

Brussels, New York, 5 June 2012

**H.E. Mr. Recep Tayyip Erdoğan, Prime Minister of Turkey***Re: Turkey's Accession to the Rome Statute of the International Criminal Court (ICC)*

Your Excellency,

I 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 Universal Ratification Campaign for the month of June 2012, the Coalition encourages the Republic of Turkey government to expedite efforts to accede to the Rome Statute of the International Criminal Court (ICC).

Your Excellency, the importance of the ICC increases every week. As of this month, the Court's work includes 7 situations, 7 preliminary examinations, 13 ongoing cases/trials, and 10 outstanding arrest warrants. The Court issued its first judgment – in the case of *The Prosecutor v. Thomas Lubanga Dyilo* in the situation of the Democratic Republic of the Congo (DRC) – on 14 March 2012, finding the defendant guilty of conscripting and enlisting children under the age of 15 and using them to participate in hostilities. Six newly-elected judges and a new Chief Prosecutor will take up office this year. On 2 April 2012, Guatemala became the 121<sup>st</sup> state party to the Rome Statute. While this in itself is a remarkable achievement, continuing to secure universal acceptance of the Court remains an important objective that will ensure that the ICC is able to operate effectively over the long term.

Your Excellency, Turkey has demonstrated its commitment to the international justice system created by the Rome Statute on numerous occasions. The Coalition recalls Your Excellency's address to the Parliamentary Assembly of the Council of Europe on 8 October 2004 noting that, "*Turkey will soon approve the Rome Statute after completing its internal preparations and will become part of the International Court Convention.*" Adjustments internal to Turkey have paved the way for ratification to the Rome Statute: the 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 addressing a key constitutional issue in advance of accession. 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 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, from 31 May to 11 June 2010, where the Head of the Turkish Delegation, Mr. Ismail Aramaz, stated 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.*"

The Coalition notes Turkey's continued active participation in the informal "Friends of the ICC" group in New York, as one of the non state parties to the Rome Statute.

Most recently, Turkey accepted the recommendation made by several States to consider adhering to the Rome Statute at the 8<sup>th</sup> session of the UN Human Rights Council's Universal Periodic Review in May 2010.

Finally, the current discussions on the constitutional review will provide a new opportunity to address any lingering constitutional and legislative issues that could prevent accession by Turkey. The new constitution should be drafted with the objective of future accession to the Rome Statute and should conserve the advancement reached by article 38 of the current constitution.

The Coalition would also like to reaffirm its support of the Turkish National Coalition for the ICC that includes the most prominent Turkish human rights NGOs, who continue to undertake a national campaign to raise awareness of the ICC.

It is with these progressive commitments in mind that the Coalition has decided to renew its call today on Turkey as part of the Coalition's campaign for universality.

Your Excellency, as the first terms of office and the first trials are coming to an end, the ICC and the Rome Statute system are entering a new stage of development and scrutiny. Additional States Parties to the Court will directly translate into more geographically diverse and qualified judicial nominations that will ensure that the ICC is made up of the highest qualified professionals, enriched by the strength and diversity of the legal cultures represented on its bench.

Your Excellency, in this propitious year marking the 10<sup>th</sup> anniversary of the Rome Statute coming into force, we encourage Turkey to seize this opportunity to reaffirm its commitment to the fight against impunity. In that regard, the Coalition urges Turkey to move quickly to finalize its internal legislation so that accession can occur 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. By acceding to the Treaty, Turkey would be able to actively participate in the decision-making processes with regard to the ASP Bureau, the Committee on Budget and Finance, the Assembly of States Parties.

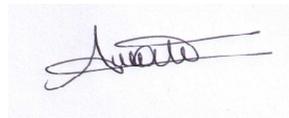
Your Excellency, your government's support for this treaty is not only crucial for ensuring the global jurisdiction, legitimacy, and support for the Court but also represents a commitment to eradicating the culture of impunity, and at the same time advancing the principles of democracy, good governance, justice, and the rule of law.

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

Sincerely,



Brigitte Suhr  
Director of Regional Programs  
Coalition for the ICC



Virginie Amato  
Europe Program Officer  
Coalition for the ICC