

# COALITION FOR THE INTERNATIONAL CRIMINAL COURT



Permanent Mission of Finland  
to the United Nations



Buan-Ionad na hÉireann  
chun na Náisiún Aontaithe  
Permanent Mission of Ireland  
to the United Nations



NEW ZEALAND  
FOREIGN AFFAIRS & TRADE



permanent mission of  
south africa  
to the united nations

## 22nd Session of the ICC Assembly of States Parties - Side event

### Protecting and Defending Human Rights Defenders and Civil Society: What Role for the ICC States Parties and the Court?

**Thursday 7 December 2023, 13h15-14h30**  
**Conference Room 7, UN Headquarters, New York**

The event will be held in English, French, Spanish.

Civil society and human rights defenders (HRDs) have been a cornerstone of the international criminal justice system, or Rome Statute system, since before the International Criminal Court's (ICC, Court) treaty was adopted 25 years ago. Civil society and human rights defenders contributed to Statute's very adoption and the establishment of the Court and have since monitored and worked on every aspect of the Court's mandate; from defending the Court's principle aims and the integrity of the Rome Statute, victims' rights, and community outreach, the ICC regularly relies on the work carried out by civil society. The Assembly of States Parties (ASP) has long [recognized](#) the critical role of civil society and Human Right Defenders (HRDs) in the Rome Statute system, and has repeatedly [expressed](#) its appreciation of the "invaluable assistance that has been provided by civil society to the Court."<sup>1</sup>

Despite their key role in the Rome Statute system, civil society organisations and HRDs increasingly face threats and reprisals for engaging with the Court and fighting for victims' access to justice. This is particularly the case for those working on specific situations under investigation or preliminary examination by the ICC's Office of the Prosecutor. HRDs carry a significant burden when pursuing their work and suffer most directly – and often personally – from threats, physical attacks, sanctions, and intimidation campaigns from actors attempting to limit victims' access to justice and remedies.

<sup>1</sup> Resolution ICC-ASP/2/Res.8 adopted on 11 September 2003, by consensus, "Recognition of the coordinating and facilitating role of the NGO Coalition for the International Criminal Court": [https://asp.icc-cpi.int/sites/asp/files/asp\\_docs/Resolutions/ICC-ASP-ASP2-Res-08-ENG.pdf](https://asp.icc-cpi.int/sites/asp/files/asp_docs/Resolutions/ICC-ASP-ASP2-Res-08-ENG.pdf)

The ASP has voiced concerns “by the recent reports of threats and intimidation directed at some civil society organizations cooperating with the Court” and reiterated “its commitment to uphold and defend the principles and values enshrined in the Rome Statute and to preserve its integrity undeterred by any threats or measures against the Court, its officials and those cooperating with it.”<sup>2</sup>

At the conclusion of the 21<sup>st</sup> session of the ASP in December 2022, ASP President Silvia Fernández de Gurmendi reiterated that the Assembly and the Court have a shared responsibility to protect from any threat or attack (its officials) and those cooperating with it, and to identify appropriate measures to enhance the security of those participating in the ASP.<sup>3</sup> As a first step, in October 2023, the ASP adopted a set of “[Guidelines and recommendations for enhancing the security of participants in the work of the Assembly](#)”<sup>4</sup>. The Guidelines further recommend continuing to develop measures, in consultation with States Parties, the Court and civil society next year.

During this event participants will discuss the challenges facing HRDs worldwide in working alongside and in support of the ICC. Interventions will highlight the need for support and protection in light of increased attacks and threats, and the role that the ICC, the ASP, and individual states can play to support those at risk. The participants will also discuss the need to prevent the further shrinking of civic justice space at the ASP, with the Court and elsewhere.

---

<sup>2</sup> Resolution ICC-ASP/21/Res.2 adopted on 9 December 2022, by consensus, “Strengthening the International Criminal Court and the Assembly of States Parties”: <https://asp.icc-cpi.int/sites/default/files/2022-12/ICC-ASP-21-Res2-ENG.pdf>

<sup>3</sup> Remarks by ASP President Fernandez during the ninth plenary session of the 21<sup>st</sup> session of the ASP, 9 December 2022: [https://youtu.be/rj7vrogd\\_3U?t=3809](https://youtu.be/rj7vrogd_3U?t=3809)

<sup>4</sup> Guidelines and recommendations for enhancing the security of participants in the work of the Assembly (29 September 2023) available in [English](#) | [Español](#) | [Français](#) | [عربي](#)