

**His Excellency Mr. Nursultan Nazarbayev**  
**President**  
**The Republic of Kazakhstan**

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*Re: Kazakhstan's Accession to the Rome Statute of the International Criminal Court*

New York, Brussels – 3 April 2012

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 Universal Ratification Campaign for the month of April 2012, the Coalition wishes to encourage Kazakhstan 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, 8 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. Moreover, as the first terms of office and the first trials come to an end, the ICC and the Rome Statute system are entering a new stage of development and scrutiny. Further ratifications of the Rome Statute would send a clear signal of support for this new system of international justice.

Yesterday, 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.

Your Excellency, while Kazakhstan played an active role during the negotiations at the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court in Rome in 1998, we regret that it has yet to join the Rome Statute system. Kazakhstani government representatives have noted reservations to accession stemming from perceived inconsistencies between the Statute, the Constitution, and national legislation, which would require significant amendments to be overcome. However, we understood from the 43<sup>rd</sup> session of the Committee on the Rights of the Child (2006) that the government was in the process of ensuring compliance of domestic legislation with Rome Statute norms in the aim of acceding. This was reiterated at the 7<sup>th</sup> session of the UN Human Rights Council's Universal Periodic Review in February 2010, despite Kazakhstan's worrying formal rejection of the recommendation to accede to the treaty.

While the legal hurdles preventing accession may appear onerous, similar impediments have been faced and surmounted by a number of other states in the firm belief that impunity for grave crimes must not prevail. In that regard, Your Excellency, we would encourage you to take full advantage of

the clause included in the *European Union strategy for a new partnership with Central Asia* of June 2007, wherein the EU committed to share its experience and to provide technical assistance towards making the legislative and constitutional amendments required for accession to and implementation of the Rome Statute in the region.

Your Excellency, in this propitious year marking the 10<sup>th</sup> anniversary of the Rome Statute coming into force, we urge Kazakhstan to seize this opportunity to demonstrate its commitment to the fight against impunity. In that regard, the Coalition encourages the government of Kazakhstan to accede to the Rome Statute, and to fully align its legislation with all obligations under the Statute, including accession to the Agreement on Privileges and Immunities of the Court (APIC).

We welcome Your Excellency's affirmation in *The Washington Post* in April 2011 that accountability is crucial to the development of Kazakhstan. Your Excellency, Kazakhstan's support for this treaty is not only crucial for ensuring such accountability – by increasing the global jurisdiction, legitimacy, and support for the Court – but also represents a commitment to eradicating the culture of impunity and 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



Kirsten Meersschaert Duchens  
Europe Regional Coordinator  
Coalition for the ICC