

**Mandates of the Special Rapporteur on the situation of human rights in the Russian Federation
and the Special Rapporteur on the independence of judges and lawyers**

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(Please use this reference in your reply)

21 January 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in the Russian Federation and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 60/21 and 53/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the conviction *in absentia*, on 12 December 2025, by the Moscow City Court of the Prosecutor of the International Criminal Court (ICC) and eight sitting judges of the ICC, in connection with the exercise of their official functions under the Rome Statute, sentencing them to imprisonment ranging from 3.5 to 15 years and placing them on an international wanted list.**

We are deeply concerned that the criminal conviction of ICC officials solely for exercising their official functions gravely violate principles of public international law, including international human rights law. In addition, we are concerned that these convictions constitute a flagrant and egregious escalation of a broader pattern of *in absentia* proceedings against individuals outside the Russian Federation who do not endorse official State narratives regarding Russia's war against Ukraine. Such practices have previously targeted human rights defenders, lawyers, journalists, academics, writers, artists, and persons cooperating with UN mechanisms and international courts. The new convictions reflect a deliberate and calculated strategy of transnational repression aimed at dismantling independent civic space, isolating individuals from international scrutiny, and deterring accountability, while further entrenching impunity and undermining fundamental fair trial guarantees.¹

According to the information received:

On 20 March 2023, the Investigative Committee of the Russian Federation announced the initiation of a criminal case against the Prosecutor and judges of the ICC, reportedly in response to the ICC arrest warrants issued on 17 March 2023 in respect of the President of the Russian Federation, Vladimir Putin, and the Children's Rights Commissioner, Maria Lvova-Belova, for allegedly being responsible, inter alia, for war crimes in the context of Russia's war against Ukraine.²

On 14 November 2025, the Investigative Committee of the Russian Federation publicly announced the completion of a criminal investigation against the

¹ <https://www.ohchr.org/en/press-releases/2025/12/russias-repression-policy-dismantle-civil-society-exposes-fear>

² <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and>

Prosecutor and eight judges of the ICC. According to the Investigative Committee, the case concerned the alleged “unlawful prosecution of Russian citizens” and was initiated in direct response to the ICC’s judicial activities relating to the Russia’s war against Ukraine.

The Investigative Committee reported that nine ICC officials had been charged *in absentia*, subjected to Russian arrest warrants *in absentia*, and placed on an international wanted list. Those charged are the current ICC Prosecutor, the current ICC President, a former ICC President, the current ICC Vice-President, and five serving judges.

The charges brought against the ICC officials fall under several provisions of the Criminal Code of the Russian Federation, namely article 299, part 2, knowingly bringing an innocent person to criminal liability resulting in grave consequences; article 301, part 2, knowing unlawful detention or arrest resulting in grave consequences; and article 30, part 1, in conjunction with article 360, part 2, preparation for an attack on persons enjoying international protection, aimed at provoking war or complicating international relations. The Prosecutor General’s Office of the Russian Federation approved the indictment and referred the case to the Moscow City Court for adjudication.

On 12 December 2025, according to information published on the official websites of the Investigative Committee of the Russian Federation and of the Prosecutor General’s Office of the Russian Federation, the Moscow City Court convicted the ICC Prosecutor and eight ICC judges *in absentia* under the above-mentioned provisions;³ “the ICC prosecutor Karim Khan, former ICC president Piotr Hofmański, ICC President Tomoko Akane, his deputies First Vice-President Rosario Salvatore Aitala and Second Vice-President Reine Alapini-Gansou, and judges Sergio Gerardo Ugalde Godínez, Haikel Ben Mahfoud, Carranza Luz del Carmen Ibáñez and Bertram Schmitt were found guilty of violating the Russian legislation related to the unlawful prosecution of Russian citizens.”⁴ Sentences ranged from 3.5 to 15 of years imprisonment. The ICC Prosecutor was sentenced to 15 years, with 9 years to be served in prison and the remaining term in a strict-regime penal colony. All defendants were declared internationally wanted.

According to the Russian authorities, the convictions relate to actions allegedly undertaken between February and March 2022 in The Hague, including the initiation of criminal proceedings against nationals of the Russian Federation and the issuance of the ICC arrest warrants. These actions were determined by the Russian authorities to be unlawful and constituting an abuse of judicial authority.

The charges and convictions arise directly from the exercise of the ICC’s judicial and prosecutorial functions in relation to alleged war crimes committed in the context of Russia’s war against Ukraine. In particular, they follow the decision of the ICC of 17 March 2023, to issue arrest warrants against the

³ <https://sledcom.ru/news/item/2044284/> (opens with VPN); <https://epp.genproc.gov.ru/ru/gprf/mass-media/news/main/e8309187/>

⁴ Ibid.

President of the Russian Federation Vladimir Putin and the Russian Children's Rights Commissioner Maria Lvova-Belova for alleged war crimes related to the unlawful deportation and transfer of Ukrainian children from occupied territories to the Russian Federation.

The Russian authorities have repeatedly rejected the ICC's jurisdiction, asserting that the Russian Federation does not recognise the Court, having withdrawn its signature from the Rome Statute in 2016, and have described the ICC's decisions as legally void.

Without prejudging the accuracy of the information received, we express serious concern that the reported convictions seek to criminalize the independent judicial and prosecutorial functions of an international court. Such measures undermine the ICC's ability to investigate, prosecute, and sanction war crimes and crimes against humanity, and risk obstructing victims' access to justice. Judges and prosecutors of international courts enjoy functional immunity in connection with the exercise of their official functions under the Rome Statute and established principles of international law. Domestic criminal proceedings targeting core judicial acts of an international tribunal are incompatible with these principles and threaten the independence, authority, and effective functioning of international justice mechanisms.

We would like to recall that on 13 October 2023, the Spokesperson for the UN High Commissioner for Human Rights expressed deep concern "by arrest warrants issued by the Russian Federation against senior judges of the ICC, following earlier warrants against the Court's Prosecutor and Pre-Trial Judges involved in the Ukraine situation", and urged that these actions be promptly withdrawn.⁵

We would like to further recall that, although the Russian Federation has not ratified the Rome Statute, the ICC has jurisdiction over crimes committed on the territory of Ukraine. Ukraine first accepted the Court's jurisdiction on 17 April 2014 by lodging a declaration under article 12(3) of the Rome Statute, allowing the ICC to exercise jurisdiction over alleged crimes committed between 21 November 2013 and 22 February 2014, despite Ukraine not being a State Party at that time. On 8 September 2015, Ukraine submitted a second article 12(3) declaration extending this acceptance indefinitely to cover alleged crimes from 20 February 2014 onwards, enabling the ICC Prosecutor to investigate war crimes, crimes against humanity, and genocide linked to the ongoing armed conflict. More recently, Ukraine ratified the Rome Statute, depositing its instrument of ratification on 25 October 2024, which entered into force on 1 January 2025, making Ukraine a full ICC State Party and formalizing the Court's jurisdiction without the need for ad hoc declarations. The ICC is therefore mandated to investigate and prosecute international crimes committed in Ukraine that have not been addressed by national courts, regardless of the nationality or allegiance of the perpetrators, including Russian citizens.

We would like to stress that, as set out in the Rome Statute, article 19, disputes concerning the ICC's jurisdiction or the admissibility of cases must be resolved exclusively through the procedures provided under the Statute itself. Any disagreement regarding jurisdiction or admissibility should therefore be addressed through legal challenges before the Court, in accordance with the rule of law, and not through

⁵ <https://www.ohchr.org/en/press-briefing-notes/2023/10/arrest-warrants-against-icc-officials>

retaliatory criminal proceedings initiated by domestic courts. Resorting to criminal sanctions or other punitive measures against ICC officials in response to judicial decisions of an independent and impartial international tribunal raises serious concerns about respect for international legal obligations and the fundamental principle of judicial independence.

Further, we would like to recall the customary principle of universal jurisdiction, codified in multiple treaties to which the Russian Federation is a party – including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Geneva Conventions of 1949, and the Genocide Convention – under which certain crimes, such as torture, war crimes, genocide, and crimes against humanity, may be investigated and prosecuted in any jurisdiction, irrespective of the nationality of the perpetrator or the location of the crime.

We consider that the conviction of ICC judges and prosecutors for acts performed in their official capacity — including issuing warrants under the Rome Statute — violates their functional immunities and judicial independence under international law. Such actions may constitute offenses against the administration of justice under article 70 of the Rome Statute, which punishes efforts to impede or intimidate an official of the Court or to retaliate against an official of the Court on account of duties performed by that official.

The criminal convictions of ICC officials also appear inconsistent with internationally recognized standards safeguarding the independence of legal professionals, prosecutors, and judges. They contravene the Basic Principles on the Independence of the Judiciary⁶, which affirm that all governmental and other institutions must respect and observe judicial independence (principle 1); that judges shall decide matters impartially, based on facts and law, without restrictions, pressures, threats, or interference from any quarter (principle 2); and that there shall be no inappropriate or unwarranted interference with the judicial process (principle 4). Similarly, the Guidelines on the Role of Prosecutors⁷ require States to ensure that prosecutors can perform their functions without intimidation, hindrance, harassment, improper interference, or unjustified exposure to liability (principle 4). These safeguards are essential to the proper administration of justice and apply, *mutatis mutandis*, to international judges and prosecutors acting within their professional mandate.

Derived from the principle of judicial independence, which is without exception, judges enjoy functional immunity protecting them from arrest or prosecution for acts or omissions performed in good faith in the exercise of their functions. This immunity is intended to protect judges from any form of intimidation or interference, as provided for in principle 2 of the Basic Principles on the Independence of the Judiciary. Without adequate protection of immunity, criminal or civil proceedings could be used as a means of retaliation or coercion to compromise independent and impartial decision-making, threatening the security of tenure, one of the bedrocks of judicial independence. Judicial immunity is not absolute, it is limited to decisions made or activities carried out in good faith in the exercise of judicial functions, since magistrates shall not be subject to disciplinary procedures or sanctions related to the

⁶ <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-independence-judiciary>

⁷ <https://www.ohchr.org/en/instruments-mechanisms/instruments/guidelines-role-prosecutors>

content of their resolutions, verdicts or judicial rulings.⁸ Judges thus must enjoy functional immunity protecting them from arrest or prosecution for acts or omissions performed in good faith in the exercise of their functions. As stressed by the Venice Commission, “the notion of judicial immunity is part of the wider concept of judicial independence. Judicial immunity is not an end in itself but serves the independence of the judge who should be able to decide cases without fearing civil or criminal liability for judicial adjudication done in good faith.”⁹ The criminal conviction of ICC judges and prosecutors for their official actions violates the functional immunity of those officials and constitutes an attempt to intimidate or interfere with their independent decision-making.

Further, if the above allegations prove accurate, they may constitute violations of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), ratified by the Russian Federation on 16 October 1973. The reported convictions, sentences and placement on international wanted lists, following trials *in absentia*, if executed, may breach articles 3 and 9 of the UDHR, which guarantee the right to liberty and security of person and prohibit arbitrary arrest, detention or exile, as well as article 9 of the ICCPR, which prohibits arbitrary arrest or detention. Detention resulting from proceedings incompatible with due process may be considered arbitrary.

Proceedings conducted *in absentia* without effective notification, access to independent legal counsel, or the ability to mount a defence fail to meet the guarantees of a fair trial under article 10 and 11 of the UDHR and article 14 of the ICCPR. Article 14(1) requires an independent and impartial tribunal, free from political interference, while article 14(3) guarantees the right to be informed of charges, to legal assistance, and to defend oneself effectively. These guarantees apply equally to trials *in absentia*.

In addition, targeting individuals for cooperation with international accountability mechanisms may breach article 19 of the UDHR and article 19(2) of the ICCPR, which protect the freedom to seek, receive and impart information and ideas of all kinds. Criminal proceedings aimed at deterring such cooperation risk creating a chilling effect on lawful engagement with international justice processes.

Finally, we are deeply concerned that the criminal convictions of ICC officials constitute an unprecedented escalation of a broader pattern of *in absentia* proceedings against individuals outside the Russian Federation who do not endorse or adhere to the official Russian State narratives regarding Russia’s war against Ukraine. Such practices have previously targeted human rights defenders, lawyers, journalists, academics, writers, artists, and persons cooperating with UN mechanisms and international courts.

As documented by the Special Rapporteur on the situation of human rights in the Russian Federation in her reports to the Human Rights Council, Russian authorities have increasingly resorted to judicial harassment, criminal prosecution and the abuse of national security and public safety legislation, including counter-terrorism and

⁸ A / HRC / 26/32, paras. 84 and 87

⁹ AMICUS CURIAE BRIEF ON THE IMMUNITY OF JUDGES FOR THE CONSTITUTIONAL COURT OF MOLDOVA. Adopted by the Venice Commission at its 94th Plenary Session (Venice, 8-9 March 2013). CDL-AD(2013)008.

extremism-related legislation to suppress dissent and anti-war expression, intimidate legal professionals, and target individuals and institutions engaged in international cooperation and accountability efforts (A/HRC/57/59, paras. 61–64, 66–71). The Special Rapporteur further observed that these practices have evolved into an explicit strategy of transnational repression, whereby legitimate international engagement and cooperation with UN mechanisms are reframed as “existential security threats”, and criminal prosecutions, *in absentia* trials and expansive interpretations of national security legislation are deployed to target perceived “external enemies” beyond Russia’s borders (A/HRC/60/59, paras. 1-2, 72-76). The latter report also identifies reprisals for cooperation with UN mechanisms and other international bodies as a deliberate State policy aimed at deterring scrutiny and entrenching impunity (A/HRC/60/59, paras. 132–134). The information now received suggests that these practices persist, maintaining an environment of fear and repression within the legal and professional community and continuing to undermine the independence of legal actors and the right to a fair trial for the communities and individuals they serve, in violation of the above-mentioned provisions and principles of international human rights law, including those enshrined in the UDHR and the ICCPR, as well as principles of public international law, such as the functional immunities of international officials and the independence of the judiciary under the Rome Statute and customary international law.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide the legal basis under international law for asserting criminal jurisdiction over the prosecutor and judges of the ICC in connection with the exercise of their official functions under the Rome Statute and explain its compatibility with public international law relating to the independence of the judiciary, as well as with international human rights law.
3. Please clarify what measures were taken to ensure the defendants’ rights to due process and a fair trial in proceedings conducted *in absentia*, in accordance with article 14 of the ICCPR.
4. Please also explain how the criminal convictions of the ICC officials are compatible with an environment conducive to human rights defenders, lawyers, civil society organizations and victims’ representatives cooperating with the ICC.
5. Please explain how the criminal convictions of ICC officials for issuing arrest warrants against Russian citizens are compatible with the customary principle of universal jurisdiction, codified in multiple treaties to which the Russian Federation is a party, according to which certain crimes can be investigated and prosecuted irrespective of the nationality of the perpetrator.

6. Please indicate whether steps will be taken to annul the convictions and withdraw the arrest warrants.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which a public statement will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. Such public statement or a press release will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

Please accept, Excellency, the assurances of my highest consideration.

Mariana Katzarova
Special Rapporteur on the situation of human rights in the Russian Federation

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards.

The human right that prevents arbitrary detention is the right to liberty and security of person, as guaranteed at article 9 of the International Covenant on Civil and Political Rights. Article 9 establishes in particular that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law, and that anyone who is arrested shall be informed, at the time of arrest, of the reasons behind such arrest and be brought promptly before a judge to determine the lawfulness of the detention. Paragraph 3 requires that detention in custody of persons awaiting trial shall be the exception rather than the rule. Detention pending trial must be based on an individualized determination that it is reasonable and necessary taking into account all the circumstances of the crime.

An arrest or detention may be authorized by domestic law and nonetheless be arbitrary. The notion of "arbitrariness" is not to be equated with "against the law" but must be interpreted more broadly to include elements of reasonableness, necessity and proportionality, as well as compliance with the interactional human rights obligations (see Human Rights Committee, general comment No. 35 (2014), para. 12).

Article 14(1) of the ICCPR, which sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law. In addition, article 14 of the ICCPR provides a set of contain procedural guarantees that must be made available to persons charged with a criminal offence, including the right of accused persons to have access to, and communicate with, a counsel of their own choosing. Article 14 of the ICCPR establishes the right to fair proceedings before a competent, independent and impartial tribunal established by law. In this regard, general comment No. 32 (2007) of the United Nations Human Rights Committee notes that the element of independence requires the judiciary to be free from political interference by the executive branch, as well as the legislature. The Committee notes in particular that a situation where the Executive is able to control or direct the judiciary is incompatible with the notion of an independent tribunal (general comment No. 32, para. 19).

As to the trial *in absentia*, the Human Rights Committee has argued in its general comment No. 32 (CCPR/C/GC/32 at para. 36), that article 14 (3) (d) requires that accused persons are entitled to be present during their trial and proceedings in the absence of the accused may only be permissible in some circumstances in the interest of the proper administration of justice, i.e. when accused persons, although informed of the proceedings sufficiently in advance, decline to exercise their right to be present. Therefore, the Human Rights Committee concludes that trials are only compatible with article 14 (3) (d) if the necessary steps are taken to summon accused persons in a timely manner and to inform them beforehand about the date and place of their trial and to request their attendance (see also, for example, WGAD Opinion 60/2020).

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. In its [general comment No. 34](#), the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims be in receipt of appropriate forms of redress” (para. 23).

The Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Milan, Italy), 26 August – 6 September 1985) provide that it is the duty of all governmental and other institutions to respect and observe the independence of the judiciary (principle 1); that the judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason (principle 2); that there shall not be any inappropriate or unwarranted interference with the judicial process (principle 4); and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected (principle 6).

As it relates to prosecutors, the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, with respect to their conditions of service and freedom of expression, provide that prosecutors shall be able to perform their 10 professional functions without intimidation, hindrance, harassment, improper interference or unjustified exposure to civil, penal or other liability (guideline 4); that like other citizens, prosecutors are entitled to freedom of expression, belief, association and assembly. In particular, the guidelines specify that they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights without suffering professional disadvantage because of their lawful action or their membership in a lawful organization (guideline 8). With respect to their role in criminal proceedings, the Guidelines on the Role of Prosecutors provide that prosecutors shall perform an active role in criminal proceedings and, where authorized by law or consistent with local practice, in the investigation of crime, supervision over the legality of these investigations, supervision of the execution of court decisions and the exercise of other functions as representatives of the public interest (guideline 11); and that they shall give due attention to the prosecution of crimes committed by public officials, particularly corruption, abuse of power, grave violations of human rights and other crimes recognized by international law and, where authorized by law or consistent with local

practice, the investigation of such offences (guideline 15). With respect to disciplinary proceedings, the Guidelines on the Role of Prosecutors provide that prosecutors shall be subjected to disciplinary offences based on law or lawful regulations; that complaints against prosecutors which allege that they acted in a manner clearly out of the range of professional standards shall be processed expeditiously and fairly under appropriate procedures; that prosecutors shall have the right to a fair hearing; and that the decision shall be subject to independent review (guideline 21); and that disciplinary proceedings against prosecutors shall guarantee an objective evaluation and decision, determined in accordance with the law, the code of professional conduct, and other established standards and ethics, and in light of the present Guidelines (guideline 22).

As it relates to lawyers, the UN Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba) from 27 August to 7 September 1990, with respect to the guarantees for the functioning of lawyers, require that Governments take all appropriate measures to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, and to prevent that lawyers be threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics (principle 16); that where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities (principle 17); that lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions (principle 18); and that lawyers shall enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority (principle 20). With respect to their freedom of expression and association, the basic principles on the Role of Lawyers provide that lawyers, like other citizens, shall be entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession (principle 23).

In addition, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, in cases of gross violations of international human rights law and serious violations of international humanitarian law constituting crimes under international law, provide that States have the duty to investigate, prosecute, and punish those responsible. Moreover, in these cases, States should, in accordance with international law, cooperate with one another and assist international judicial organs competent in the investigation and prosecution of these violations (principle 4). To that end, where it is so provided for in an applicable treaty or other international legal obligations, States should provide judicial assistance and other forms of cooperation in the pursuit of international justice, including assistance to, and protection of, victims and witnesses (principle 5).

In relation to the potential adverse impacts on human rights defenders, civil society organizations and victims' representatives who might be discouraged from cooperating with the ICC, the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders provide in their articles 1 and 2 that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Article 6 (b) and c) provides that everyone has the right, individually and in association with others to freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters.

Furthermore, article 9, paragraph 4, point a) of the UN Declaration on Human Rights Defenders reaffirms the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies. Actions that hinder or restrict the ability of individuals and organizations to cooperate with the ICC would appear to violate article 9 of the Declaration.

Finally, the Human Rights Council's resolution 12/2 urges Governments to prevent and refrain from all acts of intimidation or reprisal against those who, inter alia, avail or have availed themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms, and all those who have provided legal or other assistance to them for this purpose. In this regard, the Human Rights Council condemns all acts of intimidation or reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights.