New York, 3 August 2012

H.E. Mr. Baburam Bhattarai
Prime Minister
Federal Democratic Republic of Nepal

Your Excellency,

We have the honor of writing to you on behalf of the Coalition for the International Criminal Court (CICC), a global network of over 2500 member NGOs in 150 countries, campaigning for a fair, effective, and independent Court and increased access to justice for victims of crimes against humanity, genocide and war crimes. On this occasion, we respectfully wish to reiterate our call to your government to consider Nepal's accession to the Rome Statute of the International Criminal Court (ICC) at your earliest convenience.

As the world celebrates the 10th anniversary of the entry into force of the Rome Statute of the ICC, it presents an opportunity to look into some of the important achievements of the Court so far. With 121 State Parties, following the most recent accession by Guatemala in April 2012, and the Court's seven open investigations in the Central African Republic, Côte d'Ivoire, Darfur, the Democratic Republic of the Congo, Kenya, Libya, and Uganda, the support of the international community is today more crucial than ever. The ICC has become a major pillar of international justice, aiming to ensure that the most serious international crimes do not go unpunished.

Your Excellency, the Coalition is aware of the debate on transitional justice currently taking place within Nepalese society. Addressing past human rights violations and consolidating peace processes remain a challenge in many countries. While we recognize that these processes can be complex, we believe that international and transitional justice mechanisms can work hand in hand to construct a culture of justice and rule of law that aims to address gross human rights violations. Nepal has provided important signals of its commitment to international justice and the fight against impunity. In addition to having ratified a number of human rights treaties, as well as the Geneva Conventions of 1949, the House of Representatives adopted a proposal to accede to the Rome Statute. However, while accession to the Rome Statute has been an agenda item since February 2009, and the Office of the Prime Minister held a discussion regarding accession on April 2010, Nepal has yet to take solid steps toward finalizing this process.

Some of the previous concerns regarding accession have included the role of the United States vis-à-vis the ICC and its campaign on Bilateral Immunity Agreements (BIA), but in light of the current US positive re-engagement with the ICC, Nepal's concerns must be reassessed, as the US is no longer seeking BIAs nor is adopting a hostile approach to the Court. In addition, it is important to recall some of the main aspects behind the Court's jurisdiction. In this regard, the Court's jurisdiction is not only retroactive, but is also based on the principle of complementarity, which recognizes that national jurisdictions have the...
primary responsibility to investigate and prosecute crimes that fall under the jurisdiction of
the Court. This jurisdictional structure was designed to strengthen and support national
judicial systems in their task of seeking justice for victims of gross human rights violations.

Your Excellency, the Asian region cannot be left behind in this system of international
justice. With only 9 states in Asia having ratified the Rome Statute, the support of Nepal is
important to raising the Asian continent’s representation within the Court and re-affirming the
continent’s commitment to the global fight against impunity. The accession of Nepal is
critical in the Court’s efforts to end impunity, strengthen the rule of law, and promote human
rights. The government of Nepal has demonstrated commitment to these goals in the past,
and moving forward, the swift accession to the Rome Statute would be a key step in
following through with this commitment.

We urge your Excellency to use your good offices to ensure Nepal’s accession to the Rome
Statute as soon as possible.

Sincerely,

Brigitte Suhr
Director of Regional Programs

Evelyn Balais-Serrano
Asia-Pacific Coordinator

CC:
H.E. Mr. Narayan Kaji Shresta ‘Prakash’
Minister of Foreign Affairs

Mr. Madhav Prasad Regmi
Secretary of Defense

H.E. Mr. Mukti Narayan Pradhan
Attorney General

H.E. Amb. Gyan Chandra Acharya
Permanent Representative of Nepal to the United Nations