



**fidh**

# **FIDH Recommendations to the 15th Session of the Assembly of States Parties to the ICC Statute**

**The Hague, 16-24 November 2016**



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# Introduction

The 15th Assembly of States Parties (ASP) to the International Criminal Court (ICC) will take place in The Hague from 16 to 24 November 2016. During the session, the Assembly will consider matters fundamental to the Court's functioning, including through holding a General Debate on the ICC and its functioning, hearing reports from the ICC Principles (President, Prosecutor and Registrar), holding plenary discussions on cooperation and other topics fundamental to the ICC's operations, adopting the 2017 budget as well as a number of resolutions on matters such as cooperation, complementarity, and universality. A proposal will also be discussed to amend Rule 165 of the Rules of Procedure and Evidence, which would alter the conditions governing the trials of those accused of offences against the administration of justice, under Article 70 of the Rome Statute.

This year's ASP will be held amidst unprecedented efforts to degrade the ICC system. Burundi, South Africa, and Gambia all have taken steps to withdraw from the Rome Statute. These actions will seek to damage the highest level of accountability for the most grave crimes of concern to the international community. All States Parties and other stakeholders must discourage any such measures and reaffirm their commitment to a universal ICC.

Further, the timing of these withdrawals may be used to obscure other fundamental decision-making processes and discussions around the functioning of the ICC, which are critical to ensuring an effective Court. FIDH urges States to avoid being drawn into a game of concessions denigrating the Court's mandate in order to deter withdrawal.

FIDH has closely monitored the work of the ICC and its States Parties in 2016, and presents, in this position paper, its recommendations to State delegations on issues most relevant 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>

## Activities of the Court

In 2016, the ICC continued to increase its activities, with 5 cases in process or concluded at the trial stage,<sup>2</sup> 10 investigations<sup>3</sup> and 10 preliminary examinations.<sup>4</sup> This year, the Pre-Trial Chamber approved the opening of a new investigation into the situation in Georgia, arising from the 2008 conflict in and around South Ossetia.<sup>5</sup> The OTP also opened two additional preliminary examinations, in Burundi (*proprio motu*) and in Gabon as per a referral by the State. A long-awaited request to open an investigation in Afghanistan, thereby offering a path to justice for victims of atrocious crimes committed by the Taliban and U.S. Forces, may also be on the horizon.<sup>6</sup>

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1. VRWG Recommendations to the 15<sup>th</sup> session of the Assembly of States Parties, 16-24 November 2016, The Hague: [http://www.redress.org/downloads/publications/2016\\_VRWG\\_ASP.pdf](http://www.redress.org/downloads/publications/2016_VRWG_ASP.pdf)

2. The Prosecutor v. Jean-Pierre Bemba Gombo; The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé; The Prosecutor v. Bosco Ntaganda; The Prosecutor v. Ahmad Al Faqi Al Mahdi; The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido

3. Uganda, The Democratic Republic of Congo, Central African Republic (I), Central African Republic (II), Darfur Sudan, Kenya, Libya, Cote d'Ivoire, Mali and Georgia

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

5. Pre-Trial Chamber I, "Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in Georgia", 27 January 2016, ICC-01/15.

6. Bosco, David. "Exclusive: International Criminal Court Poised to Open Investigation into War Crimes in Afghanistan," *Foreign Policy*, 31 October 2016, available at: <http://foreignpolicy.com/2016/10/31/exclusive-international-criminal-court-poised-to-open-investigation-into-war-crimes-in-afghanistan/> ; ICC OTP Report on preliminary examinations 2016, 15 November 2016, pp 43-51: [https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-PE\\_ENG.pdf](https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-PE_ENG.pdf)

Major judicial advances in 2016 have included three guilty verdicts, in the cases against Jean Pierre Bemba, Ahmad Al Faqi Al Mahdi, and Jean-Pierre Bemba et. al. The guilty verdict against Mr. Bemba is the first conviction at the ICC for sexual and gender-based violence, as well as the first conviction based on command responsibility, important milestones for the Court. The Al Faqi Al Mahdi case saw the ICC's first guilty plea, as well as its first conviction for the war crime of cultural property destruction. The Bemba et al. case also represents the first successful conviction of those who seek to interfere with the justice process through tampering with witnesses, which should be a strong deterrent message against this offence.

The trial of Dominic Ongwen is scheduled to begin on 6 December 2016. FIDH welcomes the expanded charges in this trial, which include rape, sexual slavery and forced marriage, which represent another advancement in the pursuit of justice and redress for victims of sexual and gender-based violence. Reparations proceedings are also ongoing in the Lubanga, Katanga, Bemba and Al Mahdi cases. 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.

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. FIDH welcomes this increased activity, as it indicates the Court is running closer to its capacity, and edging closer to fulfilling its mandate.

# Recommendations

## **Recommendation 1: States must defend the integrity of the Rome Statute, encourage universality, and denounce efforts to withdraw from the ICC**

FIDH commends the ratification of the Rome Statute by its newest member, El Salvador, bringing the number of States Parties to 124. States Parties to the Rome Statute should, throughout the year, encourage neighbour and partner States to ratify both the Rome Statute and the Kampala amendments, and fight efforts to discredit the Rome Statute system. The highest level political support and commitment must be reestablished in order to achieve and maintain universality.

The recent decisions by the government of Burundi, South Africa and Gambia to withdraw from the ICC undermine the commitment of the international community to end impunity for the most serious crimes, and to provide avenues of justice and redress to victims of those crimes.<sup>7</sup>

The African Union has also continued considering a call for mass withdrawal from the ICC, unless certain demands are met, including immunity for sitting heads of state and other senior officials from prosecution before the ICC.<sup>8</sup> Membership of the ICC should never be conditioned on amendments to the Rome Statute that would degrade the fundamental purpose of the treaty, and effectively provide impunity for those accused of serious international crimes.<sup>9</sup>

However, such proposals for withdrawal have been met with resistance from a number of African states, including Sierra Leone, Botswana, Senegal, Burkina Faso, Cabo Verde and DRC, either through public statements or reservations entered to the AU's Decision on the International Criminal Court, taken at the 27th Assembly, held in Kigali on the 17-18 July 2016.<sup>10</sup>

Additionally, FIDH reminds States considering withdrawal that under Article 127 of the Rome Statute, "A State shall not be discharged, by reason of its withdrawal, from the obligations arising from this Statute while it was a Party to the Statute, including any financial obligations which may have accrued. Its withdrawal shall not affect any cooperation with the Court in connection with criminal investigations and proceedings in relation to which the withdrawing State had a duty to cooperate and which were commenced prior to the date on which the withdrawal became effective, nor shall it prejudice in any way the continued consideration of any matter which was already under consideration by the Court prior to the date on which the withdrawal became effective."

States should resist compromises in order to retain membership, if those compromises do not fully comply with a principled adherence to the purpose, integrity and independence of the Rome Statute.

### **In light of these existential threats to the ICC, FIDH urges States Parties to:**

- **Encourage States to ratify the Rome Statute, and publicly support the ICC's activities;**
- **The 5 member States of the UNSC should refrain from using their veto powers to refer situations of international crimes falling under the ICC Statute to the ICC**
- **Condemn efforts to dismantle the Rome Statute system, including by withdrawing or threatening to withdraw from the ICC;**

7. UN Secretary-General, "Withdrawal: South Africa," C.N.1026.2013.TREATIES-XVIII.10 (depository Notification), October 25, 2016, <https://treaties.un.org/doc/Publication/CN/2016/CN.786.2016-Eng.pdf> (accessed November 9, 2016); UN Secretary-General, "Withdrawal:Burundi," C.N.805.2016.TREATIES-XVIII.10 (Depository Notification), October 28, 2016; <https://treaties.un.org/doc/Publication/CN/2016/CN.805.2016-Eng.pdf> (accessed November 9, 2016); "Gambia announces withdrawal from International Criminal Court," Reuters, October 26, 2016, <http://www.reuters.com/article/us-gambia-icc-idUSKCN12P335> (accessed November 8, 2016).

8. Assembly of the African Union, Twenty-Sixth Ordinary Session, "Decision on the International Criminal Court – Doc EX.CL/952(XXVIII)," Assembly/AU/Dec.590(XXVI), Addis Ababa, January 31, 2016.

9. See in particular Declaration of FIDH and more than 100 Member and Partner Organisations "Reject impunity: don't withdraw from the ICC", 27 October 2016, available in annexe and at: <https://www.fidh.org/en/issues/international-justice/international-criminal-court-icc/reject-impunity-don-t-withdraw-from-the-icc>

10. Assembly of the African Union, Twenty-Seventh Ordinary Session, "Decision on the International Criminal Court – Doc. EX.CL/987(XXIX)," Assembly/AU/Dec.616 (XXVII), Kigali, July 18, 2016.

- **Denounce all measures to condition membership of the ICC on amendments to the Statute that fundamentally undermine the pursuit of accountability;**
- **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;**
- **Constructively engage bilaterally with other States Parties to encourage their continued support of the Rome Statute system.**

## **Recommendation 2: States should actively encourage cooperation and sanction non-cooperation**

### **Cooperation**

Cooperation is essential to the work of the ICC. FIDH commends the actions taken this year by the ICC to increase cooperation, as discussed in the Report of the Court on Cooperation.<sup>11</sup> States have been fundamental in promoting cooperation this year, particularly Botswana and Romania, which hosted regional high level cooperation seminars, Tanzania, which hosted a regional seminar of counsel, and the African Union Commission, which co-hosted a joint technical seminar in Addis Ababa.

According to the Court's report, this year the Office of the Prosecutor submitted 380 cooperation requests to 64 different partners, including States Parties, non-States Parties, international and regional organisations. The OTP also received 13 requests for assistance from States, representing an increase of nearly 50% from the last reporting period.<sup>12</sup> Positive responses to cooperation requests will help the effective and efficient functioning of the Court during all stages of investigation and prosecution. Similarly, cooperation on matters of witness relocation, interim and final release, and enforcement of sentences contributes to a healthy ICC that can effectively protect its witnesses and safeguard the rights of the accused.

With these points in mind, FIDH will participate in the panel discussion on cooperation during the plenary session of the ASP to be held on 18 November 2016.

### **Non-Cooperation**

Non-cooperation with the ICC fundamentally undermines the work of the Court, and such actions must be sanctioned by the Assembly of States Parties. Part IX of the Rome Statute clearly regulates the obligations States incur upon ratifying the treaty.

Three non-cooperation decisions have been referred to the ASP by the ICC this year, regarding Uganda, Djibouti and Kenya.<sup>13</sup> The first two relate to the non-arrest of President Omar Al Bashir, who visited both Uganda and Djibouti during the course of the year. The third relates to the government of Kenya's unwillingness to comply with the OTP's requests for access to information pertaining to the (now withdrawn) case against President Uhuru Kenyatta, including tax, bank and telephone records.

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. The response procedure of the ASP should be implemented, including the appropriate communications, public and private meetings with the implicated State, and, when necessary, resolutions on the instance of non-cooperation

11. ASP, "Report of the Court on Cooperation," ICC-ASP/15/9, October 11, 2016, [https://asp.icc-cpi.int/iccdocs/asp\\_docs/ASP15/ICC-ASP-15-9-ENG.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/ASP15/ICC-ASP-15-9-ENG.pdf) (accessed November 8, 2016).

12. Ibid, 5.

13. ASP, "Report of the Bureau on non-cooperation," ICC-ASP/15/31, November 8, 2016, [https://asp.icc-cpi.int/iccdocs/asp\\_docs/ASP15/ICC-ASP-15-31-ENG.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/ASP15/ICC-ASP-15-31-ENG.pdf) (accessed November 10, 2016).

to be adopted by the ASP.<sup>14</sup> Swift and strong responses are necessary, as the functioning of the Rome Statute system so heavily relies on the cooperation of its members.

As was the case in 2015, the ASP is faced this year with a proposal made by the government of South Africa to discuss matters that concern the Court's handling of consultations under Article 97, as related to the implementation of the arrest warrant against Omar Al Bashir when he travelled to the country in 2015.

The Article 97 Working Group, proposed at the last ASP and established by the Bureau of the ASP in June,<sup>15</sup> may indeed lead to productive and constructive discussions about how to ensure cooperation with the ICC. However, FIDH remains deeply concerned about attempts to decide upon matters currently before the ICC, and believes it to be inappropriate to do so while such matters are sub judice. The ICC has yet to emit its final determination regarding South Africa's cooperation obligations on the matter.

Further, 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.

#### **FIDH urges States Parties to:**

- **Cooperate with the ICC at every stage of investigation 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;**
- **Adopt voluntary and framework agreements on witness relocation, interim and final release, and the enforcement of sentences;**
- **Avoid non-essential contacts with suspects wanted by the ICC;**
- **Refrain from inviting suspects under arrest warrant by the ICC onto their territories;**
- **Support the Office of the Prosecutor's investigation and to implement arrest warrants related to the situations in Darfur and Libya, pursuant to UN Security Council Resolutions 1593 and 1970;**
- **Urgently discuss non-cooperation decisions and sanction States that have refused to cooperate with the ICC, including Uganda, Djibouti and Kenya.**
- **Refrain from taking any decision on Article 97 until final judicial determinations on South Africa's cooperation in the Al Bashir case have been emitted by the ICC.**

### **Recommendation 3: States should actively contribute to positive complementarity in national jurisdictions**

FIDH has taken note of the Report of the Bureau on Complementarity and notes that relevant work has been accomplished in 2016.<sup>16</sup> FIDH fully supports the work of the Court and the Bureau on complementarity, including the special attention given since the last ASP session, particularly as regards the investigation and prosecution of sexual and gender-based crimes. As it is well-known, the ICC will only be able to investigate and prosecute a very limited number of cases in each situation country, while generally the crimes over which it has jurisdiction involve a large number of perpetrators at different levels. It thus falls to States to tackle the issue of justice more broadly for these crimes.

Since the last ASP, FIDH has continued supporting the investigation and prosecution of international crimes in domestic jurisdictions in line with the principle of complementarity. FIDH

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14. ASP, "Strengthening the International Criminal Court and the Assembly of States Parties," Resolution ICC-ASP/10/Res.5, December 21, 2011, [https://asp.icc-cpi.int/iccdocs/asp\\_docs/ASP10/Resolutions/ICC-ASP-10-Res.5-ENG.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/ASP10/Resolutions/ICC-ASP-10-Res.5-ENG.pdf) (accessed November 8, 2016), annex ("Assembly procedures relating to non-cooperation").

15. Bureau of the ASP, "Agenda and Decisions," June 3, 2016, [https://asp.icc-cpi.int/iccdocs/asp\\_docs/Bureau/ICC-ASP-2016-Bureau-03-03Juni2016.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/Bureau/ICC-ASP-2016-Bureau-03-03Juni2016.pdf), p. 2.

16. ASP, "Draft report of the Bureau on complementarity" ICC-ASP/15.



represents numerous victims of international crimes, including sexual and gender-based crimes, in particular in Guinea, Mali, Ivory Coast, Central African Republic, and France, and has recently submitted *amicus curiae* in Peru.

FIDH further notes the importance of developing special units and expertise on a national level to investigate and prosecute these crimes.

FIDH therefore encourages the Bureau to continue to support the exchange of views on strategic action to enhance national capacity, as well as willingness, to investigate and prosecute in international crimes, including particular emphasis on traditionally marginalised crimes, including those of sexual and gender-based violence.

FIDH will facilitate a discussion on opportunities and challenges derived from pursuing domestic proceeding through three side events on complementarity on 23 and 24 November 2016, which focus on situations in Mali, Kenya, Guinea, DRC and Central African Republic. Panellists will discuss challenges related to implementation of the Rome Statute into domestic legal system, the role and legal representation of victims in the proceedings and the cooperation between domestic judiciary and the Office of the Prosecutor of the ICC.

FIDH supports proposals to the Omnibus Resolution made by States Parties encouraging States to exercise their jurisdiction over Rome Statute crimes, including to assist on issues such as witness and victims protection and sexual and gender-based crimes, as well as, more broadly, the strengthening of access to justice for victims of such crimes.

FIDH is concerned, however, by some language on complementarity and implementation of the rule of law at the national level, proposed for the Omnibus Resolution.

First, FIDH opposes the inclusion of the Proposal by Colombia that “contributions to the promotion of peace and reconciliation may constitute a mitigating circumstance of criminal responsibility on a case by case basis.” FIDH considers that any mitigating circumstances as would relate to the criminal responsibility and sentencing of authors of crimes under ICC jurisdiction must be strictly defined by ICC judges, on the basis of the ICC’s founding texts and the jurisprudence of international criminal tribunals, in particular. When defining a sentence, and not criminal responsibility, ICC judges must take into account the extreme gravity of the crime and the individual circumstances of the convicted person.

It is in *no way* the role of States in this forum to define a list of mitigating circumstances to be applied by the ICC judges, which would effectively endanger the ICC’s independence.

Second, FIDH regrets that the language on complementarity continues to focus primarily on the issue of lack of capacity and neglects the “unwillingness” of States to carry out investigations and prosecutions.

Third, FIDH regrets that the preamble refers to the work of the Court on complementarity in relation to the Court’s activities “in situation countries” and to “completion strategies”. This narrow definition excludes complementary activities carried out in situations under preliminary examination where the Court has had, and can continue to have, a great impact.

Finally, the draft resolution mentions the “Court’s limited role in strengthening national jurisdictions”. While the Court’s mandate on complementarity may be considered to fall beyond the core mandate, there is little doubt that strengthened national jurisdictions will help the Court and the Rome Statute system to succeed. In particular, the ICC should be strongly encouraged to answer cooperation request by States investigating the same crimes at the national level, in order to be able to strengthen national investigations and prosecutions, in respect of the rights of the accused and the protection of victims and witnesses.

#### **FIDH urges States Parties to:**

- **Refrain from defining ‘mitigating circumstances’ in the assessment of a situation’s admissibility;**
- **Reaffirm that States bear the primary responsibility to investigate and prosecute**

those responsible for international crimes under the Rome Statute and encourage the establishment of legal mechanisms and institutions to strengthen domestic jurisdiction over these crimes, including but not limited to specialised investigative units;

- Promote activities to address States' unwillingness to undertake investigations and prosecutions in addition to those aimed at strengthening the capacity of domestic jurisdictions;
- Abstain from imposing limitations to the Court's work on complementarity.

#### **Recommendation 4 : States should authorise the proposed 2017 budget and support a transparent and needs-driven budgetary procedure**

Sufficient resources are 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 additionally may obstruct the functioning of the Court. States should welcome a Court capable of running its full capacity of investigations and prosecutions, and work towards achieving such a goal. This year's budget anticipates three trials running simultaneously as well as six active investigations, including an increase in activity in Sudan and Libya.

For 2017, the Court has undertaken a streamlined budgeting process in order to limit the negotiations necessary for budget approval. The result is a request for a 7.2% increase on the 2016 approved budget, totalling 146.25 million Euros. This increase is much less than requests in previous years, particularly the 17.1% increase requested in 2015.

The proposed budget should be approved, as cuts risk undermining the core work of the ICC. The budgetary process should be driven by the Court's active needs, rather the Court's actions being unnecessarily constrained not by its capacity but by its resources.

#### **FIDH urges States Parties to:**

- Approve the budget requested by the Court, thereby providing it with the minimum resources necessary to effectively function in 2017;
- Firmly reject any zero nominal growth policies from States
- Avoid arbitrarily limiting the resources provided to the Court;
- Reject setting a financial envelope that would limit the resources available to the Court when considering the Court's budget, as this would limit transparency and responsiveness to the needs of the Court.

#### **Recommendation 5 : States Parties should support human rights defenders working towards international justice and the fulfilment of the ICC's mandate and implement all necessary measures to protect them**

Around the world, fighting against impunity is a high-risk job. Human rights defenders routinely face intimidations, reprisals, threats, and attacks due to their work and their commitment to justice.

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.

Since last year's ASP, civil society colleagues working on international justice issues have received grave threats and been 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.

Threats in The Hague have been credible, escalating and ongoing. 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.

FIDH welcomes the addition to Paragraph 19 of the Omnibus Resolution expressing concern for civil society organisations working to support the mandate of the ICC. This initiative by the State of Palestine is one way to vocally support civil society colleagues.

**FIDH urges all States Parties to:**

- **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 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.**

## **Annex:**

# **Reject impunity: Don't withdraw from the ICC Declaration of FIDH and more than 100 Member and Partner Organisations (27 October 2016) - (List below)**

Our organisations defend human rights worldwide and accompany victims of the most serious crimes, wherever they occur and whomever the perpetrators. We fervently deplore actions taken by the governments of Burundi and South Africa to withdraw from the International Criminal Court (ICC) and express our concern that these initial announcements may be the prelude to further withdrawals.

We strongly believe that the International Criminal Court must aspire to universality. The ICC can intervene only when national justice systems with jurisdiction do not have the will or capacity to bring justice to victims. As both ratifications by 124 States and continued civil society engagement make clear, the ICC has a vital role to play in the pursuit of global justice.

The current investigation into crimes committed in Georgia, and advances in the preliminary examinations opened in Afghanistan, Palestine, Ukraine and Iraq/UK, among others, reflect the direction the Office of the Prosecutor (OTP) of the ICC may take in future investigations. Those steps indicate that the OTP will not shy away from exercising its jurisdiction over international crimes within its jurisdiction, even when those crimes may have been committed by individuals from major world powers, such as the United States, Israel, Russia or the United Kingdom. We will continue to advocate for the OTP and the ICC as a whole to conduct such investigations.

We must remember that if the ICC has opened investigations in African countries during its first years of existence, it is in part because African States themselves overwhelmingly supported the creation of the ICC since 1998 by ratifying the Rome Statute and took a global leadership role in advancing the movement for accountability. Many African states have referred their own cases to the ICC to investigate the most serious crimes committed on their soil.

We believe that withdrawing from the ICC puts a premium on impunity. Withdrawal poses a threat to one of the greatest advances in justice of the 21st century, at a time when genocide, crimes against humanity and war crimes are perpetrated regularly and rampantly worldwide.

Make no mistake: only the powerful and the heartless fear the ICC, not the victims who place hopes in the Court when their quest for justice bears no fruit at the national level. This is true in Africa as on all other continents: no one should be shielded from justice.

We call on States Parties not to withdraw from the ICC and for States who have not ratified the Rome Statute to do so as soon as possible. International criminal justice is critical to making our world a fairer and safer place. This is not only a matter of accountability or of respect for human rights: it is a matter of preserving our common future.

1. Al Haq (Palestine)
2. Al Marsad - Arab Human Rights Centre in Golan Heights
3. Alternative ASEAN Network on Burma – ALTSEAN-Burma (Burma)
4. Anti-Discrimination Centre «Memorial» (Russia)
5. Armanshahr / OPEN ASIA (Afghanistan)
6. Asociación Pro Derechos Humanos - APRODEH (Perú)
7. Asociación pro derechos humanos de España – APDHE (España)
8. Association Cri de Coeur (Mali)
9. Association Démocratique des Femmes du Maroc – ADFM (Maroc)
10. Associations des juristes maliennes – AJM (Mali)
11. Association des victimes de la répression (Guinée)
12. Association des victimes du Camp Boiro (Guinée)
13. Association des victimes, parents et amis du 28 septembre 2009 - AVIPA (Guinée)
14. Association malienne des droits de l'homme – AMDH (Mali)
15. Association Marocaine des droits Humains – AMDH (Maroc)
16. Association mauritanienne des droits de l'Homme – AMDH (Mauritanie)
17. Association tunisienne des femmes démocrates – ATFD (Tunisie)

18. Bahrain Center for Human Rights – BCHR (Bahrain)
19. Bureau on Human Rights and Rule of Law (Tajikistan)
20. Cambodian Human Rights and Development Association – ADHOC (Cambodia)
21. Cambodian League for the Promotion and Defense of Human Rights – LICADHO (Cambodia)
22. Center for Civil Liberties – CCL (Ukraine)
23. Center for Constitutional Rights - CCR (USA)
24. Centre canadien pour la justice internationale (Canada)
25. Centre Libanais pour les Droits Humains – CLDH (Liban)
26. Centre Oecuménique des droits humains - CEDH (Haïti)
27. Centro de Acción legal en Derechos Humanos - CALDH (Guatemala)
28. Centro de Capacitación Social de Panamá - CCS (Panama)
29. Centro de Estudios Legales y Sociales - CELS (Argentina)
30. Centro de Investigación y Promoción de los Derechos Humanos - CIPRODEH (Honduras)
31. Centro de Políticas Públicas y Derechos Humanos - EQUIDAD (Perú)
32. Centro Nicaragüense de Derechos Humanos - CENIDH (Nicaragua)
33. Citizen Watch (Russia)
34. Civil Society Institute (Armenia)
35. Club Union Africaine (Côte d'Ivoire)
36. Comisión de Derechos Humanos del Salvador - CDHES (El Salvador)
37. Comisión ecuménica de derechos humanos - CEDHU (Ecuador)
38. Comisión Mexicana de Defensa y Promoción de los Derechos Humanos - CMDPDH (Mexico)
39. Comisión Nacional de los Derechos Humanos INC - CNDH (República Dominicana)
40. Comité de Acción Jurídica - CAJ (Argentine)
41. Comité Permanente por la Defensa de los Derechos Humanos - CPDH (Colombia)
42. Commission for the Disappeared and Victims of Violence - KontraS (Indonesia)
43. Committee on the Administration of Justice – CAJ (Ireland)
44. Committees For The Defense Of Democracy Freedoms And Human Rights – CDF
45. Commonwealth Human Rights Initiative - CHRI (India)
46. Corporación Colectivo de Abogados José Alvear Restrepo - CCAJAR (Colombia)
47. Corporación de Promoción y Defensa de los Derechos del Pueblo - CODEPU (Chile)
48. Damascus Center for Human Rights Studies – DCHRS (Syria)
49. DITSHWANELO - The Botswana Centre for Human Rights (Botswana)
50. Dutch League for Human Rights / Liga voor de Rechten van de Mens (The Netherlands)
51. End Impunity Organization (South Sudan)
52. Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos – FADPDH (España)
53. Finnish League for Human Rights (Finland)
54. Foundation for Human Rights Initiative – FHRI (Uganda)
55. Fundación regional de Asesoría en Derechos Humanos - INREDH (Ecuador)
56. Groupe Lotus (République démocratique du Congo)
57. Hellenic League for Human Rights (Greece)
58. Human Rights Centre - HRIDC (Georgia)
59. Human Rights Center «Viasna» (Belarus)
60. Human Rights Commission of Pakistan – HRCP (Pakistan)
61. Human Rights Movement «Bir Duino» (Kyrgyzstan)
62. Human Rights Protection Centre «Kylym Shamy» (Kyrgyzstan)
63. Instituto Latinoamericano de Servicios Legales Alternativos - ILSA (Colombia)
64. International Campaign for Tibet - ICT
65. International human rights organisation «Fiery Hearts Club» (Uzbekistan)
66. International Legal Initiative (Kazakhstan)
67. Internet Law Reform Dialogue - iLaw (Thailand)
68. Justiça global – CJG (Brasil)
69. Justice for Iran – JFI (Iran)
70. Kenyan Human Rights Commission - KHRC (Kenya)
71. Kazakhstan International Bureau for Human Rights (Kazakhstan)
72. Lao Movement for Human Rights – LMHR (Laos)
73. Latvian Human Rights Committee (Latvia)
74. League for Defence of Human Rights - LADO (Romania)
75. Legal and Human Rights Centre – LHRC (Tanzania)
76. Liga Argentina por los Derechos del Hombre - LADH (Argentine)
77. Ligue Algérienne pour la défense des droits de l'Homme (Algérie)
78. Ligue centrafricaine des droits de l'Homme - LCDH (Centrafrique)
79. Ligue de Défense des Droits de l'Homme en Iran – LDDHI (Iran)
80. Ligue des droits de l'Homme - LDH (Belgique)
81. Ligue des électeurs (République démocratique du Congo)
82. Ligue des Droits de l'Homme - LDH (France)
83. Lega Italiana dei Diritti Umani - LIDU (Italy)
84. Ligue Iteka (Burundi)
85. Ligue ivoirienne des droits de l'Homme - LIDHO (Côte d'Ivoire)
86. Liga lidských práv - Human Rights League – HRL (Czech Republic)
87. Ligue sénégalaise des droits humains (Sénégal)
88. Mêmes droits pour tous – MDT (Guinée)
89. Mouvement ivoirien des droits humains – MIDH (Côte d'Ivoire)
90. Norwegian Helsinki Committee – NHC (Norway)
91. Observatoire centrafricain des droits de l'Homme – OCDH (Centrafrique)
92. Observatoire congolais des droits de l'Homme – OCDH (République du Congo)
93. Observatoire ivoirien des droits humains – OIDH (Côte d'Ivoire)

94. Odhikar (Bangladesh)
95. Organisation des femmes actives de Côte d'Ivoire – OFACI (Côte d'Ivoire)
96. Organisation Marocaine des droits Humains – OMDH (Maroc)
97. Philippine Alliance of Human Rights Advocates – PAHRA (Philippines)
98. Promo-LEX (Moldova)
99. Regroupement des acteurs ivoiriens des droits de l'Homme - RAIDH (Côte d'Ivoire)
100. Réseau Doustourna
101. Réseau national de défense des droits de l'Homme - RNDDH (Haïti)
102. Sister's Arab Forum – SAF (Yemen)
103. Suara Rakyat Malaysia – SUARAM (Malaysia)
104. Syria Center for Media and Freedom of Expression - SCM (Syria)
105. Union for Civil Liberty – UCL (Thailand)
106. Unione forense per la tutela dei diritti umani – UFTDU (Italy)
107. Vietnam Committee on Human Rights – VCHR (Vietnam)
108. Women in law and development in Africa – Wildaf-Mali (Mali)



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# Keep your eyes open

**fidh**

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FIDH

**Establishing the facts** - Investigative and trial observation missions

**Supporting civil society** - Training and exchange

**Mobilising the international community** - Advocacy before intergovernmental bodies

**Informing and reporting** - Mobilising public opinion

**For FIDH, transforming societies relies on the work of local actors.**

The Worldwide movement for human rights acts at national, regional and international levels in support of its member and partner organisations to address human rights abuses and consolidate democratic processes. Its work is directed at States and those in power, such as armed opposition groups and multinational corporations.

Its primary beneficiaries are national human rights organisations who are members of the Mouvement, and through them, the victims of human rights violations. FIDH also cooperates with other local partner organisations and actors of change.

**fidh**

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FIDH is an international  
human rights NGO federating  
184 organizations  
from 112 countries.

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## ABOUT FIDH

FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

### **A broad mandate**

FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

### **A universal movement**

FIDH was established in 1922, and today unites 184 member organisations in 112 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

### **An independent organisation**

Like its member organisations, FIDH is not linked to any party or religion and is independent of all governments.

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