

The Hague / New York, 22 September 2016

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

Your Excellency, the ICC has become the cornerstone of a global justice system designed to ensure perpetrators of international crimes are held to account and their victims receive redress. This year alone, the ICC has already set a precedent for the successful international prosecution of non-state actors, military commanders, and typically under-prosecuted international offenses, like sexual and gender-based crimes and the destruction of cultural property.

With ten situations currently under investigation by the ICC Office of the Prosecutor (OTP) and eight more under preliminary examination, the ICC has diverse opportunities to continue on this positive track in the global fight against impunity. However, the Court cannot deliver justice to victims without full cooperation from states.

The Agreement on Privileges and Immunities of the ICC (APIC) outlines privileges and immunities states should extend to Court officials and materials, guaranteeing the Court can carry out its work in an independent and unconditional manner. It is an essential element of state cooperation crucial to the Court's ability to operate as an independent judicial institution.

While Article 48 of the Rome Statute provides for privileges and immunities generally, the APIC more precisely links the Court's rights as a judicial institution to its current practical needs: the agreement further defines and develops Article 48 privileges and immunities to allow for the Court's optimal functioning through the effective protection of personnel and resources necessary for its work. Detailing the protections and the corresponding obligations of states parties, the APIC includes protections on par with those accorded to UN personnel under Article 105 of the UN Charter.

The APIC also outlines the privileges and immunities accorded to victims, witnesses, and defense counsel, as well as those to be accorded to representatives of states and intergovernmental organizations who participate in Court proceedings or in meetings of the Assembly of States Parties..

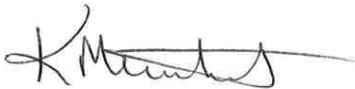
It is with these benefits in mind that **the Coalition respectfully urges your government to ratify the Agreement on Privileges and Immunities of the International Criminal Court (APIC)**. To date, only 75 states are party to this instrument, far fewer than the 193 UN member states or even the 124 states parties to the Rome Statute. We hope that more countries across the globe – including states that are not yet members of the Court, following the example of Ukraine in 2007 – will soon join them.

At the 2014 session of the Assembly of States Parties (ASP), at Belgium’s initiative, states agreed to **convene an APIC pledging ceremony at the 15th session of the ASP in 2016, for states to pledge to ratify the APIC by the 20th anniversary of the Rome Statute in 2018.**¹ We call on your government to initiate the process of APIC ratification now so that you can announce ratification, or at the very least your commitment to ratify, at the 2016 Assembly meeting in The Hague in November.

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.

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

Sincerely,



Kirsten Meerschaert
Director of Programs
Coalition for the International Criminal Court

¹ ICC-ASP/13/Res.5. Annex I, Article 16(a) reads, “*decides to hold a pledge ceremony during the fifteenth session of the Assembly on the ratification of the Agreement on Privileges and Immunities to invite States Parties to ratify it before the 20th anniversary of the Rome Statute (July 2018).*”