

Brussels, New York, 11 April 2013

**H.E. Mr. Viktor Yanukovich, President of Ukraine**

*Re: Ukraine's 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 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 2013, the Coalition is urging Ukraine to expedite efforts to ratify the Rome Statute of the International Criminal Court (ICC).

Your Excellency, Ukraine has demonstrated its support for the international justice system created by the Rome Statute on numerous occasions, starting with its active participation in the 1998 Rome Conference of Plenipotentiaries on the Establishment of an International Criminal Court, followed by the signing of the Rome Statute on 20 January 2000.

As the first non-state party to ratify the Agreement on Privileges and Immunities of the ICC (APIC), an essential mechanism for the effective functioning of the Court, on 29 January 2007, Ukraine became a model for countries that still need to accede to that agreement. Indeed, Ukraine's adoption of the APIC reinforced a number of earlier statements of support for the Rome Statute system, as did Your Excellency's affirmation of Ukraine's view of the Court "*as an efficient instrument, aimed at strengthening international justice and international security,*" just one month later in a meeting with former ICC President Kirsch.

Reforms made to the Code of Criminal Procedure in 2012 which introduced a whole new chapter on international cooperation, including provisions for cooperation with international judicial institutions, are welcome first steps to bringing Ukrainian national legislation into conformity with the tenets of the Rome Statute regarding cooperation with the ICC – a necessary exercise in the full engagement with the Rome Statute system.

Ukraine's alignment with the statement made at the 11<sup>th</sup> session of the Assembly of States Parties in November 2012 on behalf of the EU – a statement noting the crucial importance of "*mak[ing] the Rome Statute truly universal*" – was also a welcome development. The anticipated signing of the EU-Ukraine Association Agreement, which highlights the need for Ukraine to work towards ratification and implementation of the Statute, will reflect Ukraine's intention to seek an end to impunity for grave international crimes through the Rome Statute and the groundbreaking international justice system in created.

While it was concerning that Ukraine rejected recommendations made by several States to ratify the Rome Statute at the 14<sup>th</sup> session of the UN Human Rights Council's Universal Periodic Review in November 2012, we are fully aware that the Constitutional Court's ruling of 2001 remains a hurdle for

ratification. For this reason, we encourage Your Excellency to ensure that the ongoing review of the Constitution include consideration of amendments necessary to remove the legal preconditions for ratification as stated in the Court's ruling, so that by the next UPR cycle, Ukraine can proclaim its membership in this essential judicial institution.

Your Excellency, as of today there are 122 States Parties to the Rome Statute. However, many others remain outside the system. Securing universal acceptance of the Court remains an important objective that will ensure that justice can be served for grave crimes no matter where they occur. The Organization for Security and Cooperation in Europe – which Ukraine currently chairs – recognized this in its 2003 Resolution calling on its members to work together for universal accession to the Rome Statute.

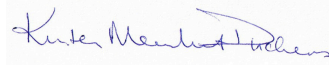
Ukraine's ratification of the Rome Statute is thus not only crucial for ensuring the global jurisdiction, legitimacy, and support for the Court but would also represent a commitment to eradicating the culture of impunity, and at the same time advancing the principles of democracy, good governance, justice, 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



**Kirsten Meerschaert Duchens**  
Regional Coordinator for Europe  
Coalition for the ICC

CC:

**H.E. Mykola Azarov**, Prime Minister

**H.E. Mr. Leonid Kozhara**, Minister of Foreign Affairs

**H.E. Mr. Oleksandr Lavrynovych**, Minister of Justice

**H.E. Ambassador Yuriy A. Sergeyev**, Permanent Representative of Ukraine to the UN

**H.E. Ambassador Olexander Horin**, Ambassador of Ukraine to The Netherlands

**H.E. Ambassador Ihor Dolhov**, Ambassador of Ukraine to Belgium

**H.E. Ambassador Mykola Maimeskul**, Permanent Representative of Ukraine to the UN Office in Europe

**H.E. Ambassador Ihor Prokopchuk**, Permanent Representative of Ukraine to the international organizations in Vienna

**H.E. Mr. Volodymyr Rybak**, Chairman of the Verkhovna Rada

**H.E. Anatolii Holovin**, Chairman of the Constitutional Court