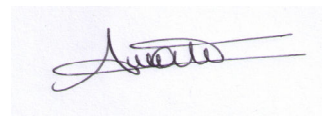
Your Excellency, as of today, there are 122 States Parties to the Rome Statute. However, many others remain outside the system. Given Turkey's influential position in the continent, your government's support for the Court is not only crucial for ensuring the global jurisdiction, legitimacy, and support for the Court but also represents a commitment to eradicating the culture of impunity, and at the same time advancing the principles of democracy, good governance, justice, and the rule of law.

We hope to see you among the ICC states parties in the near future.

Sincerely,



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