

11 July 2017, The Hague / New York

*Re: Ratification of the Agreement on Privileges and Immunities of the International Criminal Court (APIC)*

Your Excellency,

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, working in a partnership for a fair, effective, and independent International Criminal Court (ICC), and increased access to justice for victims of genocide, crimes against humanity, and war crimes.

It is a particular honor to write to you as we enter the 20<sup>th</sup> year of the Rome Statute – the treaty which established this fundamental system of international justice.

Your Excellency, for fifteen years the ICC has served as the cornerstone of a global justice system designed to ensure that the most serious crimes of concern to the international community as a whole do not go unpunished. The Rome Statute, and the permanent Court that it established to complement efforts within national jurisdictions, are unquestionable milestones of international justice during the last two decades.

With three ICC trials ongoing in The Hague in 2017, reparations proceedings underway to benefit affected communities in three ICC situation countries, ten situations currently under investigation by the ICC Office of the Prosecutor (OTP), and a further ten under preliminary examination, the ICC has an unprecedented opportunity to advance the global fight against impunity.

However, the Court can only seize upon this opportunity to deliver justice to victims if it enjoys full cooperation of states committed to global peace and security.

The **Agreement on Privileges and Immunities of the ICC (APIC)** is an essential part of the legal framework necessary to ensure the ICC receives the cooperation it needs to operate as a fully independent and effective judicial institution.

The APIC covers not only privileges and immunities that states should extend to Court officials, materials, transactions, and communications within the scope of official ICC functions, but also the privileges and immunities to be accorded to defense teams, witnesses, victims, experts, and a range of other participants in ICC proceedings.

The APIC similarly accords comprehensive privileges and immunities to states' representatives participating in proceedings as well as in meetings of the Assembly of States Parties to the Rome Statute (ASP).

While Article 48 of the Rome Statute provides for privileges and immunities generally, the APIC more precisely links the Court's objectives as a judicial institution to its current activities and practical needs: the agreement defines and develops Article 48 privileges and immunities, allowing the Court, parties and participants to proceedings, and the Assembly to operate on the premise of concrete protections – all while enjoying similarly concrete procedures to resolve disputes that may arise. Taken as a whole, the APIC provides safeguards on par with those accorded to UN personnel under Article 105 of the UN Charter.

It is with these benefits in mind that the Coalition respectfully urges your government to ratify the Agreement on Privileges and Immunities of the ICC. To date, only 77 states are party to the instrument, far fewer than the 193 UN member states or even the 124 states parties to the Rome Statute.

At the annual ASP session in 2016, three States (Australia, Peru, and El Salvador) pledged their intention to ratify the APIC before the 20<sup>th</sup> anniversary of the Rome Statute on 1 July 2018. Peru became the 76<sup>st</sup> state to join the treaty in January 2017, with the Republic of Moldova following as the 77<sup>th</sup> in May 2017.

We hope that more countries across the globe will soon join them. Every state can accede to the APIC, with Ukraine setting the important precedent in 2007 for states not yet party to the Rome Statute.

Excellency, universality of both the Rome Statute and the APIC remains an important objective, one that will bolster the ICC's credibility by demonstrating global consensus on the need for accountability and the rule of law. Your government's ratification of the APIC would be an important step in advancing the international justice system's ability to ensure that genocide, crimes against humanity, and war crimes no longer go unpunished.

Furthermore, by joining the APIC prior to the Rome Statute 20<sup>th</sup> anniversary celebrations on 17 July 2018, your government can demonstrate its full commitment to an international justice system that will continue to expand its reach over the next 20 years and beyond.

The Coalition remains at your disposal for any support and information you might wish to receive.

Sincerely,



Kirsten Meersschaert  
Director of Programs  
Coalition for the International Criminal Court