Sample pledges provided by civil society organizations - Version of 10/07/2012
Updated on an ongoing basis

International Center for Transitional Justice (ICTJ):

Sample Rule of Law Pledges for States*

* For States wishing to make joint pledges, at the opening of the pledge, insert language that reads, “By [XX date]/Within [XX timeframe], [State X] and [State Y] pledge . . . .

1. By [XX date]/Within [XX timeframe] pledge to assist in and support the implementation of national-level assessments to inform the development of comprehensive strategies on criminal prosecution, truth seeking, reparation, and non-repetition in countries emerging from/examining periods of conflict or repression.

2. By [XX date]/Within [XX timeframe] pledge to assist and support the development of comprehensive (considering criminal prosecution, truth seeking, reparation, and non-repetition), national transitional justice strategies in countries emerging from/examining periods of conflict or repression.

3. By [XX date]/Within [XX timeframe] pledge to [continue to] provide assistance, support and cooperation to the ICC, including all of its organs, in accordance to the provisions of the Rome Statute in a transparent, constructive, and effective manner.

4. By [XX date]/Within [XX timeframe] pledge to promote national consultations and dialogue processes with victims and the groups that represent them, with particular attention to women and other marginalized groups, in the development of comprehensive, national transitional justice strategies.


6. To support financially the participation of victims and representatives of victims’ groups in proceedings and presentations on transitional justice to the Consultation Forum/General Assembly Working Group on Rule of Law during discussions of relevance to their country situation.

7. [For countries that have held truth commissions]: Within [XX timeframe], pledge to implement the recommendations of the truth commission.

8. By [XX date]/Within [XX timeframe] pledge to support states implementing criminal prosecutions, truth seeking, reparations, and non-repetition by facilitating technical assistance, comparative exchanges, and trainings for investigators, prosecutors, and commissioners on truth commissions and reparations bodies.

9. Pledge to facilitate capacity building of investigators, prosecutors, judges, and other relevant national actors to ensure good practice in the implementation of national prosecutions of serious crimes.

10. [For countries which are donors to rule of law programming]: Pledge to integrate a commitment to support transitional justice into development policy, including national investigations and prosecutions of serious crimes; truth commissions; reparations for victims of serious crimes; and measures to ensure non-repetition of serious crimes.

11. [For countries which are donors to rule of law programming]: By [XX date]/Within [XX timeframe] pledge to develop and adopt a comprehensive transitional justice policy that will be integrated into national development strategies.

(June 2012)
Model Pledges: “Effective and Equitable Delivery” of Criminal Defense Services

[Recognizing that] Legal aid is an essential element of a functioning criminal justice system that is based on the rule of law, ensures fundamental fairness and public trust in the criminal justice process, and is a foundation for the enjoyment of other rights, including the right to a fair trial [./.][Recalling the Universal Declaration of Human Rights/International Covenant on Civil and Political Rights/regional standards, e.g., the European Convention on Human Rights/domestic constitutions and legislation and taking note of the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems], the Government of ________ pledges to:

1) To take appropriate measures at the domestic level, prior to ______, to improve implementation/promote the right to legal aid for persons arrested, detained, suspected of or charged with a criminal offense, in compliance with article 14 of the International Covenant on Civil and Political Rights [and taking note of the UN Principle and Guidelines on Access to Legal Aid in Criminal Justice Systems].

2) Support the adoption of the resolution on Principles and Guidelines on Access to Legal Aid and Criminal Justice Systems in the upcoming General Assembly.

3) [Over the next _____,] conduct a [review/assessment] of its justice system to identify any impediments to the right to counsel [including, inter alia, lack of mechanisms to access available services, barriers to early access to counsel and/or a shortage of lawyers] and make recommendations for ways to ensure that all those arrested, detained, suspected or accused of, or charged with a criminal offense, in particular women, children and groups with special needs, receive prompt and effective legal counsel.

(OR)

[Over the next _____,] conduct a [review/assessment] of its justice system, and engage with relevant government agencies, justice sector institutions, legal aid providers, bar associations and civil society to promote dialogue and recommend ways to eliminate barriers to prompt and effective legal counsel for all those arrested, detained, suspected or accused of, or charged with a criminal offense.

Additional Pledge for Bilateral Donors:

[Over the next _____] conduct a [review/assessment] of [donor/funding] goals and strategies and recommend ways to ensure donors coordinate and take a balanced approached to justice reform that ensures adequate human and financial resources are allocated to develop and strengthen legal aid systems that ensure that all those arrested, detained, suspected of or charged with a criminal offense receive prompt and effective legal counsel [recalling the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems and other relevant international standards].

(20 June 2012)
Open Society Justice Initiative

Potential complementarity pledges

For all states

- Domesticate modern definitions of international crimes into national criminal codes.
- Amend domestic criminal procedure codes as needed to incorporate best practice in proceedings for international crimes.

For developing states that have experienced international crimes

- Conduct genuine investigations and prosecutions for international crimes.
- Integrate complementarity into justice-sector development plans.
- Create a complementarity focal point or subcommittee within the national justice sector coordination mechanism.
- Develop an outreach program to share information on proceedings for international crimes with the most-affected communities, and listen to their views.
- Incorporate modules on international criminal law into standard judicial trainings.
- Establish special investigation and prosecution cells related to international crimes.
- Establish special judicial chambers tasked with hearing international crimes cases.
- Create a witness protection agency with operational independence from political actors.
- Establish witness protection measures in accordance with international best practice, to be followed by investigators, prosecutors, defense counsel, and judges, including in-court protective measures.
- Establish a legal framework for reparations in accordance with international best practice, and in extensive consultation with victim communities.

For states wishing to support national capacity where international crimes have occurred

- Integrate complementarity into development programming.
- Support the inclusion of complementarity in coordination mechanisms with developing countries and among donors.
- Support outreach on international criminal justice.
- Provide appropriate legal experts to assist states with integrating international criminal law into criminal and criminal procedure codes.
- Support capacity building on international criminal law for investigators, prosecutors, judges, defense counsel, civil society, and journalists through training, mentorship, study tours, or provision of legal resources.
- Provide expertise and resources in support of the establishment of witness protection measures or independently functioning witness protection agencies.
- Provide expertise and resources in support of appropriate court management and archiving systems.
- Support the development of detention and prison facilities in accordance with international standards, and the adequate training and payment for staff of these facilities.
Coalition for the International Criminal Court

Suggestions for ICC-specific Pledges at the
High-Level Meeting on the Rule of Law on 24 September 2012

The Coalition has prepared a list of possible topics and pledges for your government’s consideration. The following list is only illustrative and by no means exhaustive; there may be a number of other useful areas where pledges can be made. We encourage your government to choose an area that would be of maximum benefit to the interests of the international justice and advancing the rule of law. Where possible, pledges should be concrete and identify specific goals and timelines for completion.

- Ratification of or Accession to the Rome Statute;
- Full implementation of the Rome Statute crimes under domestic legislation in a manner consistent with the standards and principles of the Statute;
- Full implementation of legislation that would facilitate cooperation with the ICC in a manner consistent with the standards and principles of the Statute;
- Ratification of the Agreement on Privileges and Immunities;
- Consider ratification of the Kampala amendments to the Rome Statute e.g. article 8 bis relating to war crimes in non-international armed conflict and the amendments on the crime of aggression;
- Support the efforts of other States in need of technical capacity to ratify or implement the Rome Statute;
- Withdrawal of declarations amounting to prohibited reservations to the Rome Statute (if a State has made such a declaration);
- Conclusion of framework agreements with the Court on enforcement of sentences, protective measures to witnesses, victims and others put at risk by the work of the ICC, interim release of defendants, and/or relocation of persons following acquittal;
- Conclusion of a tripartite agreement with the Court and another State Party to facilitate resource sharing in order to enable one of the States Parties to conclude framework agreements with the Court on enforcement of sentences and protection of witnesses and victims;
- Appointment of a national ICC focal point;
- Appointment of an ICC focal point within relevant embassies having an interface with the ICC (for example, in The Hague, New York, Brussels, or Addis Ababa) and identify this focal point to the ASP facilitator on cooperation;
- Establishment of an ICC inter-ministerial or agency task force/think-tank within national governments to coordinate information about requests for cooperation;
- Adoption of national policies toward the mainstreaming of ICC support, i.e. toward increased understanding and consistent, supportive policy setting on the ICC, within national administrations and/or within regional organizations;
- Devising ways to make operational at the national level the relevant recommendations on cooperation of the Assembly of States Parties;
- Adoption of measures ensuring the safety of counsel for the defense and counsel for victims, including protecting the independence of counsel and facilitating the work of counsel;

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1 Due to the confidential nature of protective measures taken by the ICC, the identity of those States pledging to enter into witness protection and relocation agreements might need to be kept confidential.
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- Contributions to arrest operations and the mobilization of diplomatic and political support toward the execution of arrest warrants;
- Promotion of Relationship Agreements or Memoranda of Understanding between international and regional organizations and the ICC;
- Continued support from States to international justice and the ICC within the different international, regional and sub-regional organizations, including, for example, commitments to work toward the adoption of common policies of support for the ICC within these organizations;
- Cooperation with relevant international and regional organizations in their ICC-related initiatives, including, inter-alia, the adoption of resolutions supporting the ICC, model implementation legislation, and capacity-building projects on the ICC;
- Annual contributions to the Trust Fund for Victims, to the special fund for relocation of witnesses and victims, and/or to the trust fund for the participation of States’ representatives at the sessions of the Assembly of States Parties;
- Undertake specific endeavors to promote increased awareness of the activities of the ICC at the national level and/or fund such activities, including support efforts by civil society and journalist organizations to raise awareness of national accountability needs;
- Commitment to improving legal training and capacity building on the Rome Statute within national judicial and education systems;
- Specific partnerships to strengthen national capacity for the prosecutions of Rome Statute crimes;
- Adoption of a national policy to ensure support to national prosecution of Rome Statute crimes in development or other assistance programs;
- Commitment to hold regional and sub-regional conferences to advance cooperation mechanisms for the Rome Statute system.