

His Serene Highness Prince Albert II
Sovereign Prince
The Principality of Monaco

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Re: Monaco's Ratification of the Rome Statute of the International Criminal Court (ICC)

New York, Brussels – 1 March 2012

Your Serene Highness,

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 March 2012, the Coalition wishes to encourage the Principality of Monaco to expedite efforts to ratify the Rome Statute of the International Criminal Court (ICC).

Your Serene Highness, the importance of the Rome Statute of the International Criminal Court increases every week. In 2011 alone, the Court's work included 7 situations, 8 preliminary examinations, 13 ongoing cases/trials, and 9 outstanding arrest warrants. The Court is expected to issue its first judgment – in the case of the *Prosecutor v. Thomas Lubanga* – any day now. 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.

In December 2011, Vanuatu became the 120th 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. Indeed, 32 additional countries – including Monaco – are only signatories to the Rome Statute, having yet to ratify.

Your Serene Highness, we recall your statement before the 53rd session of the United Nations General Assembly in September 1998 – just two months after your government signed the Rome Statute – where you said, “*The creation in July, in Rome, of a permanent International Criminal Court raises great hope. It shows considerable progress, a fundamental change in the international order conducive to the respect for the basic principles of humanitarian law. Its Statutes, adopted by an overwhelming majority, pave the way for prosecution of war crimes and the most heinous crimes against humanity, including, of course, those that affect children, but also defenseless women and the elderly. The Principality of Monaco, which participated in the Diplomatic Conference in Rome, welcomes this historic decision. The Monaco Government appreciates that issues of supreme importance such as the definition of crimes, the principle of complementarity, the extent of (judicial) competence, the independence of the prosecutor, and relations with UN bodies were able to find satisfactory solutions.*”

Your Serene Highness reiterated this support at the 57th session of the United Nations General Assembly in September 2002 shortly following the entry into force of the Rome Statute, noting, “We

welcome the recent entry into force of the Rome Statute of the International Criminal Court. The first Assembly of States Parties to this status was just held under the brilliant chairmanship of His Royal Highness Prince Zeid Al-Husseini, Permanent Representative of the Hashemite Kingdom of Jordan. Concrete and decisive steps have been taken on this occasion. We note this with satisfaction.”

Furthermore, we welcome your government’s response at the 5th session of the Universal Periodic Review in May 2009 indicating that Monaco would consider recommendations to ratify the Rome Statute. Monaco has further reflected these sentiments by participating in a number of sessions of the Assembly of States Parties as an observer state.

It is with this background of support in mind that we call on Monaco to complete the process of ratification. By ratifying the treaty, Monaco would demonstrate its commitment to human rights and send an important message about the crucial need to fight impunity. In addition, Monaco’s ratification would allow it to be able to actively participate in the decision-making processes of the ASP Bureau, the Committee on Budget and Finance, and the Assembly of States Parties.

In the past, Monegasque government representatives have noted that legal analyses undertaken to examine the compatibility of the Rome Statute with domestic law had concluded that significant onerous reforms of national legislation would be required. Constitutional incompatibilities include the inviolability of Your Serene Highness as Prince. However, the legal hurdles Monaco has cited preventing ratification have been faced and surmounted by a number of other states, including other constitutional monarchies in the firm belief that impunity for grave crimes must not prevail. While some states have indeed chosen to amend their constitutions in order to clarify specific issues, to a large degree, most have avoided this lengthy process and have instead adopted interpretative approaches that have allowed them to ratify the Statute without undergoing constitutional amendment. Belgium, Liechtenstein, Jordan, The Netherlands, and Spain have adopted this approach in joining this new system of international justice.

Your Serene Highness, in this propitious year marking the 10th anniversary of the Rome Statute coming into force, we urge Monaco to seize this opportunity and momentum to reaffirm its commitment to the fight against impunity. In that regard, the Coalition encourages the government of Monaco to ratify the Rome Statute of the ICC, and to fully align Monaco’s legislation with all obligations under the Rome Statute, including accession to the Agreement on Privileges and Immunities of the ICC.

Your Serene Highness’ support for this treaty is not only crucial for ensuring 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
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