



Reference: ASP/2023/77

The Hague, 3 July 2023

Excellencies,

The twenty-fifth anniversary of the adoption of the Rome Statute of the International Criminal Court will be commemorated on 17 July 2023 at the United Nations Headquarters in New York. The commemoration is intended to celebrate this extraordinary achievement of the international community, to provide visibility and enhance political support for the Rome Statute system, and to reflect on its future.

In this light and given the current challenging international environment in which the Court needs to operate, I would like to recall that the Court can only deliver justice to victims if it enjoys full cooperation of States. In this regard the Agreement on Privileges and Immunities of the ICC (APIC) is an essential part of the legal framework necessary to ensure the ICC receives the cooperation it needs to operate as a fully independent and effective judicial institution. The APIC covers not only privileges and immunities that States should extend to Court officials, materials, transactions, and communications within the scope of official ICC functions, but also the privileges and immunities to be accorded to defense teams, witnesses, victims, experts, and a range of other participants in ICC proceedings. The APIC equally provides comprehensive privileges and immunities to States' representatives participating in proceedings as well as in meetings of the Assembly of States Parties to the Rome Statute.

While article 48 of the Rome Statute provides for privileges and immunities generally, the APIC more precisely links the Court's objectives as a judicial institution to its current activities and practical needs: the agreement defines and develops article 48 privileges and immunities, allowing the Court, parties and participants to proceedings, and the Assembly to operate on the premise of concrete protections – all while enjoying similarly concrete procedures to resolve disputes that may arise.

To date, only 79 States are party to the instrument. Taken as a whole, the APIC provides safeguards on par with those accorded to UN personnel under Article 105 of the United Nations Charter. It is with these benefits in mind that I encourage the remaining States Parties as well as Observer States to ratify the Agreement on Privileges and Immunities of the ICC.

I kindly ask States which may intend to make any announcement in this regard, to contact the Secretariat ([asp@icc-cpi.int](mailto:asp@icc-cpi.int)), preferably by 12 July, so that arrangements can be made for the relevant segment of the commemoration in New York.

Sincerely,

Silvia Fernández de Gurmendi  
President  
Assembly of States Parties  
International Criminal Court