

Dear Foreign Minister,

Attached is a letter from more than 40 civil society organizations, international and national, urging you to consider postponing the codification of the crime of aggression in the Rome Statute for the International Criminal Court beyond the upcoming Review Conference in Kampala in June.

The issues surrounding ICC jurisdiction over the crime of aggression are complex. The current amendment proposal risks politicizing and overburdening the ICC, and undermining the integrity of the Rome Statute. There still exists substantial disagreement on key aspects of the proposed crime. Rushing to a vote in Kampala risks undermining the cohesiveness of states parties that has been so essential to the Court's establishment and mission. Taking more time to strengthen the Court, to consider this matter further, and to achieve broader agreement on the outstanding issues will benefit the ICC in the long-term. We encourage states to continue discussions beyond Kampala.

We thank you for your consideration of this letter.

Dear Foreign Minister

Re: Aggression and the International Criminal Court

We are leaders of organizations dedicated to ensuring that the International Criminal Court succeeds in its mission to fight impunity for the most serious international crimes. We believe that adoption of the Rome Statute was an historic achievement. It is vital that the upcoming Kampala Review Conference reinforce that achievement and promote the effective functioning of the Court. As strong supporters of the Court, we are concerned about codifying the crime of aggression in Kampala.

The issues surrounding ICC jurisdiction over the crime of aggression are complex and are ones on which Court supporters can and do reasonably disagree. Many states have undertaken extended discussions in an attempt to forge consensus around this crime. Nonetheless, the current amendment proposal risks politicizing and overburdening the ICC, and undermining the integrity of the Rome Statute.

For both practical and principled reasons, we believe that this early stage in the court's evolution is not the time to add aggression to the Court's docket.

First, aggression – a crime based on acts committed against a state – raises fundamentally political considerations about a state's initial decision to resort to the use of force. The ICC's other three crimes – war crimes, crimes against humanity and genocide -- are violations against individuals for which legal remedies have long been available and clearly defined in international customary laws and treaties. For obvious reasons, the ICC strives to present itself as an effective judicial body that is independent of political concerns. Amending the Rome Statute now to grant the Court jurisdiction over aggression will exacerbate the challenges the ICC already faces in fending off attacks about its perceived politicization.

Second, asking the ICC to take on another category of crime at present risks overburdening the Court when it is still striving to prosecute and try those responsible for current crimes. Much work is needed to further improve the operation of the Rome Statute system in respect of cooperation, complementarity, the impact on victims and affected communities, and questions of peace and justice. Each of these issues requires dedicated attention at Kampala. Prudently declining to adopt an amendment on aggression at this time, when the Court has such urgent challenges to tackle, is the most effective way to strengthen an institution that is central to combating impunity, and ensuring accountability, for the most heinous international crimes.

Finally, notwithstanding several years of debate, there still exists substantial disagreement among states parties to the Rome Statute on key aspects of the proposed crime of aggression. As recently as the third week of March, a meeting of the Assembly of States Parties in New York revealed stark divisions. Given the wide range of perspectives which currently exist on the aggression amendment, pushing it to a vote in Kampala risks undermining the cohesiveness of states parties that has been so essential to the Court's establishment and mission.

The Kampala Review Conference is not the last opportunity to address the crime of aggression. Under Article 121 of the Rome Statute, an amendment can be considered at any time in the future by the Assembly of States Parties directly or by another Review Conference. Taking more time to strengthen the Court, to consider this matter further, and to achieve broader agreement on the outstanding issues will benefit the ICC in the long-term. We encourage states to continue discussions beyond Kampala.

Sincerely,

Aryeh Neier  
President  
Open Society Institute

Fernando Peláez-Pier  
President  
International Bar  
Association

Anton du Plessis  
Head, International Crime  
in Africa Programme  
Institute for Security  
Studies

Michael L. Davis  
Executive Director  
Universal Human Rights Network  
USA

Adetokunbo Mumuni  
Executive Director  
Socio-Economic Rights and Accountability Project (SERAP)  
Nigeria

Daniel Ehighalua  
Secretary  
Nigerian Coalition on the International Criminal Court (NCICC)  
Nigeria

Delly Mawazo Sesete  
Executive Director  
Centre de Recherche sur l'Environnement, la Démocratie et les droits de l'homme  
(CREDDHO)  
Democratic Republic of the Congo

Richard Shilamba  
Executive Director  
Children Education Society (CHESO) - Tanzania  
Tanzania

Gilbert Angwandi  
Coordinator  
Association pour la promotion de la dignité des victimes (APRODIVI)  
Democratic Republic of the Congo

James Mwamu  
Secretary General  
East African Law Society  
Kenya

Justine Masika Bihamba  
Coordinator  
Synergy of Women against Sexual Violence (SFVS)  
Democratic Republic of the Congo

Joseph Chilengi  
Executive Director  
Africa Internally Displaced Persons Voice (Africa IDP Voice)  
Zambia

Missak Kasongo  
Président du Conseil d'Administration  
SECURITAS CONGO  
Democratic Republic of the Congo

Nicole Fritz  
Executive Director  
Southern Africa Litigation Centre  
South Africa

Patrick Kikandi Mulemeri  
Directeur Général Adjoint  
Action Sociale pour la Paix et le Développement (ASPD) Nord Kivu  
Democratic Republic of the Congo

Bruce Knotts  
Executive Director  
Unitarian Universalist United Nations Office  
USA

George Kegoro  
Executive Director  
The Kenyan Section of the International Commission of Jurists  
Kenya

Ali Ouattara  
President  
Coalition Ivoirienne pour la CPI  
Côte d'Ivoire

Osman Hummida  
Executive Director  
African Centre for Justice and Peace Studies  
Sudan

Prudent Mpama  
Secretary General  
Association des armateurs sur le Lac-Kivu (L'ASSALAK)  
Democratic Republic of the Congo

Emeka Umeagbalasi  
Chairman, Board of Trustees  
International Society for Civil Liberties and the Rule of Law  
Nigeria

Jean Pascal Mugaruka  
Coordonnateur Provincial du COJESKI/NK et chargé de programmes du  
REPRODHOC/NK/RENADHOC  
Democratic Republic of the Congo

Zenga Nkoranyi Namulundi  
President  
Cite des Droits de l'Homme et de Paix (CIDHOP)  
Democratic Republic of the Congo

Edward Ladu Terso  
Managing Editor  
Multi Media Training Center (MMTC)  
Southern Sudan

Georges Kapiamba  
Vice-Président National  
L'Association Africaine de Défense des Droits de l'Homme (ASADHO)  
Democratic Republic of the Congo

Edwin Usang  
Program Officer  
Coalition of Eastern NGOs  
Nigeria

Irène Esambo Diata  
Présidente  
Centre d'études sur la Justice et la Résolution 1325 (CJR/1325)  
Democratic Republic of the Congo

Mwenebatende Dufina Tabu  
Président  
Association des Volontaires du Congo (ASVOCO-Fondation Dufina)  
Democratic Republic of the Congo

Rafendi Djamin  
Executive Director  
Indonesia's NGO Coalition for International Human Rights Advocacy (HRWG)  
Indonesia

Francisco Soberón Garrido  
Director Ejecutivo  
Asociación Pro Derechos Humanos  
Peru

Norman Tjombe  
Norman Tjombe Law Firm  
Namibia

Ndung'u Wainaina  
Executive Director  
International Center for Policy and Conflict  
Kenya

Gabriel Shumba  
Executive Director  
Zimbabwe Exiles Forum  
South Africa

Karla Micheel Salas Ramírez,  
Secretary of International Law  
Asociación Nacional de Abogados Democráticos  
Mexico

Leymah Gbowee  
Executive Director  
Women Peace and Security Network Africa (WIPSEN-Africa)  
Ghana

A. Saydee Monboe, II  
Executive Director  
Center for Trauma Counseling and Conflict Resolution (CETCCOR)  
Liberia

Iheoma Obibi  
Executive Director  
Alliances for Africa  
Nigeria and United Kingdom

Ikeazor Akaraiwe  
Chair of Council  
Human Rights Institute of the Nigerian Bar Association (NBA-HRI)  
Nigeria

Osai Ojigho  
Coordinator  
Working Party on Gender Justice in Africa  
Nigeria

Undule Mwakasungula  
Executive Director  
Center for Human Rights and Rehabilitation (CHRR)  
Malawi

Jeanine Ban du Bahati  
President  
Encadrement des Femmes Indigenes et des Menages vulnérables(EFIM)  
Democratic Republic of the Congo

M. Traore Wodjo Findi  
President de l'ONG Panafricaine Club Union Africaine Côte d'Ivoire (Club UA/ CI)  
Observatrice A la CADHP/Banjul  
Conseiller Economique et Social de l'Union Africaine ECOSOCC  
Vice Président de Coalition Ivoirienne pour la Cour Pénal Internationale CI CPI  
Coordonnateur Général de la Coalition de la Société Civile pour la Paix et le Développement  
Démocratique en Cote d'Ivoire (COSOPCI)  
Côte d'Ivoire

Clément Dohkot  
President  
Association des Victimes des Crimes du Regime de Hissene Habré  
Chad

Christian Hemedi  
Président  
Association pour la Renaissance des Droits Humains au Congo (ARC- ONDH)  
Democratic Republic of the Congo

Mildred Ngesa  
Founder and Director  
Peace Pen Communications  
Kenya

Yanar Mohammed  
President  
Organization of Women's Freedom in Iraq (OWFI)  
Iraq

*Additional Signatories [May 11, 2010]:*

Gastón Chillier  
Executive Director  
Centre for Legal and Social Studies (CELS)  
Argentina

Josephine Malimukono  
Coordinator  
Ligue pour la Solidarité Congolaise  
Democratic Republic of the Congo