

Lima / New York, 1 October 2014

H.E. Mr. Salvador Sánchez Cerén
President of the Republic of El Salvador

Your Excellency,

We have the great honor of writing to you on behalf of the Coalition for the International Criminal Court, a global network of over 2500 member NGOs in 150 countries campaigning for a fair, effective and independent International Criminal Court (ICC).

On this occasion, we respectfully call on you to continue to support El Salvador's process of accession to the Rome Statute, in your capacity as Head of State. We trust that the strong commitment of your government to the defense and promotion of human rights – as emphasized in your recent speech at the 69th UN General Assembly – constitutes the foundation for your support to this important cause.

Your Excellency,

As you are aware, over the past few years, El Salvador has taken important steps towards accession. Our numerous missions to El Salvador have allowed us to witness the different challenges which have emerged in the path towards accession, as well as the country's gradual success in overcoming many of them. On 22 May 2014, we welcomed the news regarding the referral, by H.E. Mr. Mauricio Funes, of the bill of accession to the Rome Statute to the Honorable Legislative Assembly. The bill was formally introduced and presented to the Plenary of the Legislative Assembly and, subsequently, transmitted to the International Affairs Committee for its debate. In particular, we wish to highlight the leadership shown by MP Sigfrido Reyes, President of the Legislative Assembly and member of the global network *Parliamentarians for Global Action*, who has actively promoted this initiative.

The accession process to the Rome Statute in El Salvador has also sparked great interest and garnered important support from different actors within the international community. This has been evidenced by the Open Letter to H.E. Mr. Mauricio Funes submitted on 2 May 2014 by parliamentarians from across the region, urging the referral of the bill. Likewise, the recent mission of representatives of the International Criminal Court to El Salvador denotes the importance of the actions taken by your country in this regard.

To date, all Latin American states, with the exception of Cuba, El Salvador and Nicaragua, have ratified the Rome Statute, joining numerous states from across the world. Currently 122 States have ratified the Rome Statute, and the Latin American voice in this new system is becoming ever more present. The International Criminal Court – the first permanent tribunal able to prosecute war crimes, crimes against humanity, genocide and aggression- is the product of the strong conviction of the international community that the most heinous crimes under international law must not be left unpunished.

We also wish to recognize the call that the bill makes towards the implementation of the Rome Statute within Salvadorian domestic legislation. In this sense, the adoption of domestic legislation that will allow El Salvador to exercise its primary jurisdiction over Rome Statute crimes, as well as to cooperate with the ICC, is a key development in light of the principle of complementarity, as enshrined in the Rome Statute. Under this principle, the Court can only exercise its jurisdiction when a state is unwilling or unable to investigate and prosecute crimes that fall under the ICC's jurisdiction. Implementation of the Rome Statute would therefore give a clear sign of the primary jurisdiction of national courts in investigating and prosecuting such crimes. In addition, the non retroactivity principle enshrined in the Rome Statute dictates that the Court cannot exercise its jurisdiction for crimes carried out prior to its entry into force for El Salvador.

Your Excellency,

As the Court approaches its 13th anniversary and cements itself as a key tool in the fight against impunity, we urge your government to continue to support the process towards accession to the Rome Statute, currently in the agenda of the Legislative Assembly.

We remain at your disposal for any technical support that may be needed regarding this process,

Sincerely,



Jelena Pia-Comella
Deputy Executive Director



Michelle Reyes Milk
Regional Coordinator for the Americas

CC:

H.E. Mr. Hugo Martínez, Minister of Foreign Affairs

H.E. Mr. Sigfrido Reyes, Honorable President of the Legislative Assembly

H.E. General. David Munguía Payés, Minister of National Defense

H.E. Mr. Rubén Ignacio Zamora Rivas, Ambassador and Permanent Representative to the United Nations