



Concept Note

Technical Seminar on cooperation with respect to financial investigations and recovery of the assets

International Criminal Court

(25 January 2019, The Hague, The Netherlands)

INTRODUCTION

The International Criminal Court (“ICC”) is organizing a seminar titled **Technical Seminar on cooperation with respect to financial investigation and recovery of assets**, scheduled to take place on 25 January at the seat of the Court in The Hague, The Netherlands.

Financial investigations and asset recovery efforts at the ICC aim at potentially providing evidence to demonstrate linkage between the crimes and the individuals identified, securing funds for possible reparations to victims if the accused person is found guilty, covering costs of legal aid, as well as contributing to the prevention of further crimes.

The notion that grave crimes such as organized criminality, which often happens in association with ICC crimes, should be fought by targeting its financing or “following the money” is not new, and has been implemented at both the international level via the actions of the Financial Actions Task Force or as part of international conventions such as United Nations Convention Against Corruption (UNCAC), and at the national level via more robust legislative initiatives.

In the mind of national practitioners, financial investigations and the pursuit of the profit of crimes therefore go hand in hand with the fight against organised criminality. It is time to adopt the same paradigm for war crimes, crimes against humanity and genocide. The Court wants to encourage its focal points to reinforce their capacity at the national level to support the fight against impunity through financial investigations and the recovery of assets of suspects and accused persons before the Court.



THEMES

A number of initiatives have already been taken to sensitize focal points to the specific challenges faced by the Court during regional seminars, expert seminars organised at the seat of the Court (see attached conclusions of the seminar organised in 2015) and in the context of the Paris declaration of 2017 (also attached in annex). A leaflet was also distributed during the last Assembly of States Parties to explain relevant processes at the Court, best practices and areas for improvement.

The goal of the seminar is threefold:

- (i) discuss further the challenges and options identified during previous fora;
- (ii) discuss how to ensure diffusion of this specific knowledge not only at the focal point level but to all practitioners in the country; and
- (iii) encourage exchanges between States that have been receiving requests for assistance from the Court in this field.

It is difficult to have focused discussions with a large number of participants, so this seminar will focus on the Court's situation countries and a few countries which have received and implemented requests for assistance on this matter. Neither case specific nor matters *sub judice* should be discussed during the meeting but exchanges on the experiences of States and legal questions which States are faced with can be debated.

While general explanations will be provided by representatives of the Court at the outset of the meeting, the idea is to leave as much time as possible for States to discuss *inter alia* the questions listed in the agenda during the afternoon. The Court aims to better understand the domestic systems relating to financial investigations and asset recovery (including the management of assets). Each State representative is requested to take the floor to give an overview of the domestic system concerned and the State's experience with the Court on this issue.

The Court will summarize the propositions made at the end of the seminar and suggest future steps to advance the matter.

FORMAT AND LANGUAGE

The format of the Seminar is designed to enable interactive discussions and maximise opportunities for a frank exchange of views. The languages of the Seminar will be English and French, with simultaneous interpretation.