

OPEN LETTER TO STATES PARTIES TO THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

The undersigned organizations urge the eighteenth session of the Assembly of States Parties of the International Criminal Court to expeditiously adopt the resolution enhancing the procedure for the nomination and election of judges. At the same time, it is imperative to ensure that the proposed Independent Expert Review of the Court is established consistent with the principles of independence and expertise.

Our organizations welcome the significant progress made to date in moving these efforts forward. The expression of support by the Court's principals in May 2019 for an independent expert assessment was an important invitation, one that the Bureau of the Assembly, together with many States Parties and the input of civil society, have constructively advanced.

We believe the establishment of an Independent Expert Review – and the appointment of a Group of Independent Experts – could provide an important opportunity to strengthen the Court and enhance its work. As states parties continue their discussions this week, we believe that to accomplish these goals with credibility, legitimacy and effectiveness, this review should be set up with strict attention to ensuring its independence and the necessary expertise. The Group of Independent Experts should also be equipped with adequate resources so that it can begin its work swiftly and effectively. The Group, in carrying out its assessment, should engage civil society, including organizations based in ICC situation countries. It will also be important that the findings and recommendations of the Group be submitted to both the Court and States Parties in advance of the next Assembly session. The report should be made public as well, so that civil society and other stakeholders can comment as appropriate. The ICC will need adequate time to consider the recommendations directed at its organs, consistent with rigorous respect for the court's judicial and prosecutorial independence.

The upcoming elections of the next prosecutor and six new judges in 2020 also provide a real opportunity for meaningful change. To that end, the proposed resolution on the review of the procedure for the nomination and election of judges – submitted by the New York Working Group in its 27 November report to the Bureau – represents a significant advancement in strengthening the procedures for nominating, assessing, and electing judges to the ICC. Critically, the resolution amends the terms of reference of the Advisory Committee on the Nominations of Judges to ensure a more thorough, rigorous, and timely review of all judicial candidates, in addition to extending the nomination period itself. The resolution also encourages States Parties to consider good practices at the national and international level when conducting their national procedures for the nomination of candidates, and mandates the Committee to prepare a compendium of such practices for States Parties' consideration. These are important steps forward and provide a firm basis upon which the Working Group and other stakeholders can continue to build.

Together, these steps could anchor meaningful improvement for the Court's functioning and the effectiveness of the Rome Statute system as a whole. The ICC stands at a critical juncture. We urge states parties to make the most of the opportunities presented during this Assembly session to strengthen procedures for the election and nomination of judges and to ensure a truly independent expert review process is put in place, so that the important work that lies ahead can begin.

Open Society Justice Initiative
International Federation for Human Rights (FIDH)
Human Rights Watch
Al Haq
Palestinian Centre for Human Rights
Comision Colombiana de Juristas
Sisma Mujer
Corporacion Humanas
UN Association of Sweden
Justice International
No Peace Without Justice
Redress
Canadian Partnership for International Justice
Institute for Security Studies (ISS)
Shireen Huq
Naripokkho
Manzoor Hasan (Centre for Peace and Justice, BRAC University)
Eastern Ukrainian Center for Civic Initiatives
Association des Femmes Juristes de Centrafrique (AFJC)
Afghanistan Transitional Justice Coordination Group (TJCG)
Human Rights Center
The Kenya Human Rights Commission
Kurdish Coalition for the ICC

Coalition des ONG pour la Démocratie et la Justice en Afrique (CODJA)

Coalition Nationale pour la CPI de la République Démocratique du Congo (CN-CPI /RDC)

Fondation Congolaise pour la Promotion des Droits humains et la Paix (FOCDP)

Ligue pour la Promotion et le Développement Intégral de la Femme et de l'Enfant
(LIPRODIFE)

Collectif des ONG pour la Promotion de la Justice (COPJ)

Synergie de Plaidoyer pour l'Afrique (SYPLA)

Carrefour Juridique Culturel (CAJUC)

Coalition Tchadienne pour la Cour Pénale Internationale

Center for Justice and Accountability (CJA)

European Center for Constitutional and Human Rights (ECCHR)

International Refugee Rights Initiative (IRRI)

TrustAfrica

Darfur Women's Justice Group (DWAG)

Women in Law and Development in Africa

Coalition Ivoirienne pour la Cour Pénale Internationale

Zarga organization for rural development

Association des Victimes des Évènements De 2012-2014 (AVED)

International Center for Transitional Justice

Ukrainian Legal Advisory Group

Un Mundo Sin Mordaza

Defiende Venezuela

World Federalist Movement - Canada