

New York, 8 March 2013

H.E. Mr. Abdelmalek Sellal
Prime Minister of the Republic of Algeria

Re: Prospects of Ratification of the Rome Statute of the International Criminal Court (ICC)

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 ICC 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 2013, the Coalition encourages your government to hasten efforts to ratify the Rome Statute of the ICC. Commendably, Algeria signed the Rome Statute of the ICC on 28 December 2000, soon after the treaty was finalized on 17 July 1998. As of today, 122 States have become parties 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 the ICC is able to effectively obtain justice for grave crimes no matter where they occur.

It is noted that Algeria signed a Bilateral Immunity Agreement (BIA) with the US in April 2004. The United States has suspended its policy of pressing states to enter into bilateral agreements for non-surrender of nationals. The US has become more supportive of the Court and has suspended the economic sanctions they previously imposed upon states that joined the ICC. Since 2009, the US has sent a delegation to participate in the annual Assembly of States Parties meetings. They also attended the first-ever Review Conference of the Rome Statute in 2010 in Kampala, Uganda and has supported United Nations Security Council referrals to the International Criminal Court in relation to the situations in Darfur, Sudan and Libya.

Middle East and North Africa (MENA) delegations, including Algeria, were a force behind the Court's founding since negotiations for the Court began more than 20 years ago. Particularly, the Kingdom of Jordan, which ratified the Rome Statute in 2002, has played a leading role in the establishment of the Court including through its presidency of the Assembly of States Parties from 2002 to 2005. Lately, the region has shown increased interest in the ICC, most notably demonstrated by Tunisia's accession to the Rome Statute in 2011. Numerous official debates have taken place, such as the high-level regional seminar on the ICC hosted by the Emir H.H. Hamad bin Khalifa Al Thani in Doha in May 2011. Representatives of Egypt, Morocco, Kuwait and Palestine have also stated their intent to join the ICC. The current level of engagement by Arab League states with the ICC is unprecedented, as a day rarely goes by without news from the MENA region relating to international criminal justice. There is no doubt that the region's states can become key participants in the development and practice of international criminal law.

Algeria was up for review during the 2nd cycle of the UN Human Rights Council's Universal Periodic Review (UPR) in May 2012 at which it received recommendations to ratify (from Slovakia, Slovenia, Spain, Hungary) or to consider ratifying (Costa Rica) the Rome Statute, including the APIC (Slovakia), and fully align its national legislation with all obligations under the Rome Statute (Slovenia, Latvia, Hungary)

including incorporating the Rome Statute definition of crimes and general principles, as well as adopting provisions enabling cooperation with the Court (Latvia).

While Algeria accepted recommendations concerning the ratification of a number of international instruments, a response to the ICC recommendations is still pending. The Coalition encourages you to affirmatively accept the ICC related recommendations and take the necessary steps as soon as possible in order to ratify the Rome Statute of the ICC. These advances are particularly important as Algeria moves forward in its commitment to upholding the rule of law through political and institutional reforms directed towards protecting participatory governance and enshrining international justice principles. During the mission of United Nations High Commissioner for Human Rights, Navi Pillay, to Algeria in September 2012, she welcomed Algeria's ratification of almost all major international human rights treaties, and its interest in ratifying two of the remaining treaties – the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture. We respectfully request that Algeria add the Rome Statute to that list of critical treaties to ratify. Equally important, the existing legal framework should be examined to ensure that national legislation conforms to the provisions of the Rome Statute.

Membership in the Rome Statute system also provides legal protection for every state party's population and territory against potential threats of future crimes. This is particularly relevant to Algeria in light of the escalating violence from your neighboring country of Mali. It would allow Algeria to shape the future of international criminal justice by participating in all negotiations and decisions of the Assembly of States Parties, such as by making proposals on any amendments to the Rome Statute or nominating candidates for positions of judge or prosecutor at the ICC and voting in those elections.

The Coalition urges Your Excellency to seize this opportunity and momentum to reaffirm Algeria's commitment to the fight against impunity, and increase ratifications in the MENA region.

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

Sincerely,



Brigitte Suhr
Director of Regional Programs



Leila Hanafi
Regional Coordinator – Middle East and North Africa

CC:

H.E. Mourad Medelci, Minister of Foreign Affairs

H.E. Mohamed Charfi, Minister of Justice

H.E. Mourad Benmehidi, Ambassador and Permanent Representative to the UN