

United States International Council on Disabilities



March 31, 2026

The Permanent Mission of the Republic of Kenya to the United Nations
866 UN Plaza, Suite 304
New York, NY 10017

Via Electronic Correspondence

Dear Ms. Njoki Ndungu:

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Executive Director

The U.S. International Council on Disability (USICD) is an international NGO working to advance international disability rights and inclusive development and to build bridges among the U.S. and foreign governments, disability and human rights communities, and the private sector through strategic advocacy, convening, training, and education. One of USICD's important initiatives is the Youth Advisory Committee (YAC). The YAC is a dynamic platform for emerging leaders with disabilities aged 18-30 who are passionate about global disability rights inclusion and implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD).

Article 13 of the CRPD recognizes the right to access justice, which includes among many measures, accountability, fair representation, and accessible proceedings. However, international criminal law has historically failed to pursue accountability for crimes against persons with disabilities,¹ and faced challenges prosecuting defendants with disabilities.²

With that in mind, the YAC respectfully submits the below questions to all ICC nominees to better understand how they would ensure disability inclusion, accommodations, and accessibility within the ICC:

¹ See e.g. *Persons with Disabilities in Armed Conflict*, International Review of the Red Cross, Volume 105, Issue 922, <https://international-review.icrc.org/sites/default/files/reviews-pdf/2022-12/Persons-with-Disabilities-in-Armed-Conflict-International-Review-of-the-Red-Cross-b-No-922.pdf> (noting articles by Lord, Pons, McInnes, and Vantrees); Kate McInnes, *Justice Denied by Design: Nuremberg's Neglect of Atrocities against Institutionalized Persons with Disabilities and Enduring Gaps of Protection Under the Rome Statute*, <https://doi.org/10.1093/jicj/mqag004>; Janet Lord, et al., *Time for the International Criminal Court to Recognize Persons with Disabilities and the Slave Trade*, <https://www.justsecurity.org/98787/icc-disability-slave-trade/>.

² Pascale Chifflet and Ian Freckelton, *The Mental Incapacity Defence in International Criminal Law: Ramifications from the Ongwen Trial Judgment*, https://brill.com/view/journals/icla/22/4/article-p751_005.xml?language=en&srsltid=AfmBOom0n4OkFfNRs_in6eRDMG1SjuhsSZnhCcMhGK8scgqD-NWeOHE.

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- 1. Please explain your understanding of how the ICC ensures staff can access reasonable accommodations in the workplace? As an ICC Judge, how will you support this environment?**
- 2. Please explain your understanding of how ICC proceedings are accessible to individuals with disabilities. For example, would a deaf lawyer who uses international sign language as their primary language be able to participate in a proceeding before the ICC? Would an individual with a mobility device be able to access the Court? While these are just examples, our goal is to understand your perspective on the accessibility of the ICC.**
- 3. Persons with visual, chronic, and invisible disabilities are often discriminated against in the workplace due to stigma and misunderstanding about disability and its impact on the workplace. Fortunately, the implementation of the CRPD has done immense work to address these stigmas. As an ICC Judge how will you ensure the ICC continues to develop into an equitable work environment with opportunities for disabled lawyers, staff, and professionals?**
- 4. Many Situations and Cases before the ICC involve crimes against people with disabilities; including but not limited to: targeted persecution, enslavement, and sexual and gender-based violence crimes. However, the ICC has not historically pursued these prosecutions. How can the ICC better engage survivors with disabilities to ensure their harms are represented in investigations and proceedings? What do you believe is the role of the Judiciary in this regard?**
- 5. The ICC Prosecutor can appoint Special Advisors to assist the Prosecutor in its investigations. For example, the ICC Prosecutor has Special Advisors on war crimes, aggression, cyber-related crimes, and gender. Would you support a Special Advisor on Disability being appointed to identify gaps in ICC investigations; barriers within the ICC's working methods; and**

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employment practices that may discriminate against disabled professionals.

We thank you for your time and consideration of these questions. We respectfully request a response by **April 31, 2026**. Please contact ashira.s.vantrees@gmail.com if you have any questions or clarifications.

Sincerely,

Isabel Hodge
Executive Director
USICD

Ashira Vantrees
2025-2026 YAC Member