



Coalition for the International Criminal Court

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11th ASP Encourages Greater State Cooperation in Fight against Impunity

Coalition Calls on States to Follow Through on Commitments Made at Annual Meeting of International Criminal Court's Governing Body

The Hague—The annual meeting of the governing body of the International Criminal Court (ICC) came to a close a day ahead of schedule yesterday with the adoption of the Court's 2013 budget, resolutions on key aspects of the Court's work and the election of the new ICC deputy prosecutor and other officials. However, the alleged commission of grave crimes in flashpoints across the world this past week has starkly underlined the urgent need for states to live up to their commitments by increasingly taking the lead in the fight against impunity, the Coalition for the ICC said.

"The reports of Rome Statute crimes allegedly being committed in conflicts from the Middle East to central Africa this week are a sobering reminder of the necessity for states to live up to their moral and legal obligations to ensure the protection the most vulnerable in times of conflict," **said William R. Pace, convenor of the Coalition for the International Criminal Court.** "States have this week reiterated that the prosecution of perpetrators of grave crimes is primarily their responsibility, with the ICC only acting if they cannot or do not, but we now need to see tangible results from these promises."

With greater judicial, technical, diplomatic and political assistance necessary for the Court to build on the accomplishments of its first 10 years, the Coalition had urged states prior to the 11th session of the Assembly of States Parties (ASP) to engage in goal-orientated discussions on a plethora of issues including strengthening the work of the Assembly, the Court and its governance, victims issues, the cooperation of states and other actors with the

Court, as well as the need for national authorities to take the lead in the prosecution of international crimes—a concept central to the Rome Statute system known as complementarity. Encouragingly, with ASP President Tiina Intelmann and Swiss Ambassador to The Hague Markus Börlin coordinating the work of the assembled delegates and budget discussions wrapping up on schedule, progress was made on a number of issues.

The Assembly debated two critical issues in particular—cooperation and complementarity—for the first time as formal agenda items, and subsequently adopted resolutions highlighting the importance of arresting ICC fugitives and prosecuting international crimes domestically, among other issues. The Coalition and some of its NGO members—including Human Rights Watch, the International Center for Transitional Justice, the International Commission of Jurists-Kenya, Open Society Justice Initiative, and Parliamentarians for Global Action—enhanced the discussions through statements to the Assembly and participation in high-level panel discussions. Helen Clark, administrator of the UN Development Programme, gave the keynote address on complementarity, highlighting the close link between development and the rule of law.

“The Coalition’s tireless efforts to ensure that states parties consider substantive issues at this Assembly session have resulted in productive debate on cooperation and national prosecutions of international crimes in particular,” **Pace continued.** “Nevertheless, for these discussions to translate into concrete actions improving the ICC and Rome Statute system, there must be meaningful and effective follow-up among states parties, the Court and all actors throughout the year and at the next session of the Assembly,” Pace added. “This includes integrating the best practices of two decades of international judicial experience into the work of the ICC and shortening the length of its proceedings.”

Prior to the Assembly, the Coalition called on states parties to live up to their financial obligations by supporting the Court and ensuring it is sufficiently resourced in 2013. States parties reached a compromise at ASP 11, allocating €112.0 million for the year ahead. After factoring in an agreement by the Dutch government to pay €3 million of the Court’s temporary premises costs, as well as a contribution by the Mexican government, this is approximately €3 million short of the €118 million requested by the Court (a figure which included €6 million for the temporary premises rent).

“Despite the reduction, there were no major efforts by states to impose ‘zero-growth’ or major arbitrary cuts on the ICC this year,” **said Jonathan O’Donohue, legal advisor for Amnesty International and leader of the Coalition’s Budget and Finance Team.** “Importantly, the Assembly did not go beyond the recommendations of the Committee and accepted that increases in the budget, including interim premises and staff costs, should not be absorbed by the Court.”

The Assembly also adopted a number of other resolutions on issues central to the court’s operations, such as amendments to the Rome Statute, victims, reparations, communications and outreach, gender-based and sexual violence, and the planned ICC permanent premises, among others.

States also elected a number of important ICC officials. After five rounds of voting, James Stewart of Canada was elected as the Court’s deputy prosecutor. He will oversee the prosecution division of the Office of the Prosecutor. States parties also elected nine members of the newly established Advisory Committee on Nominations—a standing body of independent experts mandated to facilitate the election of the highest-qualified individuals as ICC judges—and five members of the board of directors of the Trust Fund for Victims.

Over 150 NGOs from around the world attended the Assembly, making statements during the general debate and participating in side events, including many organized by the Coalition and its members. These allow civil society, governments, ICC officials and others to discuss important issues relevant to the ICC and the Rome Statute system. The Coalition also hosted a meeting with Brigid Inder, executive director of the Women's Initiative's for Gender Justice and the new OTP special gender advisor, as well as with ICC President Judge Sang-Hyun Song and Prosecutor Fatou Bensouda.

In celebration of the 10th anniversary of the entry into force of the Rome Statute as well as the launch of Amnesty International's new Center for International Justice in The Hague, the Coalition and Amnesty International held a reception for members of civil society, Court officials, diplomats and other distinguished guests.

The Assembly has scheduled its 12th session for 20-28 November 2013 in The Hague.

Background: *The ICC is the world's first permanent international court to prosecute war crimes, crimes against humanity, and genocide. Central to the Court's mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unwilling or unable to investigate and prosecute perpetrators of genocide, crimes against humanity and war crimes. There are currently seven investigations before the Court: the Central African Republic; Cote d'Ivoire; the Democratic Republic of the Congo; Darfur, the Sudan; Uganda; Kenya; and Libya. The ICC has publicly issued 23 arrest warrants and nine summonses to appear. The Court issued a judgment in its first trial on 14 March 2012. Two other trials are ongoing. The ICC Office of the Prosecutor has also made public that it is currently conducting preliminary examinations analyzing alleged crimes committed on the territory of Honduras, Republic of Korea, Afghanistan, Mali and Nigeria, as well as checking if genuine national proceedings are being carried out in Guinea, Colombia and Georgia.*

The Coalition for the International Criminal Court is a global network of civil society organizations in 150 countries working in partnership to strengthen international cooperation with the ICC; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide. For more information, visit: www.coalitionfortheicc.org.