



Statement – General Debate

20th session of the Assembly of States Parties to the Rome Statute - The Hague

7 December 2021

Excellencies, ladies and gentlemen,

- It is with honor that I address you today as the acting Convenor of the Coalition for the ICC.
- We are a global network of civil society organizations working in partnership to ensure the ICC is fair, effective and independent; strengthen international cooperation with the Court; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of Rome Statute crimes.
- We continue to participate in this session in large numbers, with several human rights defenders attending in person through rotating seats and hundreds of NGO representatives following the proceedings online.
- The members of the Coalition appreciate the unique consultative status we have had with the Court and the Assembly of States Parties since the very beginning, a status that builds on the earlier recognition of civil society in the Final Act of the Rome Conference in 1998. Our consultative relationship allows us to help uphold the norms of fair, effective, and independent justice to which the Court and the States Parties are committed. We urge you to maintain and strengthen the openness of ASP processes for civil society.
- Our collective efforts allow us to continue to serve as a bridge between the Court and the communities its work affects the most, the people for whom convictions and acquittals are only one piece of the story, for whom justice and accountability are issues long before and long after the ICC becomes involved.
- Our relationship with the Assembly may also help you to obtain more information about the impact of the decisions you take throughout the year but also, and crucially, during the Assembly's sessions.

Excellencies, ladies and gentlemen,

- Since its adoption in 1998, the Rome Statute has held the promise of providing recourse to justice for victims and ending impunity for perpetrators of the crimes that shock the conscience of humankind.
- Yet, that promise continues to be threatened by a global climate characterized by a decline in multilateral engagement and rising tides of hostility, discrimination, and repression around the world. The ICC itself continues to face a great number of challenges in its work, including resource issues, an ever growing workload, and external political attacks and measures.
- Despite the continuing challenges posed by the COVID-19 pandemic and limits on civil society participation in this year's annual Assembly session, the ASP provides a visible opportunity to reaffirm the international community's collective commitment to human rights, accountability, and the rule of law. We therefore appeal to you and your government to express your strong and continued political commitment to the Rome Statute and the ICC

throughout this ASP session, and in your government's communications around the ASP session.

- In the past year, civil society organizations and human rights defenders have continued to face immense challenges in their fight to bring justice to victims and for their work with the Court, and we look to the ASP and States parties to commit to support, defend and protect human rights defenders, their families, and their work, and condemn all attacks and threats against them.
- Civil society organisations have diverse views on the elections and the processes leading to them, and the Coalition as a whole does not take a position on specific candidates. Yet we are united in urging you as States Parties to ensure a proactive, fair, informed, and transparent election process for all elections, particularly now for positions of the ICC Deputy Prosecutor(s) and ICC Registrar. Our CICC Team on Elections welcomes the proposal to include in the upcoming omnibus resolution to include language mandating the Bureau to develop a permanent vetting mechanism for ICC elections. Considering that this is relatively new territory for the ICC and the ASP, we believe that consultations can ensure that the proposal meet the highest standards and considers best practices in place elsewhere. As such, the Team emphasizes the importance of consulting with civil society and other experts in developing such a mechanism.
- These decisions on election processes will have a lasting impact in the years to come, especially for the communities affected by the Court's work. It is crucial to get it right. It is also crucial to ensure elections are free from vote trading or any consideration apart from ensuring the Court benefits from the highest quality leadership. We stress the importance of developing fair, transparent, and merit-based national nomination processes in accordance with international standards and urge States Parties to adopt and review national legislation on ICC elections.
- In the current landscape, the Review Process offers an opportunity to bring states, court officials, experts and civil society closer together with the shared goal of strengthening the work of the Court and its ability to serve the communities affected by that work.
- The CICC IER Review Team has called for the process to be guided by transparency, inclusivity, and respect for the court's judicial and prosecutorial independence. Genuine and meaningful participation of civil society organisations in the substantive discussions of the recommendations should be encouraged and facilitated, particularly from situation countries and countries under preliminary examination.
- CICC members have diverse mandates and areas of expertise, yet we share the common goal of seeing through the much-needed changes that will strengthen the Court's delivery of justice. The IER Team has identified areas of longstanding interest and concern that should be prioritized, such as the need to put victims and affected communities at the centre of the Court's work; guarantee the highest standards of fair trial rights; improve cooperation and strengthen political support; Address issues of gender equality and workplace conduct; and ensure the Court has adequate resources to carry out its mandate.
- Indeed, the Independent Expert Review clearly acknowledged the growing gap between the court's workload and its resources. The lack of resources risks having a profound impact on victims' access to justice and becoming a severe impediment to the optimal functioning of the Court.
- While the Coalition does not take a position on the specific amount of resources to allocate to the ICC each year, we urge States to oppose arbitrarily limiting the Court's 2022 budget. Your governments should enable the Court to effectively execute the mandate they have given it,

without political or arbitrary limitations, and a commitment to rethink the process of assessing and approving the Court's annual budget, including through dropping the zero growth approach.

- Regrettably civil society has been excluded from observing these discussions.

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- 2021 has been another difficult year, as the global pandemic continues to impact countries, communities and individuals, forcing us to adapt to new realities. We have all had to adopt new methods of working and we recognise the efforts of the Court and the ASP itself to ensure not only that the work can continue, but also that civil society can participate and its voices can be heard.
- To play our role effectively, it is critical that civil society participation in the ASP, and meetings held in preparation for it, is safeguarded and guaranteed. We believe this year's ASP has failed to live up to that promise. The modalities currently in place limit both civil society participation and the participation of States Parties, especially those from outside the European Union. We respectfully ask that some time be given during or after this year's Assembly to explore ways to ensure that the 21st Session of the ASP can proceed fairly and efficiently, with prior consultation with civil society representatives to ensure full participation of all.
- Looking ahead at 2022 which will coincide with the twentieth anniversary of the entry into force of the Rome Statute and ten years after the court's first verdict, we stand ready to help strengthen the Court and protect its integrity and independence. We stand ready to help safeguard the Court's authority to give life to the Rome Statute's promise of justice for victims and to end impunity for perpetrators of the crimes that shock the conscience of humankind.

Thank you.