



**fidh**

# FIDH Recommendations to the 16th Session of the Assembly of States Parties to the Rome Statute

New York, 4-14 December 2017

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*"There must be no turning back, no slowing up in our journey. Ending impunity is the solemn pledge we undertook. Let us fulfil it so that when our grandchildren look back they are not haunted by new voices from killing fields yet to be named."\* - Kofi Annan*

\* Kofi Annan, "Kofi Annan addresses the First Review Conference of the Assembly of States Parties to the Rome Statute of the International Criminal Court", 31 May 2010, available at: <http://www.kofiannanfoundation.org/speeches/kofi-annan-addresses-the-first-review-conference-of-the-assembly-of-states-parties-to-the-rome-statute-of-the-international-criminal-court/>

## I - Introduction

The 16<sup>th</sup> session of the Assembly of States Parties (ASP or Assembly) to the Statute of the International Criminal Court (ICC or Court) will take place from 4 to 14 December 2017 in New York.

During the session, the Assembly will consider matters fundamental to the Court, through holding a General Debate on the ICC and its operations, holding two plenary discussions on cooperation and the 20<sup>th</sup> anniversary of the ICC Statute, adopting a number of resolutions on matters such as cooperation, complementarity, and universality, and its mandate towards victims, aiming at ameliorating the ICC implementation of its mandate. Proposals will be discussed to amend the founding texts of the ICC, which would expand the definition of war crimes in particular and consider the condition of activation of the ICC on the crime of aggression. This year, the ASP will also elect a new President and two new Vice Presidents, six members of its Committee on Budget and Finance (CBF), but also six new ICC judges and make recommendations on the election of the Registrar. Finally, the Assembly will adopt the 2018 ICC budget. The worrying development led by some States to focus again on zero nominal growth, rather than on the effective needs of the Court to meaningfully fulfil its mandate, constitutes one of the most disturbing threats to the Court's effective ability to implement its mandate.

With the 20<sup>th</sup> anniversary of the ICC Statute fast approaching, the Court is confronted with as many, or maybe even more, challenges as in 1998. The 20<sup>th</sup> anniversary should allow for a moment to take stock of the vast achievements made by the Court, while at the same time critically assessing how the Court can further and better maintain a permanent place in the fight for international justice. This exercise is to be done by all involved: States Parties, civil society, but also, the Court itself. During this session, States Parties should also engage in a global support for international justice, the expansion of the ICC jurisdiction and action worldwide, including more timely ICC investigations and prosecutions.

The ASP should ensure that the adequate framework and resources are in place to ensure effective implementation of victims' rights, a cornerstone of the ICC Statute. Lastly, the ASP should continue to consider the needs to ensure the safety and protection of civil society representatives working towards international justice and the fulfilment of the ICC's mandate.

As Kofi Annan said in his speech in Kampala on 31 May 2010: *"The remarkable success of the creation of the Court was the result of strong political will. Further progress will require vision, a strong sense of purpose, and even courage."*

FIDH has closely monitored the work of the Court and its States Parties in 2017 and presents in this position paper its views on issues closest to FIDH's mandate.

### **Victims' Rights Working Group**

The promotion and defence of victims' rights to truth, justice, and reparation continues to be fundamental to FIDH's mandate. As a member of the Victims' Rights Working Group (VRWG) of NGOs, FIDH fully endorses the VRWG paper for this ASP.<sup>1</sup>

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1. Victims' Rights Working Group, Recommendations to the 16th Session of the Assembly of States Parties to the International Criminal Court, 4-14 December 2017, New York, United States.'

## II – An overview of ICC-related activities in 2017

In 2017, the ICC continued to advance with three cases at the trial stage<sup>2</sup>, two cases at the appeals stage<sup>3</sup>, 10 – of which six active – investigations<sup>4</sup>, and 10 preliminary examinations.<sup>5</sup>

On 3 November 2017, the Prosecutor finally made the decision to request the opening of an investigation into the situation in **Afghanistan**, made public on 20 November.<sup>6</sup> This long-awaited request follows a decade-long preliminary examination in Afghanistan where victims of atrocious crimes are finally offered a path to justice by the Prosecutor announcing to wanting to investigate crimes committed by all sides to the conflict, including US forces.<sup>7</sup> In addition, the Prosecutor requested the opening of an investigation into **Burundi** almost a year after Burundi's announcement to withdraw from the Rome Statute. The Prosecutor's request is a strong signal that even attempts by States to isolate themselves from the international community to create an atmosphere of impunity are to be met with strong reactions.<sup>8</sup> FIDH has advocated throughout the year to open investigations into these two situations and has facilitated dialogue between the Court and civil society actors from Afghanistan and the United States.<sup>9</sup>

In addition, FIDH submitted two so-called 'Article 15 communications' to the OTP concerning:

- 1) crimes against humanity in the northern province of Coahuila in **Mexico**; and
- 2) the involvement of Chiquita officials in the commission of crimes against humanity in **Colombia**.<sup>10</sup>

Moreover, FIDH's member organisation in **Palestine**, Al Haq, together with three other human rights organisations, submitted a communication on crimes committed in the occupied West Bank including East Jerusalem.<sup>11</sup>

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2. The Prosecutor v. Laurent Gbagbo and Charles Ble Goude (Côte d'Ivoire), The Prosecutor v. Bosco Ntaganda (DRC), The Prosecutor v. Dominic Ongwen (Uganda).

3. The Prosecutor v. Jean-Pierre Bemba Gombo (CAR), The Prosecutor v. Jean-Pierre Bemba Gombo, Aime Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidele Babala Wandu and Narcisse Arido (CAR).

4. Active investigations in Libya, Darfur, Cote d'Ivoire, the Central African Republic (CAR II; two investigations) and Georgia.

5. Afghanistan, Burundi, Colombia, Gabon, Guinea, Iraq/UK, Nigeria, Palestine, Registered Vehicles of Comoros, Greece and Cambodia, Ukraine.

6. FIDH, 'International Crimes Committed in Afghanistan: Towards International Criminal Court Prosecutions of All Operating Forces?', 3 November 2017, available at: <https://www.fidh.org/en/region/asia/afghanistan/international-crimes-committed-in-afghanistan-towards-international> and International Criminal Court, 'Request for authorisation of an investigation pursuant to Article 15', 20 November 2017, ICC-02/17-7- Conf-Exp, available at: [https://www.icc-cpi.int/CourtRecords/CR2017\\_06891.PDF](https://www.icc-cpi.int/CourtRecords/CR2017_06891.PDF)

7. FIDH published a 'Questions and Answers on Afghanistan and the International Criminal Court' on 23 November 2017, available at: <https://www.fidh.org/en/region/asia/afghanistan/questions-and-answers-on-afghanistan-and-the-international-criminal>

8. FIDH, 'The ICC Makes a Courageous Move Against a Repressive Regime', 9 November 2017, available at: <https://www.fidh.org/en/region/Africa/burundi/the-icc-makes-a-courageous-move-against-a-repressive-regime> see also: FIDH Report, 'Burundi on the Brink, Looking Back on Two Years of Terror', 4 July 2017, available at: <https://www.fidh.org/en/region/Africa/burundi/burundi-on-the-brink-looking-back-on-two-years-of-terror>

9. FIDH, 'Human Rights Groups Call for the Opening of an ICC Investigation into the Situation in Afghanistan', 13 April 2017, available at: <https://www.fidh.org/en/region/asia/afghanistan/human-rights-groups-call-for-the-opening-of-an-icc-investigation-into>

10. See FIDH, 'Mexico: Murders, Disappearances, and Torture in Coahuila de Zaragoza are Crimes Against Humanity', 5 July 2017, available at: <https://www.fidh.org/en/region/americas/mexico/mexico-murders-disappearances-and-torture-in-coahuila-de-zaragoza-are> and 'The Contribution of Chiquita Corporate Officials to Crimes Against Humanity in Colombia, May 2017, available at: <https://www.fidh.org/en/region/americas/colombia/human-rights-coalition-calls-on-icc-to-investigate-role-of-chiquita>

11. FIDH, 'Palestinian Human Rights Organisations Submit Evidence to the ICC Prosecutor on Crimes Committed in West Bank', 20 September 2017, available at: <https://www.fidh.org/en/issues/international-justice/international-criminal-court-icc/palestinian-human-rights-organisations-submit-evidence-to-the-icc>

The OTP has announced it will continue in 2018 the six investigations undertaken in 2017, with the addition of **Mali**, where it will look into the broader scope of criminality and victimisation beyond the prosecution of Al Mahdi in connection with the destruction of cultural heritage as a war crime.<sup>12</sup> FIDH especially welcomes this expansion so that the Court's investigations reflect the much broader scope of the human rights violations that occurred in northern-Mali. Through its office in Mali, FIDH is closely involved in the continued documentation of human rights violations in Mali.<sup>13</sup>

FIDH has also been closely cooperating with the OTP in its on-going investigation in **Central African Republic** (CAR II) and **Côte d'Ivoire** (CI II).

Major judicial advances in 2017 have included two new reparation orders, in the case against Germain Katanga and in the case against Ahmad Al Faqi Al Mahdi.<sup>14</sup> In the order against **Katanga**, victims were awarded individual symbolic reparations for the first time. FIDH submitted an *amicus curiae* in the **Al Mahdi** case, where reparations were awarded not only to the people of Timbuktu, but also for the first time to the State of Mali and the international community.<sup>15</sup> On 15 December, the ICC Trial Chamber II will deliver its decision setting the amount of reparations for which Thomas **Lubanga** is liable and thus complete the reparation order of 3 March 2015. Reparations in the **Bemba** case are underway and a reparations order will probably be delivered in the first half of 2018. FIDH conducted a mission to meet victims of crimes of sexual and gender-based violence participating in the proceedings against Jean-Pierre Bemba to collect their views on reparation and recently published its report.<sup>16</sup>

Moreover, the Appeals Chamber's decision in the case against **Bosco Ntaganda** expanded the definition of war crimes committed within an armed group in an armed conflict context, thereby protecting under international criminal law victims of crimes perpetrated by people of the same armed group in an armed conflict. The Court relied heavily on the interpretation of the International Committee of the Red Cross that suggested that war crimes could perhaps be committed against members of the same armed group.<sup>17</sup> The Appeals Chamber in the Ntaganda case upheld the Trial Chamber's decision that rape and sexual slavery committed by members of a Congolese armed group against other members of the same armed group, in this case child soldiers, constitute war crimes that fall within the jurisdiction of the Court.<sup>18</sup>

In addition, 2017 also saw the first conviction for witness interference in the **Bemba et al.** case. Bemba and four others were convicted for violations to the administration of justice. Witness tampering has been a recurrent challenge for the ICC and will certainly be a critical factor in the Burundi and Afghanistan investigations (see below).

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12. Diplomatic briefing The Hague by the OTP on 9 October 2017, available at: <https://www.icc-cpi.int/itemsDocuments/26db-OTP-Eng.pdf>

13. FIDH will publish a report on the current situation in Mali in December 2017, '*Mali: face à la crise, faire le choix de la justice*'.

14. See for the Katanga Reparations Order, 24 March 2017: <https://www.icc-cpi.int/Pages/record.aspx?docNo=ICC-01/04-01/07-3728>; and for the Al Mahdi Reparations order, 17 August 2017: <https://www.icc-cpi.int/Pages/record.aspx?docNo=ICC-01/12-01/15-236>

15. FIDH, 'Al Mahdi Case: FIDH and AMDH submit their observations on reparation', 2 December 2016, available at: <https://www.fidh.org/fr/regions/afrique/mali/affaire-al-mahdi-devant-la-cpi-la-fidh-et-l-amdh-soumettent-des>

16. FIDH Report, « "All I want is reparation" Views of victims of sexual violence about reparation in the Bemba case before the International Criminal Court », <https://www.fidh.org/en/issues/international-justice/5-000-victims-of-bemba-s-crimes-in-central-african-republic-anxiously>.

17. See for example, International Committee for the Red Cross, available at: <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=59F6C DFA490736C1C1257F7D004BA0EC>

18. International Criminal Court, 'Judgment on the appeal of Mr Ntaganda against the "Second decision on the Defence's challenge to the jurisdiction of the Court in respect of Counts 6 and 9"', 15 June 2017, ICC-01/04-02/06-1962, available at: [https://www.icc-cpi.int/CourtRecords/CR2017\\_03920.PDF](https://www.icc-cpi.int/CourtRecords/CR2017_03920.PDF)

The OTP also issued an arrest warrant against Mr Mahmoud al-Werfalli on charges of murder as a war crime in the Benghazi area of **Libya**.<sup>19</sup> In her reports before the United Nations Security Council, the Prosecutor has reiterated her concerns on the situation of migrants in Libya.<sup>20</sup>

Moreover, the Registry has announced to open a field office in **Georgia** in early 2018. FIDH has continuously advocated for field presence in Georgia and welcomes the decision to finally open the field office in January 2018. FIDH documented the impact of the crimes falling under the scope of the current ICC investigation and will soon publish its report.

FIDH undertook trainings on the documentation of crimes of sexual and gender-based violence for national organisations in various situations, including in **Ukraine**, in order to ameliorate their accountability efforts.

As multiple proceedings, at different stages, continue to be carried out simultaneously across different chambers of the Court, sufficient and sustainable resources will be necessary across all three organs of the Court for the Registry and Chambers to successfully perform their duties while respecting the rights of victims and the accused, and ensuring adequate communication with those communities affected most by the crimes under investigation and prosecution by the ICC.

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19. International Criminal Court, 'Warrant of Arrest', 15 August 2017, available at: [https://www.icc-cpi.int/CourtRecords/CR2017\\_05031.PDF](https://www.icc-cpi.int/CourtRecords/CR2017_05031.PDF)

20. ICC Prosecutor, 'Statement to the United Nations Security Council on the Situation in Libya, pursuant to UNSCR 1970 (2011)', 8 November 2017, available at: [https://www.icc-cpi.int/Pages/item.aspx?name=otp\\_lib\\_unsc](https://www.icc-cpi.int/Pages/item.aspx?name=otp_lib_unsc)

### III - Victims' central position should be strengthened

Victims are at the centre of the Rome Statute system. Amplifying the voices, wishes, and demands of victims is therefore not simply desirable, it is vital to the existence and legitimacy of the Court. As the Court enters its 16<sup>th</sup> year of existence, the Court's needs have changed. The completion of trials and the reparations phases require different allocations of funds and focus. In addition, as the Court is taking up more complex and bigger cases, a larger number of victims will participate. This also creates a bigger role for the ICC Trust Fund for Victims (Trust Fund or TFV), both for their assistance and reparations mandate. FIDH welcomes the Trust Fund's announcement regarding the launch of an assistance programme in Cote d'Ivoire, in addition to those already in place, and urges the Trust Fund to launch an assistance programme in Georgia.

#### 1) Victims' participation in the proceedings and legal aid

Legal representation of participating victims must be ensured from the earliest stage during the pre-trial phase. FIDH has followed victims' participation and representation closely since the establishment of the Court and contributes to the comments provided by the Victims Rights' Working Group. FIDH noted that participation of victims in proceedings is still often considered by representatives of the Court, defence or States parties, as a burden to the proceedings, rather than a key element of the ICC justice process.<sup>21</sup> However, the high number of victims able to participate in the Bemba and Ongwen trials illustrate that victims' participation is not only possible, it adds an invaluable element to the Court's mandate.<sup>22</sup>

As victims participate in Court proceedings through their legal representatives and are (and should be presumed) indigent, they should be granted legal aid as a pre-condition to effectively exercise their right to participation in ICC proceedings.<sup>23</sup> FIDH is committed to further engaging with the Court where discussions on victims' applications procedures are on-going and to comment on specific proposals.

FIDH emphasises that both victims and the defence should enjoy the fundamental right to choose their own counsel.<sup>24</sup> According to FIDH's experience and research, victims' participation can contribute to empowering victims and affected communities through candid exchanges with the legal representative about concerns they may have on the proceedings.<sup>25</sup> Ineffective legal representation makes participation meaningless.<sup>26</sup>

The current discussions on the reform of the legal aid system therefore present particular concerns and challenges since it is key to ensure meaningful participation for victims. For example, when the current legal aid system was devised in its early years, the Court had not considered any reparations phases of trials yet. FIDH welcomes that the views of civil society and lawyers have been taken into consideration to move to a comprehensive review of the system. Nevertheless, we emphasise that the positions of victims and defendants before the Court are

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21. FIDH has deconstructed this myth in its report, "Five Myths about Victim Participation in ICC Proceedings", in December 2015, available at: <https://www.fidh.org/IMG/pdf/cpi649a.pdf>, p. 7.

22. Up to September 2017, over 12, 985 victims were participating in proceedings before the ICC. See Proposed Programme Budget for 2018 of the International Criminal Court (ICC Proposed Budget 2018), ICC-ASP/16/10, p 86, available at [https://asp.icc-cpi.int/iccdocs/asp\\_docs/ASP16/ICC-ASP-16-10-ENG.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/ASP16/ICC-ASP-16-10-ENG.pdf)

23. FIDH and others, "Open Letter to the ICC Registrar on Legal Aid for Victims in the Ongwen Case" 17 November 2016, available at : <https://www.fidh.org/en/issues/international-justice/international-criminal-court-icc/open-letter-to-the-icc-registrar-on-legal-aid-for-victims-in-the>

24. Rule 90(1) of the Rules of Procedure and Evidence.

25. FIDH, "Five Myths about Victim Participation in ICC Proceedings", p. 16.

26. *Ibid*, p. 19.

fundamentally different and that two different frameworks will have to be devised in order to take into consideration properly the unique characteristics of victims' representation before the International Criminal Court. Legal aid should be a tool, not a limitation, to ensure a representation capable of providing a meaningful participation for victims. It should not come as a surprise that as the number of proceedings increases, the costs of legal aid would also increase.

In this respect, FIDH is particularly worried by the recent adoption of the Budget Management Oversight Report for the ASP omnibus resolution that envisages the legal aid review in 2018 to take place 'within the existing resources'. We emphasise that the legal aid review process is underway and that it will enter a critical phase next year where consultations with both States Parties and other stakeholders will help finalise the review. We urge States Parties to support a comprehensive legal aid review process and to ensure that budget discussions will not in any way pre-empt the outcome of the legal aid review.

## 2) Reparations

Major developments regarding reparations for victims before the ICC occurred in 2017. In the **case against Germain Katanga**, who was found guilty of crimes against humanity and war crimes in the Democratic Republic of Congo (DRC), the Trial Chamber ordered both individual and collective reparation measures to victims. Victims were awarded with a symbolic individual compensation measure of 250 USD for each victim while recognising that "the symbolic amount does not compensate the injuries suffered in their entirety, but is to alleviate the harm suffered by victims."<sup>27</sup> The Court also emphasised that the reparations order was notwithstanding the DRC's obligation to award reparations and requested the State's cooperation together with the Trust Fund for Victims.<sup>28</sup> The Trust Fund presented their draft implementation plan for reparations in the Katanga case in July 2017. The Trust Fund had already decided in May to provide \$1 million for the reparations awarded to victims in the Katanga case and received earmarked donations of 200,000 euros from the Netherlands.<sup>29</sup> FIDH welcomes these contributions from the Trust Fund and The Netherlands. The Court also awarded measures to support housing, income generation, education aid, and psychological support.

In the **case against Al Mahdi**, who was sentenced to nine years in prison for the war crime of the destruction of cultural heritage in Timbuktu, the Court awarded individual reparations for the guardians of the destroyed mausoleums, as well as collective and symbolic reparations for the people of Timbuktu, the State of Mali, and the international community.<sup>30</sup>

FIDH looks forward to the implementation of reparations orders in cooperation with the Trust Fund for Victims in due course, and encourages a harmonised approach to reparations decisions.

FIDH wishes to stress the importance of **consultation of victims** in the reparation process. Victims' views, needs and concerns must be duly considered at every stage of the reparation phase, from the design to the implementation phase, to ensure that reparations truly fulfil their goal of providing a remedy to the harm suffered in an "adequate and effective" manner.

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27. ICC, Katanga Reparations Order, 24 March 2017, <https://www.icc-cpi.int/Pages/record.aspx?docNo=ICC-01/04-01/07-3728>

28. ICC, Katanga Reparations Order, 24 March 2017, <https://www.icc-cpi.int/Pages/record.aspx?docNo=ICC-01/04-01/07-3728>

29. 'Trust Fund for Victims Welcomes Netherlands Donations of 200,000 euros', 20 May 2017, available at: <http://www.diplomatmagazine.nl/2017/05/20/trust-fund-for-victims-welcomes-netherlands-donations-of-e200000/>

30. FIDH, *ICC Orders Reparations for Destruction of Cultural Heritage: a Limited Step in the Prosecution of Crimes Committed in Timbuktu*, 17 August 2017, available at: <https://www.fidh.org/en/region/Africa/mali/icc-orders-reparations-for-destruction-of-cultural-heritage-a-limited>

In order for victims to receive reparation, **States' Parties cooperation** with the Court remains paramount. If the Court has to determine a defendant's ability to provide reparation out of his/her personal capacity, cooperation on specifically financial investigations with States Parties will continue to play a significant role. The Assembly's facilitation on cooperation with a particular focus on financial investigations and asset freezing are relevant for asset freezing and recovery for the purpose and object of reparations proceedings, but also play a role in evidence collection. FIDH urges States Parties to adopt a declaration on cooperation in financial investigations and asset recovery as an annex to the cooperation resolution at the Assembly this year.<sup>31</sup>

In addition to the importance of cooperation on financial investigations and asset freezing for the reparations proceedings, States Parties should also continue to provide voluntary contributions to the Trust Fund for Victims. Only when the Trust Fund has sufficient funds, it can actually and effectively provide reparations to victims and the wider community of victims through its assistance mandate.

### **Recommendations to States Parties:**

#### ***On victims' participation and legal aid:***

- **Reaffirm in their statement to the ASP the importance of victims' participation, of a design of a coherent reparation system, and of outreach to victims and engaging with affected communities;**
- **Support a comprehensive legal aid review process;**
- **Ensure that budget discussions will not in any way pre-empt the outcome of the legal aid review.**

#### ***On reparations to victims:***

- **Express their commitment to allocate meaningful resources to the reparations phase of proceedings;**
- **Contribute to the Trust Fund for Victims to ensure that victims' views, needs, and concerns are duly considered at every stage of the proceedings via both the assistance and reparations mandate;**
- **Cooperate with the Trust Fund for Victims both in assistance and reparations programmes;**
- **Reiterate that the obligation to provide reparations to victims rests on States themselves and that States should work together with the Trust Fund for Victims to effectively realise and provide reparations for victims;**
- **Adopt a declaration on cooperation in financial investigations and asset recovery as an annex to the cooperation resolution at the Assembly this year.**

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31. ASP, 'Draft Report of the Bureau on Cooperation', ICC-ASP 04/14, 14 November 2017.

## IV - Challenges in witness interference and witness security

On 22 March 2017, ICC Trial Chamber VII delivered its decision on sentencing in the case against Jean-Pierre Bemba, Aime Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidele Babala Wandu, and Narcisse Arido. They had been found guilty in October 2016 of offences against the administration of justice under Article 70 of the Rome Statute. The Court found they had bribed witnesses and presented false evidence to the Court. Witness interference is a particularly grave crime: it does not only impede due process and undermines the rule of law, it also puts ICC cases in peril and weakens the credibility of the institution.<sup>32</sup>

The OTP's Strategic Plan 2016-2018 notes that, "almost all cases in the confirmation of charges and trial phases have been or are confronted with incidents of obstruction of justice - in particular witness tampering."<sup>33</sup> Only in the *Al-Mahdi* case, there has been no allegation of witness tampering in the public documents. It is not possible to quantify the exact number of witnesses whose testimony has been tampered with in all of the cases, for example because some information remains confidential and specific Article 70 proceedings have not (yet) been undertaken.

In the *Ongwen* and *Ntaganda* cases, the OTP has been seeking ways to act before witness tampering has taken place, or before it can decisively influence the trial.<sup>34</sup> This is indeed a key development, especially considering the crucial role witness interference appears to have played in the ICC cases, in particular in the *Kenya* cases.<sup>35</sup>

The OTP and others have argued that a "resource drain" results from the need to investigate and prosecute Article 70 offences.<sup>36</sup> The widespread risk of witness interference could increase the need for witness protection programmes and this could lead to further litigation. This in turn could damage the efficiency of proceedings.<sup>37</sup> However, and at the same time, witness interference should not overshadow the proceedings for grave international crimes at the ICC. FIDH urges the Court to consider carefully each accusation of witness interference in proceedings that are aimed to be of the highest legal standard.

The risks and accusations of witness interference illustrate the need for safety and security of witnesses testifying in cases before the Court. FIDH welcomes the work done this year by the co-facilitators in respect to possible ways of witness protection, and witness relocation in

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32. Open Society Justice Initiative, 'Witness Interference in Cases before the International Criminal Court.' November 2016, available at: <https://www.opensocietyfoundations.org/sites/default/files/factsheet-icc-witness-interference-20161116.pdf>, p. 1.

33. International Criminal Court Office of the Prosecutor, 'Strategic Plan 2016-2018.' 6 July 2015, available at: [https://www.icc-cpi.int/iccdocs/otp/070715-OTP\\_Strategic\\_Plan\\_2016-2018.pdf](https://www.icc-cpi.int/iccdocs/otp/070715-OTP_Strategic_Plan_2016-2018.pdf) accessed 3 January 2017, p. 13.

34. According to the prosecution, Ntaganda instructed his contacts to speak with witnesses, interfere with them or coach them. On 13 August 2015, the Prosecution submitted a request to obtain evidence for investigation under Article 70 to the Pre-Trial Chamber. ICC-01/04-02/06-1364-Conf-Exp, para. 22. Quoted in International Criminal Court. 'Prosecution's Communication of the Disclosure of Evidence obtained pursuant to Article 70.' ICC-01/04-02/06-1616 7 November 2016, available at: [https://www.icc-cpi.int/CourtRecords/CR2016\\_24997.PDF](https://www.icc-cpi.int/CourtRecords/CR2016_24997.PDF), para. 10. The *Ongwen* case has been confronted with allegations of witness tampering from the outset. Mr Ongwen directed several payments to be made to potential witnesses and their families. See, International Criminal Court, 'Public redacted version of "Request for an order that Mr Ongwen cease and disclose payments to witnesses and that the Registry disclose certain calls made by Mr Ongwen"', 24 June 2016, ICC-02/04-01/15-482-Conf: ICC-02/04-01/15-482-Red 12 July 2016 available at: [https://www.icc-cpi.int/CourtRecords/CR2016\\_04970.PDF](https://www.icc-cpi.int/CourtRecords/CR2016_04970.PDF) accessed 4 January 2017, para. 3.

35. In the *Ruto & Sang* case, Ruto's lawyers requested the appointment of an amicus prosecutor, because they had reasons to believe that ICC staff members may have engaged in sexual relations with witnesses and their families, or bribed by witnesses, see: International Criminal Court, 'Public redacted version of "Ruto defence request to appoint an amicus prosecutor"', 2 May 2016.' ICC-01/09-01/11-2028-Red 2 May 2016, available at: [https://www.icc-cpi.int/courtrecords/cr2016\\_03167.pdf](https://www.icc-cpi.int/courtrecords/cr2016_03167.pdf)

36. Open Society Justice Initiative, p. 5.

37. Open Society Justice Initiative. p. 5.

cases where necessary.<sup>38</sup> FIDH also welcomes the Court's efforts in this regard, especially the publication of the 'cooperation agreements' information booklet, in order to make it easier to States Parties to enter into such agreements while respecting their national legal systems.<sup>39</sup>

**Recommendations to States Parties:**

- **Adopt voluntary and framework agreements on witness relocation, interim and final release, and the enforcement of sentences;**
- **Adopt the Draft Resolution on Cooperation which specifically acknowledges the importance of protective measures for victims and witnesses for the execution of the Court's mandate;**
- **Consider to make voluntary contributions to the Special Fund for Relocations.**

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38. ASP, 'Draft Report of the Bureau on Cooperation', 14 November 2017, paras. 7-9.

39. ICC Cooperation Agreement booklet: [LINK](#)

## V - States Parties should adopt the proposed 2018 ICC Budget

For 2018, the Court has requested a 4.4 % increase on the 2017 approved budget, totalling 6.29 million euros, for a 2018 budget request of 147.89 million euros.<sup>40</sup> This is the lowest increase request in recent years (comparing to a 7.2% increase request in 2016 and a 17.1% increase request in 2015). Nevertheless, the ICC Committee of Budget and Finance (CBF) has recommended supporting only a 2 % increase, with budget reductions recommended for every major programme area (for a total 2018 ICC Budget of 144,43 million). FIDH is very concerned that the CBF proposal would undermine the Court 's capacity to effectively implement its global mandate as it does not answer the Court's real needs.

Furthermore, it seems that the CBF based its recommendation on the assumptions given by the ICC that the ICC would work on six investigations and three trials, like in 2017. But the new investigation in Burundi and possible new investigation in Afghanistan would increase the number of active investigations to eight (as a minimum) and the needs for the ICC to work on 12 situations. The contingency fund, which is normally tasked to address unanticipated funds, should not cover this, or these, anticipated investigation(s). In addition, its funds of 5,79 millions euros is far below the agreed 7 millions euros minimum budget to adequately address the ICC unanticipated activities.<sup>41</sup> The proposed budget should be approved, as cuts risk undermining the core work of the ICC. FIDH strongly urges States Parties to focus on the factual needs of the Court, rather than to focus on seeing an increase as close to zero as possible.

Allocating requested resources is necessary for the effective implementation of the Court's mandate. Nonetheless, budgetary discussions at the ASP tend to aim at minimising any increased expenditures, sometimes based less on the actual needs of the Court and more on State policy. As the Court's actions and impact increase worldwide, this approach to budgeting not only lacks realistic responsiveness but also may obstruct the functioning of the Court.

The ICC should explain more clearly but also realistically the importance of an increased budget to expedite preliminary examinations (through supporting also national investigations), effective investigations, and prosecutions. It should be more responsive in the situation countries, reach out to affected communities, enable effective victims' participation and a coherent reparation programme.

Furthermore, in this, States should effectively enable the Court to increase its capacity to implement its mandate, without further delays and undue restrictions of resources.

FIDH considers that the zero growth-principle that continues to drive some of the discussions on the budget is simply unacceptable if the international community is looking to reinforce a sustainable and relevant ICC. While FIDH understands the financial constraints of States Parties, it must be emphasised that a zero nominal growth policy does not lead to a stagnation in the Court's budget: instead, it *de facto* leads to a decrease of possible actions of the Court, and with this the impunity gap will increase.

Severely limiting the funds available to the ICC raises concerns that budget policies may be utilised as a mechanism to exert undue influence over the independence of the Court, restricting its abilities to such a degree that investigations independent of implicit State approval through budgetary allocation would be impossible.

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40. This excludes the Host State loan 2018 interest and installments. Including the Host State loan the total budget requested amounts to 151.48 million euros.

41. CBF Report para 165.

FIDH, therefore, urges States to remain vigilant that judicial and prosecutorial decisions do not become tied up by financial constraints.

The Court needs to have sufficient resources to increase its capacity to be able to conduct the existing investigations and to effectively address new crimes.

FIDH is also particularly concerned with two areas in the recommendations of the Committee on Budget and Finance .<sup>42</sup>

- The first relates to the proposed travel budget of the OTP for the coming year and its capacity to lead effective investigations.<sup>43</sup> For the OTP to effectively carry out investigations, it needs to be able to go on field missions to conduct interviews, collect evidence, and build cases as well as inform the communities of their activities. The CBF recommendations (to reduce the proposed increase by half) would directly affect the OTP's ability to fulfil its mandate.
- The second concern relates to the legal aid review and the recent adoption of the Draft omnibus resolution text that envisages the review in 2018 to take place 'within the existing resources'. FIDH emphasises that the legal aid review process is underway and that it will enter a critical phase next year. States Parties should support a comprehensive legal aid review process and ensure that budget discussions will not in any way pre-empt the outcome of the legal aid review.

#### **Recommendations to States Parties :**

- **Approve the budget requested by the Court, thereby providing it with the minimum resources necessary to effectively function in 2018, and expand the contingency fund;**
- **Firmly reject any zero nominal growth policies from States;**
- **Avoid arbitrarily limiting the resources provided to the Court;**
- **Ensure the independence of the Office of the Prosecutor by providing the resources it effectively needs to carry out its preliminary examinations, investigations, and cases;**
- **Ensure the capacity of the Registry to deploy a stronger presence in the situation countries to increase the ICC impact (in particular to reach out to affected communities and ensure the effective implementation of victims' rights).**

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42. Report of the Committee on Budget and Finance on the work of its twenty-ninth session, ICC-ASP 16/15, available at [https://asp.icc-cpi.int/iccdocs/asp\\_docs/ASP16/ICC-ASP-16-15-ENG.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/ASP16/ICC-ASP-16-15-ENG.pdf)

43. Report of the Committee on Budget and Finance on the work of its twenty-ninth session, ICC-ASP 16/15, available at [https://asp.icc-cpi.int/iccdocs/asp\\_docs/ASP16/ICC-ASP-16-15-ENG.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/ASP16/ICC-ASP-16-15-ENG.pdf), paras. 11, 26, 66, 182.

## VI – States’ support and cooperation remain fundamental to the ICC

Cooperation is essential to the work of the ICC. As Prosecutor Fatou Bensouda stated in October 2017: *“In the end, any success, any conviction, is the culmination of joint effort, starting with the cooperation extended by [States Parties] and other States’ Governments to my Office’s investigative and prosecutorial activities.”*<sup>44</sup> States Parties have been fundamental in promoting cooperation this year.

France and Senegal, as focal points on cooperation, hosted an International conference addressing the challenges of asset recovery in Paris, a fundamental aspect of the increasing reparative mandate of the ICC.<sup>45</sup> The Court itself also held a retreat with African States Parties and a delegation of the African Union in Addis Ababa.<sup>46</sup> Previously, the President of the ASP, Sidiki Kaba, also organised a high-level conference in Dakar in May, with the support of the government of Switzerland, with the objective to strengthen the relationship between Africa and the ICC. The ICC organised, in close cooperation with the Republic of Korea, its eighth high-level regional seminar for fostering cooperation with the Court in April. Cooperation continues to be one of the most important ways that States can effectively support the Court.

With a new investigation into Burundi, and one request pending approval to open an investigation into Afghanistan, effective and open cooperation with the Court will be even more important. Pending the approval of the opening of an investigation in Afghanistan, the Court would be confronted with unprecedented challenges and difficulties: strong political opposition from the Burundi and the US governments in particular, witness protection and relocation, a lack of cooperation, access to areas, warrants of arrest, asset freezing, and many more.

The twentieth anniversary of the Rome Statute provides for a unique opportunity for States to raise more internal awareness about the importance and work of the Court as well as an opportunity to reaffirm States’ support to the Court. FIDH encourages States Parties to use the plenary of the ASP on the 20<sup>th</sup> anniversary to reaffirm their commitment to support the Court, as well as with national jurisdictions, and announced measures aiming at strengthening the whole Rome Statute system and its capacity to effectively fight against the impunity of the perpetrators of the crimes of genocide, crimes against humanity, and war crimes.

### 1) Non-Cooperation

The ASP should continue to emphasise that cooperation also encompasses non-cooperation. Non-cooperation with the ICC fundamentally undermines the work of the Courts and such actions must be sanctioned by the Assembly. Part IX of the Rome Statute clearly regulates the obligations States incur upon ratifying the treaty. The Court continues to struggle with States’ unwillingness to implement arrest warrants for those accused of the most serious international

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44. Diplomatic briefing The Hague by the OTP on 9 October 2017, available at: <https://www.icc-cpi.int/itemsDocuments/26db-OTP-Eng.pdf>, p. 7.

45. ICC Press Release, 23 October 2017, <https://www.icc-cpi.int/Pages/item.aspx?name=pr1339>

46. ICC Press Release 23 November 2017, <https://www.icc-cpi.int/Pages/item.aspx?name=pr1345>

crimes, including President Omar Al- Bashir of Sudan who most recently visited Uganda.<sup>47</sup> FIDH encourages States, regional, and international organisations, to issue statements disapproving the visit and reaffirming the need to arrest those under arrest warrant.

On 6 July 2017, Pre-Trial Chamber II decided that South Africa failed to comply with its obligations by not arresting and surrendering Omar Al-Bashir to the Court while he was in South Africa in June 2015. The Court's only recourse when orders are not implemented is a finding of non-compliance and a referral of the unwilling State back to the ASP or the UN Security Council. However, in the case against South Africa, the Chamber considered that it would not refer South Africa's non-compliance to the ASP or to the Security Council. FIDH regrets this decision and continues to emphasise that States Parties comply with ICC arrest warrants. The cooperation of States is essential for the implementation of the OTP policy as well as the enforcement of decisions rendered by Chambers of the Court, including warrants of arrest. FIDH remains alarmed by actions of any State representative who knowingly engages with persons under arrest warrant at the ICC, and reminds States Parties of their commitment to avoid all non-essential contacts with ICC suspects.

The OTP also issued an arrest warrant against Mr Mahmoud al-Werfalli on charges of murder as a war crime in the Benghazi area of Libya. All States Parties and the UN Security Council who referred Libya to the ICC should take the measures necessary to ensure Libya cooperate with the Court. The hurdles encountered in attempting to secure the cooperation required for investigations result in delay and frustration of the course of justice for the victims and not only deprive them of the accountability they deserve, but inevitably lead also to the undermining of the mandate of the Court.

When States refuse to cooperate, the ASP must take all steps available to it to ensure a consistent and effective approach to sanction those States and to discourage future non-cooperation. Though some measures have been taken in the past, the Assembly has not discussed or taken action on any specific instances during its annual meetings. Swift and strong responses are necessary as the functioning of the Rome Statute system so heavily relies on the cooperation of its members.

## 2) Withdrawal

Previously to the 15<sup>th</sup> annual session of the ASP, in October 2016, Burundi, Gambia and South Africa all announced their plan to withdraw from the ICC Statute.<sup>48</sup> Yet, these decisions were reversed in February by the new Gambian government<sup>49</sup>, and in March by the South African government after a decision of the Constitutional Court and the lack of Parliament consultation.<sup>50</sup>

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47. See for example Coalition for the International Criminal Court, 'Al-Bashir in Uganda', 15 November 2017, available at: <http://www.coalitionfortheicc.org/news/20171115/globaljustice-weekly-albashir-uganda-syria-surrender-or-starve-catastrophe-yemen> and NEWS24, 'Ugandan Civil Society Seeks Arrest of Visiting Al-Bashir', 16 November 2017, available at: <https://www.news24.com/Africa/News/ugandan-civil-society-seeks-arrest-of-visiting-al-bashir-20171116>

48. See in particular FIDH Press Releases : Reject impunity: Don't withdraw from the ICC, 27 October 2016, <https://www.fidh.org/en/issues/international-justice/international-criminal-court-icc/reject-impunity-don-t-withdraw-from-the-icc>, South African withdrawal from the ICC a deplorable departure from commitments to justice, 21 October 2016, <https://www.fidh.org/en/region/Africa/south-africa/south-african-withdrawal-from-the-icc-a-deplorable-departure-from>, Burundi votes to withdraw from the ICC and interrupts its international cooperation, amid a backdrop of continued international crimes, 14 October 2016, <https://www.fidh.org/en/region/Africa/burundi/burundi-votes-to-withdraw-from-the-icc-and-interrupts-its>

49. See for example, CICC, 'A Win for Justice: Gambia to Stay with the ICC', 20 February 2017, available at: <http://www.coalitionfortheicc.org/news/20170220/win-justice-gambia-stay-icc>

50. See for example, New York Times, 'South Africa Reverses Withdrawal From International Criminal Court', 8 March 2017, available at: <https://www.nytimes.com/2017/03/08/world/africa/south-africa-icc-withdrawal.html>

FIDH regrets the decision of Burundi to withdraw from the Rome Statute. According to Article 127(2) of the Rome Statute, the withdrawal will not impact the course of procedure that the ICC has started prior to the date on which the withdrawal comes into effect. Notwithstanding Burundi's sovereign decision to withdraw, the ICC has chosen to open an investigation before Burundi's withdrawal took effect. This courageous decision, a prelude to a difficult investigation, comes as the victims of the dictatorial regime have nothing more to expect from the Burundian legal system and in light of the indifference of the international community. The investigation is expected to face particular challenges, a lack of cooperation from Burundi and lack of access to its territory, but also the protection of those in contact with the Court or appearing to support the ICC activities in refugee camps. On the one hand, the country has been closing its borders to international journalists and investigators and is suppressing all dissenting voices in Burundi and in Burundian refugee camps in neighbouring countries. On the other hand, Burundi has been isolating itself from the international community, symbolised by its withdrawal from the ICC, which was a first and only in the history of the court, and by Burundi's refusal to cooperate with any request for independent investigations since the beginning of the repression. The worrying situation in Burundi has claimed thousands of lives, pushing more than 422,000 people to flee the country.

FIDH urges States Parties to comply with any requests made by the Court with regard to cooperation and to give the Court the political support it needs to fulfil its mandate.

#### **Recommendations to States Parties**

- **Capitalise on the twentieth anniversary of the Rome Statute to work together with Court as well as with national jurisdiction and use the Plenary on the 20th Anniversary to reaffirm its support to the ICC Rome system and announce strategies to strengthen it;**
- **The 5 permanent members of the United Nations Security Council should refrain from using their veto powers to refer situation of international crimes falling under the Rome Statute to the ICC;**
- **Encourages States to ratify the Rome Statute and publicly support the ICC's activities;**
- **Refrain from politicising the Assembly of States Parties for the benefit of national or regional interests;**
- **Resist compromising the integrity, purpose and independence of the ICC to appease States using withdrawal as a bargaining chip;**
- **Cooperate with the ICC at every stage of investigations and proceedings, including providing access to territory, cooperating during an investigation, and taking all measures necessary to implement arrest warrants and transfer suspects to the seat of the Court;**
- **Adopt implementing legislation at the national level, including the cooperation provisions of Part IX of the Rome Statute;**
- **Avoid non-essential contacts with suspects wanted by the ICC and refrain from inviting suspects under arrest warrant by the ICC onto their territories;**
- **Commit to comply with the execution of all arrest warrants;**
- **Include as the ASP a standing agenda item on non-cooperation;**
- **Reaffirm that States bear the primary responsibility to investigate and prosecute those responsible for international crimes under the Rome Statute.**

## VII – Discussion on the Crime of Aggression

This ASP will also possibly consider the activation of the Court on the Crime of Aggression now that the threshold of 30 signatures by States has been met. The crime of aggression was already listed, though not defined, as the fourth crime in the Rome Statute when it was adopted in 1998. In 2010, the first Review Conference of the Rome Statute took place in Kampala, Uganda. Several stakeholders came together to review the implementation of the treaty. During this Review Conference, and after many debates, the so-called Kampala Amendments were adopted on 10-11 June 2010, which included the crime of aggression. However, additional conditions were set before the crime of aggression amendments could be activated:

- 1) The amendments must have been ratified or accepted by at least 30 States Parties, after which one year must pass before the Court could exercise its jurisdiction; and
- 2) The ASP must take a decision after 1 January 2017, by consensus or at least 2/3 majority, to allow the Court to begin exercising its jurisdiction.

As of October 2017, 34 States Parties have ratified the crime of aggression; thereby the first condition has been fulfilled.

During its 15<sup>th</sup> session, the ASP decided to establish a facilitation, based in New York, to coordinate the discussion among States Parties on the activation of the Court's exercise of jurisdiction over the crimes of aggression. One of the main controversies remains the possibility for the ICC to exercise its jurisdiction over States parties to the ICC Statute which would not have ratified the amendment recognizing the ICC jurisdiction over the crime of aggression or not decided to opt out the ICC jurisdiction over this crime<sup>51</sup> However, States Parties also see the need to move forward on the decisions made in Kampala in 2010 and to reach consensus to decide on the activation of the activation of the Crime of Aggression during this Assembly session.

### **Recommendation to States Parties**

- **Continue the discussion to adopt a decision promptly leading to the activation of the ICC jurisdiction over the crime of aggression**

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51. For more information on the Crime of Aggression amendments see : [http://www.coalitionfortheicc.org/sites/default/files/cicc\\_documents/ciccfactsheet\\_crimeofaggression\\_oct2017.pdf](http://www.coalitionfortheicc.org/sites/default/files/cicc_documents/ciccfactsheet_crimeofaggression_oct2017.pdf) See also The Guardian, 'UK Calls for 'greater clarity' on ICC's new crime of aggression', 15 November 2017, available at: <https://www.theguardian.com/law/2017/nov/15/uk-calls-for-greater-clarity-on-iccs-new-of-aggression>

## **VIII – Article 8 of the ICC Statute should be amended**

The ASP will consider a number of amendments to the Statute. FIDH wishes to emphasize the importance of the adoption of the amendment to Article 8 of the Rome Statute as proposed by Belgium. FIDH fully endorses the inclusion of employing weapons which use microbial or other biological agents, or toxins; using anti-personnel mines; employing weapons the primary effect of which is to injure by fragments which in the human body escape detection by X-rays; employing laser weapons specifically designed, as their sole combat function or as one of their combat functions, to cause permanent blindness to unenhanced vision, that is to the naked eye or to the eye with corrective eyesight devices.

### **Recommendation to States Parties**

- **Adopt the proposed amendments by Belgium to Article 8 of the Rome Statute.**

## **IX - Support human rights defenders working towards international justice and the fulfilment of the ICC's mandate and implement all necessary measures to protect them**

FIDH welcomed the Omnibus resolution adopted last year by the ASP "concerned by the recent reports of threats and intimidation directed at some civil society organizations cooperating with the Court".<sup>52</sup>

Since last year's ASP, civil society colleagues working on international justice continued to be the subject of attacks for their work. These threats and attacks have occurred in countries where the Court is active (during preliminary examinations, investigations or prosecutions) as well as in The Hague, where some human rights organisations hold permanent representations to the ICC.<sup>53</sup> It is imperative that States Parties protect human rights defenders, so that civil society colleagues working for the advancement of international justice may do so without fear. Though currently under investigation by Dutch law enforcement, the threats against a colleague in The Hague have not abated, and such reprisals for work towards strengthening the Rome Statute system must be condemned. Article 40 of the Headquarters Agreement between the International Criminal Court and the Host State recognises the role of 'non-governmental organisations that support the fulfilment of the mandate of the Court' and requires that the host State 'take all necessary measures to facilitate the entry into, stay and employment in the host State of representatives of bodies or organisations referred to in paragraph 1 of this article, deployed in, or visiting the host State in connection with activities relating to the Court.' The ICC, working together with the host State and with the support of all States Parties, should take all measures necessary to ensure the safe entry and stay of such members of civil society in the Netherlands.

### **Recommendations to States Parties**

- **Refrain from intimidatory actions towards civil society members present at the ASP, in the host State, or within their territories;**
- **Condemn all forms of aggression towards human rights defenders, and take all actions necessary to protect and support civil society;**
- **Vocalise their support of civil society's work towards justice, both during the ASP and in the omnibus resolution, and beyond, through public statements;**
- **Commit to supporting human rights defenders through ensuring that adequate mechanisms are in place for protection and investigation of any threats against them;**
- **Provide adequate protection and security to victims who are at risk due to their interactions with the Court, including through cooperating with the Court, including also Human Rights Defenders who incur considerable risks to their safety and security as a result of their work for victims and interactions with the Court in situation countries.**

52. ASP Resolution ICC-ASP/15/Res.5 Strengthening the International Criminal Court and the Assembly of States Parties, 24 novembre 2016. This initiative proposed by the State of Palestine was one way to vocally support civil society colleagues.

53. FIDH OMCT "Israel / Occupied Palestinian Territory: ongoing smear campaign against Al-Haq staff members Mr. Shawan Jabarin and Ms. Nada Kiswanson", 10 November 2017, <https://www.fidh.org/en/issues/human-rights-defenders/israel-occupied-palestinian-territory-ongoing-smear-campaign-against> ; FIDH and ITEKA Report "Burundi on the brink, looking back on two years of terror", 4 July 2017, pp.24-25

## X - Elections

A number of important elections will take place during this year's ASP: the ASP will elect a new President for the 17<sup>th</sup> to 19<sup>th</sup> sessions and the new Vice-Presidents and Members of the Bureau will be chosen for these sessions. In addition, six new judges will be elected to sit on the bench at the ICC during this ASP. States have nominated 12 candidates to fill the seats of the six outgoing judges. Five out of the six outgoing judges are women, so FIDH fully endorses the Coalition for the ICC's (CICC) campaign to ensure fair gender representation on the ICC bench and the need to have the most qualified female candidates on the bench.<sup>54</sup> The Committee on Budget and Finance will also elect six members and the ASP will make recommendations on the recruitment of a new Registrar, the current term of office of Registrar Herman von Hebel is due to expire on 16 April 2018.

### Recommendation to States Parties

- **Consider only the most qualified candidates for any of these positions that are so fundamental to the Rome Statute system.**

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54. CICC, Campaign on ICC Elections 2017, Fairness. Effectiveness. Independence., available at: <http://www.coalitionfortheicc.org/fight/icc-elections-2017>



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