

12 January 2026

Madame Päivi Kaukoranta,
President of the Assembly of States Parties to the Rome Statute

Dear Madam President,

We are writing to express grave concerns regarding the ability of civil society organizations and human rights defenders to participate safely and meaningfully in the upcoming session of the Assembly of States Parties (ASP).

We deeply appreciate that you, Madam President, and the Assembly as a whole, have consistently acknowledged the 'invaluable assistance' provided by civil society and the vital role of the Coalition for the International Criminal Court within the Rome Statute system.

However, we write to you today because this engagement transcends mere utility. Effective civil society participation is a constituent element of the Assembly of States Parties, enshrined in the mandate of Resolution F of the Final Act (1998) and operationalized through Rule 93. Safeguarding this participation is, therefore, essential to upholding the Assembly's institutional integrity.

We are committed to supporting the Assembly in fulfilling this mandate. However, the practical barriers outlined below create a situation where this standard cannot be fully realized if ASP25 proceeds entirely in New York.

We fully appreciate the political importance of maintaining the practice of alternating venues, and specifically the value of holding ASP25 in New York to ensure that all States Parties can participate fully in the upcoming judicial elections. However, we are confronted with a difficult reality: the venue that best facilitates State participation in the election process currently results in insurmountable barriers for civil society participation.

First, restrictions on entry to the United States have escalated. Executive actions, most notably Proclamation 10949, have suspended entry for nationals of key ICC situation countries like Sudan, Afghanistan, and Libya. This bars the very advocates who work most closely with victims from attending.

Second, targeted sanctions against Palestinian human rights organizations and eight ICC judges throughout 2025 have created a climate of intimidation. While ICC officials retain some ability to enter the US for UN-related functions, these measures effectively prevent sanctioned NGOs from attending.

Thirdly and more broadly, the risk of detention and refusal of entry is not limited to nationals of countries subject to entry suspensions or representatives of designated organizations; it constitutes a barrier that civil society representatives cannot safely cross.

Unlike State diplomats, civil society representatives do not benefit from the legal protections of the UN Headquarters Agreement. Even European staff of the CICC Secretariat would not be able to truthfully declare the purpose of their travel, namely supporting the work of the International Criminal Court, without facing an unacceptable risk of detention or denial of entry at the US border, let alone human rights defenders and representatives from affected communities from around the world.

To be clear: our concern is not the administrative complexity of obtaining visas - The Hague procedures can be equally demanding. Nor is it primarily about privacy invasions such as border searches of electronic devices, serious though those may be. Our concern is the real and immediate physical risk of detention and expulsion - either summarily at the border, or worse, after an indeterminate period of detention - that civil society representatives would face simply for truthfully stating their purpose of travel.

We have considered whether there could be legal protections that could be put in place to secure safe access to New York for civil society. While in theory, the Assembly could seek to extend the protections of the ICC-UN Relationship Agreement to cover civil society participation, in reality, this is not a viable solution for ASP25: an extension of the legal protection of the ICC-UN Relationship Agreement to cover civil society would depend entirely on the favourable interpretation by the host State. In our experience, even representatives of CICC Members that hold NGO ECOSOC consultative status, which in principle covers them under the existing UN Headquarters Agreement, frequently face detention, questioning and denial of entry. In practice the only way to guarantee the Assembly mandate of effective civil society participation for this session is to physically relocate the substantive proceedings.

In light of these constraints, we respectfully urge the Presidency to adopt the "Split-Session" Model, based on the precedent established during the nineteenth session (2020), by conducting the judicial elections in New York, and the Assembly's substantive deliberations (including the budget and omnibus resolution) in The Hague. This pragmatic approach reconciles the political necessity of full State participation in voting with the legal mandate for inclusive civil society engagement.

We appreciate your leadership in navigating these complex challenges and we are confident that, together with the Bureau, you will identify the necessary measures to ensure that ASP25 remains a safe and accessible forum for all stakeholders, consistent with the Assembly's constitutive values.

We remain at your disposal to support these efforts.

Yours sincerely,



Niccolò A. Figá-Talamanca,
Interim Convenor of the NGO Coalition for the International Criminal Court