

The Hague, 22 November 2021

Excellency,

I have the honor of writing to you on behalf of the Coalition for the International Criminal Court (Coalition) - a global network of civil society organizations working in partnership to ensure the ICC is fair, effective and independent; strengthen international cooperation with the Court; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of Rome Statute crimes.

We are sending this letter on the occasion of the 20th session of the Assembly of State Parties (ASP) of the Rome Statute of the International Criminal Court that will take place from 6-11 December 2021 in The Hague.

Since its adoption in 1998, the Rome Statute has held out the promise of providing recourse to justice for victims and ending impunity for perpetrators of the crimes that shock the conscience of humankind. Yet, that promise is increasingly threatened by a global climate characterized by a retreat in multilateral engagement and rising tides of hostility, discrimination, and repression around the world. Attacks against the ICC and those cooperating with it need to be firmly challenged by the Court's states parties to uphold the global rule of law and to avoid undermining the Rome Statute system and its support across the globe.

Despite the continuing challenges posed by the COVID-19 pandemic and limits on meaningful civil society participation in this year's annual Assembly session, the ASP provides a visible opportunity to reaffirm the international community's collective commitment to human rights, accountability, and the rule of law and, through the Assembly's decision making, to advance efforts to strengthen the Court and the Rome Statute system.

We therefore appeal to you and your government to express your strong and continued political commitment to the Rome Statute and ICC by ensuring participation in the 20th session of the ASP at the highest possible level, including through high-level video statements at the General Debate.

We believe it is crucial that states parties take every opportunity, such as during the **General Debate, negotiations on resolutions, and other appropriate moments, including in your government's communications around the session**, to reaffirm, inter alia:

- **Unconditional commitment** to the ICC, the integrity of the Rome Statute and the ICC's **judicial and prosecutorial independence**, as crucial pillars of the fight against impunity and a critical element of a rules-based international order;
- Commitment to work together as States Parties to **oppose efforts to undermine the Court's work and independence** and in particular to strongly condemn and counter measures made against the ICC, its officials, and those cooperating with the Court;
- The crucial role of **civil society organizations** and **human rights defenders** fighting to bring justice to victims around the world and working with the Court, and commitment to support, defend and protect human rights defenders, their families, and their work, and condemn all attacks and threats;
- Support for the **ongoing review process of the ICC**, bringing together states, court officials, experts and civil society in a joint effort to strengthen the work of the Court, and ensure full consideration of all recommendations aimed at improving the Court's work and the Rome Statute system as a whole;
- Commitment to ensure a proactive, fair, informed, and transparent **election process for all ICC elections, including for the next ICC Deputy Prosecutor(s) and Registrar**;

- Commitment to **effective cooperation**, including through enhanced efforts to execute arrest warrants, the conclusion of **voluntary cooperation agreements** with the ICC, and ratification of the **Agreement on Privileges and Immunities of the ICC (APIC)**;
- Commitment to promote and achieve the **universality of the Rome Statute**, as well as its **full and effective implementation** into domestic jurisdictions;
- Commitment to upholding **complementarity** obligations and to building the capacities of national legal systems;
- Governments' **financial commitment** to the ICC to enable it to effectively execute the mandate they have given it, without political or arbitrary limitations, and a commitment to rethink the process of assessing and approving the Court's annual budget, including through dropping the zero growth approach;
- The **centrality of victims – including their meaningful participation** in the Rome Statute system **and the right to a remedy and reparation**;
- Full support for **outreach and public information**, and their crucial importance for raising the Court's profile, creating environments conducive for the ICC's work, and managing expectations; and
- Commitment to recognizing the Rome Statute system as key in advancing accountability at the international and national level for **sexual and gender-based violence and violence against children** as grave crimes, including as war crimes, crimes against humanity, and genocide.

As civil society, we aim to represent the Court's key constituency, that is, the "present and future generations," identified by the Rome Statute's preamble, as well as the legal norms and human rights values underpinning the treaty. While each of our member organizations have their own specific mandates and expertise, our collective role as a Coalition is to press the Court and its states parties to live up to the mandate given to the ICC, through constructive criticism and supportive recommendations aimed at all Rome Statute system actors.

To play our role effectively, and to give life to the Final Act of the Rome Diplomatic Conference, it is critical that civil society participation in the ASP, and meetings held in preparation for it, is safeguarded and guaranteed. We believe this year's ASP has failed to live up to that promise and the modalities currently in place limit both civil society participation and the participation of States Parties, especially those from outside the European Union.

We respectfully ask that some time be given during this year's Assembly to explore ways in which lessons learnt from hybrid meetings during the pandemic be discussed and implemented to ensure the 21st Session of the ASP can proceed fairly and efficiently, with full participation of all.

Excellency, international law and multilateralism are facing enormous challenges. Many of the advancements in international justice over the last two decades are indeed remarkable. However, justice will only be assured for future generations if the monumental achievements that are the Rome Statute and the International Criminal Court are protected and strengthened.

Sincerely,



Melinda Reed
Acting Convenor
Coalition for the ICC