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ASP 2017: Seize historic chance to end era of impunity with ICC*Governments must step up for victims of atrocities at Assembly of States Parties 2017*

New York/The Hague—As the Rome Statute moves into its 20th anniversary year, states must seize the historic chance to end the era of impunity for war crimes, crimes against humanity and genocide by strengthening the International Criminal Court (ICC) and making international justice truly global, the Coalition for the ICC said today.

The 16th annual session of the Assembly of States Parties (ASP)—the ICC's governing body with a current membership of 123 states—takes place in New York from 4-14 December. As ever, hundreds of civil society organizations will attend, bringing clear demands for justice from around the world.

"We have the Court. We have the law. We now need the political will to end the era of impunity. Global civil society is calling on states at this Assembly to make the ICC the global court the world demands," **said William R Pace, convenor of the Coalition for the ICC.** "2018 marks the 20th anniversary of the historic and remarkable human rights and diplomatic achievement known as the Rome Statute. This is a unique opportunity for ICC member states to step up for victims of the most heinous crimes that continue threaten the peace and security of the world."

The Assembly comes as momentum for global justice for grave crimes gathers pace: continuing ICC activity in 20 situations; ramping up of ICC probes in Afghanistan and Burundi; three ongoing ICC trials; new jurisprudence, including on vital victims' reparations; growing numbers of national prosecutions and universal jurisdiction cases dealing with ICC crimes; final convictions for war criminals in the former-Yugoslavia; and unprecedented levels of documentation of grave crimes for future prosecution.

"We call on states at ASP 16 to underline the crucial importance of upholding their Rome Statute legal obligations by enforcing ICC decisions, including in the arrest of suspects," **said Mohamed Ndufina, president of the Uganda national coalition for the ICC.** "In submitting a request for the arrest of Omar al-Bashir during a recent visit, Ugandan civil society demonstrated its commitment to ending impunity. It's now time for states to take a stand for justice."

"As long as crimes remain unpunished and their perpetrators are not worried, recidivism will become a de facto norm, rendering all judicial systems useless," **said Lambert Nigarura, president of the Burundian national coalition for the ICC.** "The Burundian coalition for the ICC thus believes that the courageous decision of the ICC to authorize the opening of an investigation in Burundi is confronting this inappropriate attitude in the modern world."

"Nine years after the conflict in Georgia, victims and affected communities are still hoping for justice," **said Nino Tsagareishvili, co-director, Human Rights Center, chair of the Georgian national coalition for the ICC.** "We hope states will provide the ICC the support it needs to implement its mandate, in particular to conduct effective and comprehensive outreach and public information in Georgia through the ICC field office, including to manage expectations."

At ASP 16, six new judges will be elected, along with members of the ASP Committee on Budget and

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Finance. Former International Criminal Tribunal for the former Yugoslavia Judge O-Gon Kwon of Korea will become ASP president, taking the helm from Senegal's Sidiki Kaba. Meanwhile, with the next ICC prosecutor due to take office in 2019, states must begin the search and vetting process as early as possible to ensure the delivery of the best justice possible.

"As the world's only permanent international judicial mechanism, ICC investigations, trials and staff must set the standard for global justice. The Coalition for the ICC calls on states to elect only the most-qualified leaders to the ICC and the ASP to ensure both bodies function effectively and impartially," said **Kirsten Meersschaert, director of programs, Coalition for the ICC**. "With five outgoing female ICC judges, states must ensure a fair gender representation on the ICC bench for the next judicial cycle."

States are also set to decide on activation of the ICC's exercise of jurisdiction over the crime of aggression. For the first time since the post-WWII trials in Nuremburg and Tokyo, an international court may be able to hold leaders individually criminally responsible for waging aggressive war. Aggression was one of the four crimes listed in the Rome Statute when the treaty was adopted in 1998. The agreed pre-conditions of activation have now been met. A group of states is advocating to block the decision on the basis that there is a lack of clarity on whether the crime would apply to all ICC member states, or just those that have ratified the amendment to the Rome Statute.

"With thousands of nuclear weapons in play, it is too late for wars," said **Jutta F. Bertram-Nothnagel, permanent representative to the UN and ICC-ASP of the Union Internationale des Avocats**. "The resolution of international political conflict by force is no longer a rational option—if it ever was. The crime of aggression has never been more criminal."

The sheer number of grave crimes occurring is testing the ICC to its limits, with the Court's ability to conduct certain investigations at risk due to long-standing budget restrictions imposed by a small group of member states. The centrality of victims—including their participation and right to reparations—in the Rome Statute system is also threatened by continuing resource constraints. States must demonstrate their resolve to deliver on the promise of a victim-centred ICC.

"With huge demands from victims for justice at the ICC, it is unforgivable that so much valuable time at the Assembly is taken up by states haggling over the budget they are willing to give to the Court," said **Matthew Cannock, head of office, Amnesty International's Centre for International Justice, The Hague**. "The political decision of certain states to limit the ICC's budget and impose zero-nominal growth on the Court raises huge concerns that the major funders are seeking to improperly exert political control over the Court and to interfere with the Prosecutor's work through the budget."

In 2017 alone, more than 650 human rights defenders faced severe attacks and threats, and at least 400 have been subject to judicial harassment. Increasingly, civil society is being targeted for work related to the ICC.

"Human rights defenders face an increasing hostile working environment. Governments must do more to support and protect those on the frontline of implementing the rule of law," **Ndufina continued**.

Please visit our webpage on the Assembly of States Parties 2017 for more information, civil society key recommendations and other documentation:

<http://www.coalitionfortheicc.org/explore/assembly-states-parties/assembly-states-parties-2017>.

**About us**

The Coalition for the ICC is a network of 2,500 civil society organizations, small and big, in 150 countries fighting for global justice for war crimes, crimes against humanity and genocide for over 20 years. We made international justice happen; now we're making it work.

<http://www.coalitionfortheicc.org/>

Experts from human rights organizations members of the Coalition are available for background information and comment. Contact: communications@coalitionfortheicc.org.

About the ICC

The ICC is the world's first permanent international court to have jurisdiction over 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 unable or unwilling to investigate and prosecute perpetrators of genocide, crimes against humanity and war crimes. As one of the most historic advances in the protection of global human rights, the innovative system established by the Rome Statute is designed to punish perpetrators, bring justice to victims and contribute to stable, peaceful societies. The Court has already made significant progress in holding those most responsible for atrocities to account. Victims are already receiving help to rebuild their lives. But global access to justice remains uneven, and many governments continue to deny the ICC jurisdiction where it is most needed.

COALITION FOR THE INTERNATIONAL CRIMINAL COURT

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