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Emne: Public letter recently sent to O-Gon Kwon, President of the Bureau of the Assembly of States Parties of the ICC

Dear Ambassador,

The Norwegian Helsinki Committee would like to share with you a public letter that I recently sent to O-Gon Kwon, President of the Bureau of the Assembly of States Parties of the International Criminal Court, pointing to integrity concerns linked to the election of his successor.

In the letter I point to the need for States Parties to ensure that the next President of the Assembly of States Parties adheres to the highest standards of integrity and professionalism to strengthen the ICC and its role as a guarantor of international justice. The letter details the view that States Parties should avoid electing a President, like Mrs. Silvia Fernández de Gurmendi, a likely candidate from the Group of Caribbean and Latin American Countries, who might be criticised for not having always adhered to such standards.

Best regards,

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H.E. Mr. O-Gon Kwon
President of the Bureau of the Assembly of States Parties of
the International Criminal Court
E-mail: asp@icc-cpi.int

Oslo, 26 October 2020

Dear President O-Gon Kwon,

Allow me to commend you for the important work you are undertaking, together with the Vice Presidents and the other members of the Bureau of the Assembly of States Parties to the Rome Statute, during these difficult times. The ICC faces challenges both from internal problems and from states that criticise decisions by the Court, refuse to cooperate with it and even impose sanctions on its staff members.

In such a climate, the moral character and authority of key persons representing the interests of the ICC and the wider cause of ensuring justice for core international crimes is of paramount importance.

I have followed with great interest the work of the Independent Expert Review of the ICC and the Rome Statute System (the IER). The report issued on 30 September 2020 contains a range of pertinent and precise recommendations on how to improve the Court. We welcome the report as an important opportunity for the Court and its States Parties. Given its findings and recommendations, it is inevitable that some may try to criticise the report and reduce its impact *vis-à-vis* States Parties. Allow us therefore to recommend that you make arrangements well-ahead of the upcoming Session of the Assembly of States Parties for the IER experts to be available for informal discussions with members of the Assembly. This will be important to give full effect to the report.

We note that the IER report is a systemic review, and not an inquiry as such into alleged individual wrongdoing by current or former ICC staff and high officials. My organization has called for such an inquiry, in particular in the ICC Office of the Prosecutor, in an exchange with the Prosecutor of the ICC, Mrs. Fatou Bensouda. In a letter dated 12 March 2018, we referred to revelations of ICC irregularities by a range of respected international media outlets since late September 2017. The letter argued for an external inquiry that should include the specific roles of the first Prosecutor of the Court, Mr. Luis Moreno-Ocampo, and his *Chef de cabinet* during 2003-2006, Mrs. Silvia Fernández de Gurmendi, who later became Judge and President of the Court. The letter, the response of the ICC Prosecutor, and our

letters to a range of States informing them about our concerns, have been made public on the web site of my organization.¹ The matter has been covered by important media outlets.²

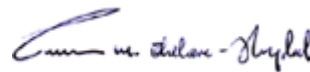
I am aware that Mrs. Fernández de Gurmendi is a candidate of the Latin American and Caribbean Group of states (GRULAC) to become the next President of the ICC Assembly of States Parties. With this letter, I want to state my serious concern that likely future revelations about her previous role in the ICC Office of the Prosecutor will undermine a successful performance as Assembly President and also the authority of the wider ICC System. Such problems are the last thing the Court needs during the critical next three years.

The Norwegian Helsinki Committee has a history of challenging international organisations on integrity issues and I have myself taken active part in important discussions and research activities related to integrity in international justice.

I am convinced that ensuring that the next President of the Assembly of States Parties adheres to the highest standards of integrity and professionalism is of crucial importance to strengthening the ICC and its role as a guarantor of international justice. States Parties should avoid electing a President, who might be criticised for not having always adhered to such standards.

Please accept, Your Excellency, the assurances of my high consideration.

Sincerely,



Gunnar Ekeløve-Slydal
Acting Secretary General

Copy:

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Ambassador of Norway to The Hague
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¹ See <https://www.nhc.no/no-external-inquiry-at-the-international-court/>.

² See, for example, Stéphanie Maupas, Le Comité Helsinki réclame une enquête indépendante sur les dérives de la CPI ([English translation](#)).