

30 April 2020

The Hon Scott Morrison MP  
Prime Minister of Australia  
Parliament House  
CANBERRA ACT 2600

**Re: Australia's support for the Rome Statute system and the International Criminal Court**

Dear Prime Minister,

We are writing to draw your attention to a letter signed by civil society organisations addressed to representatives of States Parties to the Rome Statute of the International Criminal Court (ICC) to uphold their support for the Court and the Rome Statute system of international justice. We attach this letter to this communication.

As organisations working with communities in Australia and abroad affected by conflict, war and international crimes, and Australia being a State Party to the Rome Statute, we urge the Australian Government to commit to the requests in the letter and to condemn the threats against the Court in the strongest terms.

We look forward to a timely public statement outlining Australia's commitment and support for the Rome Statute system and the ICC.

We have also written in similar terms to your colleagues, the Minister for Foreign Affairs and the Attorney-General. A copy of this letter will be provided to the Leader of the Opposition and the Shadow Minister for Foreign Affairs and the Shadow Attorney-General.

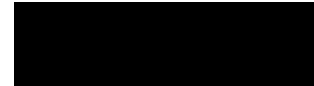
Sincerely,



Rawan Arraf  
Director  
Australian Centre for  
International Justice



Elaine Pearson  
Australia Director  
Human Rights Watch



Tim O'Connor  
Impact Manager  
Amnesty International  
Australia

New York, 28 April 2020

Your Excellency,

We, the undersigned organizations, call on your State and all States Parties to the Rome Statute to show support for the Rome Statute system and the International Criminal Court (ICC), especially in the face of threats to its independence and mandate. Although threats to the pursuit of international justice, including in the context of the ICC, are not new, protecting the ICC is particularly important today in the face of escalating hostility towards the Court.

The ICC's crucial role in *complementing* the primary role of national courts cannot be overstated. We acknowledge that the ICC would benefit from changes to strengthen its performance, but ensuring a fair, effective, and independent Court depends on support from States Parties. We welcome the reaffirmation of ICC States Parties to "uphold and defend the principles and values enshrined in the Rome Statute and to preserve its integrity undeterred by any threats against the Court." We urge States Parties to uphold the Rome Statute system by making strong, concrete expressions of support and to defend it by unequivocally condemning threats. The challenges faced by the Court require nothing less.

As you know, on 20 January 2020, one month after the ICC Prosecutor announced that the situation in Palestine merits investigation, Israeli Prime Minister Benjamin Netanyahu called for "sanctions against the international court, its officials, its prosecutors, everyone." On 17 March 2020, U.S. Secretary of State Michael R. Pompeo threatened to impose punitive measures against two named senior ICC staffers, other ICC staffers, and their families. His remarks came after the ICC authorized an investigation into the situation in Afghanistan. These are among the latest in a series of attacks that undermine the Court itself and intimidate its staff in order to protect political interests at the expense of international justice.

This combination of threats and the U.S. visa ban policy seeks to undermine the Court's ability to deliver justice to victims whenever States are unwilling or unable to genuinely investigate and prosecute crimes under the Rome Statute. The ICC must be free to carry out its mandate, without fear or favor, on the basis of the legal requirements delineated in the Rome Statute—not on the basis of political considerations.

As a State Party to the Rome Statute, your country has clearly committed to ending impunity for crimes within the ICC's jurisdiction, regardless of the perpetrator's nationality. Defending the Court's independence is key to fulfilling that pledge. We urge you to act with your fellow States Parties to champion the Court's mandate and independence and uphold the Rome Statute's integrity by:

1. Expressing your government's strong and continued commitment to the ICC and its prosecutorial and judicial independence in bilateral, multilateral, and public forums at the domestic, regional, and international levels;
2. Calling on the U.S. government to repeal its ICC visa ban policy and to refrain from attacking the Court, its staff, or their families in any way;
3. Calling on the Israeli government to repudiate its call for sanctions against the Court and its staff;

4. Publicly expressing your government's determination to cooperate fully with the Court across its work;
5. Calling on all relevant actors to cooperate with the investigation into the situation in Afghanistan and any possible investigation into the situation in Palestine;
6. Ratifying, if not previously done, the Agreement on the Privileges and Immunities of the International Criminal Court (APIC);
7. Domesticating, if not previously done, the Rome Statute; and
8. Signing, if not previously done, all relevant cooperation agreements with the ICC (for example, on the protection of witnesses and victims; the release of persons, including interim release; and the enforcement of sentences).

Thank you for your commitment and support for the Rome Statute system and the ICC.

Sincerely,

ACAT-Burundi

ACAT-Switzerland

Action Humaine pour le Développement Intégré au Sénégal (AHDIS)

Africa Center for International Law and Accountability

Africa Legal Aid (AFLA)

African Development and Peace Initiative

AL Ensan Center for think individual development

Al-Haq

Amman Center for Human Rights Studies

Anfal Storys Organization

Arry Organization for Human Rights

Asociación Pro Derechos Humanos de España

Association Française pour la promotion de la Compétence Universelle (AFPCU)

Australian Centre for International Justice

Avocats Sans Frontières

Bema Organization for Economic and Social Rights

Center for Civil Liberties

Center for Constitutional Rights

Center for Justice and Accountability

Civil Association Democracia Global - Movimiento por la Unión Sudamericana y el Parlamento Mundial

Civil Rights Defenders (CRD)

Coalition Ivoirienne pour la CPI

Coalition Malienne pour la CPI/CM-CPI

Comisión Mexicana de Defensa y Promoción de los Derechos Humanos

Comision por la Carta Democratica Interamericana

COMPART Foundation for Justice and Peacebuilding – Nigeria

Congo Peace Initiative

Culture pour la Paix et la Justice (CPJ)

Defence of Human Rights – Pakistan

Documenta – Center for Dealing with the Past

Dr. Denis Mukwege Foundation  
EuroMed Rights  
Fédération internationale pour les Droits Humains (FIDH)  
Femmes et Droits Humains  
Fundacion Federalista Dominicana  
Fundacion Nacional para la Democracia  
Global Centre for the Responsibility to Protect  
Housing and Land Rights Network – Habitat International Coalition  
Human Rights Center (HRIDC) - Georgia  
Human Rights Center of Azerbaijan  
Human Rights Center ZMINA  
Human Rights Concern - Eritrea (HRCE)  
Human Rights Defenders Solidarity Network Uganda  
Human Rights Watch  
Humanitarian Law Center – Belgrade  
International Commission of Jurists - Norway  
Initiatives for Peace and Human Rights (iPeace)  
Institute for Environmental Security, Green Transparency and Ecological Defence Integrity  
International Association of Lawyers Against Nuclear Arms  
International Coalition Against Impunity-HOKOK  
International Coalition for the Responsibility to Protect  
International Commission of Jurists – Kenya  
International Platform of Jurists for East Timor (IPJET)  
Iranian Center for International Criminal Law (ICICL)  
Justice International  
Kenya Human Rights Commission  
Kurdish Organizations Network Coalition for the International Criminal Court (KON-CICC)  
Kurdistan without Genocide  
La Comisión de Derechos Humanos de El Salvador (CDHES)  
La Ligue Burundaise des droits de l'homme Iteka  
Lawyers for Justice in Libya  
Lawyers for Palestinian Human Rights  
Le Center Marocain de la Paix et la Loi  
Le Club des amis du droit du Congo  
Le Groupe LOTUS - RDC  
MADRE  
Mission for Establishment of Human Rights (MEHR)  
MOM Organization  
Mouvement Panafricain de la Jeunesse Féminine pour la paix  
National Centre for Human Rights and Development (NACFOHRD)  
Norwegian Helsinki Committee  
Nuba Women Organization for Development  
Observatoire Centrafricain des Droits de l'Homme (OCDH)  
Odhikar  
Open Society Justice Initiative  
Organization Against Weapons of Mass Destruction in Kurdistan

Organization of the Justice Campaign  
Palestinian Centre for Human Rights (PCHR)  
Parliamentarians for Global Action  
REDRESS  
Regional Centre for Human Rights - Ukraine  
Reporters sans frontières / Reporters Without Borders (RSF)  
Réseau Equitas Côte d'Ivoire (REQCI)  
Rights for Peace  
Rights International Spain (RIS)  
Robert F. Kennedy Human Rights  
SACCORD  
Sahayta  
Society for Threatened Peoples – Switzerland  
SOS-Torture/Burundi  
Southern Africa Litigation Centre (SALC)  
StoptheDrugWar.org  
Students for Global Democracy – Uganda  
Sudanese Women Human Rights Defenders Project  
Sudanese Women Rights Action  
Swedish Foundation for Human Rights  
The Arab Center for the Independence of the Judiciary and Legal Profession (ACIJLP)  
Transitional Justice Coordination Group  
Transitional Justice Working Group of Liberia  
TRIAL International  
Tunisian Coalition for the ICC  
Union for Civil Liberty - Thailand  
United Church of Christ, Justice and Witness Ministries  
United Nations Association – Sweden  
United Nations Association of Greater Philadelphia  
Voluntary Aid Association - India  
WITNESS  
Women's Initiatives for Gender Justice  
World Citizens Association of Australia  
World Federalist Movement - Institute for Global Policy (WFM-IGP)  
World Renewers Organization  
World Without Genocide at Mitchell Hamline School of Law