

New York, 19 June 2013

Your Excellency,

On behalf of the Coalition for the International Criminal Court—a global network of over 2,500 civil society organizations in 150 countries—I have the honor of writing to you to encourage your government to use the United Nations Security Council Open Debate on 24 June 2013 on Sexual Violence in Conflict (Open Debate) and its accompanying draft resolution as a unique opportunity to enhance national and international accountability and redress for crimes of sexual violence committed during conflicts and to reaffirm the importance of the Rome Statute of the International Criminal Court (ICC) as a means through which to achieve these aims.

The Secretary General provides alarming accounts in his 2013 Report about the prevalence of conflict-related sexual violence that persists around the globe. Rooted in pre-existing social norms and unequal gender relations, sexual violence against women and girls and men and boys is not an inevitable consequence of armed conflict; it is used as a weapon of war to humiliate and injure victims and entire communities. Perpetrators most often escape justice, while victims continue to suffer physical and psychological trauma and the economic impact of conflict, including sexual violence, long after the guns have fallen silent. The plight of these victims is very often forgotten.

We are aware of the Security Council's long-standing commitment to ensuring that women and girls are protected from sexual violence and to promoting their rights to full participation in all transitional and post-conflict processes. The Security Council adopted its landmark resolution 1325 on women, peace and security in October 2000, marking the first time that the Council recognized the disproportionate impact of conflict on women and girls and their right to full participation in peace negotiations and post-conflict resolutions. The Security Council has since adopted several other resolutions that promote women's full participation in all transitional and post-conflict processes and urge states to prevent and address sexual violence in conflict.

The Rome Statute constitutes another historic advance in efforts to prevent sexual violence in conflict, end impunity and ensure that survivors have access to justice. Landmark provisions recognize the broadest range of serious violations under international law (rape, sexual slavery, trafficking, enforced prostitution, forced pregnancy, forced sterilization, other forms of grave sexual violence, and persecution on account of gender) as war crimes, crimes against humanity and constituent elements of genocide. It is noteworthy that the ICC's Prosecutor has brought charges of sexual and gender-based violence in almost all of the situations before the ICC, including in Darfur (Sudan), a case referred by the Security Council. Investigations of sexual violence in Libya—also referred by the Security Council—remain on-going.

Importantly, the Trust Fund for Victims was established by the Rome Statute to work alongside the ICC's reparative function to benefit victims of crimes within the jurisdiction of the Court, and as such is currently providing assistance to victims of sexual violence in Uganda and the DRC. Its involvement will be crucial in the first Court-ordered reparations to victims and the commitment of ICC states parties to see reparative justice—part of the Rome Statute system—become a reality.

The United Nations Security Council and the ICC play a complementary role in the prevention and response to mass atrocities in order to maintain the rule of law, ensure respect for human rights, and pursue sustainable peace. The Council has demonstrated its resolve by urging cooperation with the ICC in the arrest and surrender of ICC suspects in Libya (Res 2095), the DR Congo (Res 2098) and Mali (Res 2100). Yet, we are firmly of the view that a more proactive engagement by the Security Council is needed for it to achieve its mandate and fully use its potential to support domestic and international justice mechanisms in the pursuit of accountability and reparations.

The upcoming Open Debate on 24 June provides a unique opportunity for the Security Council to advance its commitment towards accountability for sexual violence in conflict. The Coalition calls on states parties to the Rome Statute to ensure that the resolution adopted reaffirms the importance of

domestic accountability and the Rome Statute system in fighting impunity for sexual violence in conflict.

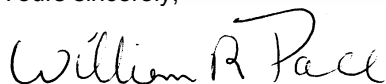
We would therefore urge you to use your membership within the Council to incorporate the following provisions into a Resolution that should be adopted as a principle outcome of the Open Debate and decisively address them in your intervention during the Open Debate itself:

1. Endorse the harmonization of **Sanctions Committee** designation criteria in order to include individuals subject to arrest warrants by the ICC and international criminal tribunals, including on charges of sexual and gender-based violence.
2. Resolve to employ all means necessary to address sexual violence in conflict, including by making **referrals** to the ICC.
3. Call upon states to enhance their support to victims of sexual violence in conflict and to contribute to the **Trust Fund for Victims** to this end.
4. Draw attention to the need to ensure that **reparations** awarded through judicial or administrative mechanisms are established and receive greater administrative and political support in order to fulfill the right to a remedy and reparation of victims of conflict-related sexual violence, including children born out of rape.
5. Urge states to fully **cooperate with the ICC** in the arrest and transfer of individuals subject to arrest warrants for conflict-related sexual violence.
6. Affirm that **UN peacekeeping operations** should be mandated to fully cooperate with the ICC in the location of witnesses and evidence, the effective protection of witnesses, intermediaries and other individuals involved in the investigations, and the prompt arrest and transfer of individuals subject to arrest warrants for sexual violence crimes.
7. Request that follow-up be provided by the Security Council when it is notified of instances of **non-cooperation with the ICC** and that such reports be acknowledged.
8. Approve the creation of a **permanent working group on the ICC** within the Security Council or authorize an informal working group on international tribunals to address ICC-related matters with regard to sexual violence in conflict.
9. Call for **support to national authorities** in efforts to combat impunity.
10. Call for the inclusion of provisions penalizing sexual and gender-based violence in **domestic legislation**, in accordance with the highest standards under international law, including through the adoption of **Rome Statute implementing legislation**.
11. Reaffirm the principle set out in **UNSC 1325** of increased representation of women at all decision-making levels in national, regional, and international institutions and in mechanisms for the prevention, management, and resolution of conflict.
12. Reaffirm the principle of **no amnesty** for perpetrators of grave human rights violations, including sexual violence crimes.
13. Call for the prosecution of sexual violence crimes to be given due consideration in all **transitional justice arrangements**.
14. Strengthen the capacity of the **Team of Experts on the Rule of Law** to contribute to enhancing accountability for sexual violence in conflict.

Excellency, it is our sincere hope that every government that endorses the goals of preventing and ending impunity for sexual violence in conflict; supporting victims, and enabling survivors to be stakeholders and participants in all processes which affect their lives, will consider the recommendations and foster dialogue on these important matters before, during, and after the Security Council's Open Debate.

We would be pleased to discuss these issues further and are grateful for your consideration.

Yours sincerely,



William R. Pace
Convenor
Coalition for the International Criminal Court