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## Concluding Observations from the Eleventh High-Level Regional Cooperation Seminar with the International Criminal Court (ICC) in Tbilisi, Georgia

On 24-25 October 2018, senior representatives from 16 States, as well as representatives from intergovernmental organizations and representatives from the International Criminal Court (“ICC”, or “the Court”), gathered for the Eleventh High-Level Regional Cooperation Seminar: “Opportunities for Cooperation and Exchange of Experience at 20 Years of the Rome Statute” in Tbilisi, Georgia.

In order to encourage a wider representation of Eastern Europe amongst the ICC family of States Parties to the Rome Statute and to enhance fruitful cooperation between States and the Court, as well as among States, the following concluding observations were agreed upon:

1. The participants identified the importance of working towards universal ratification of the Rome Statute by States, particularly in Eastern Europe, while fully respecting the sovereign decision of each State as to joining any treaty. Increased membership of Eastern European States in the Rome Statute would address the region’s current under-representation in the ICC, bolster the region’s participation in developments of international law and open up more opportunities for legal professionals, promote more equal access to justice globally and increase burden-sharing between States Parties in their collective responsibility towards assisting the Court in fulfilling its mandate; *and agreed to work towards ensuring the achievement of these objectives within their national systems as well as by encouraging other States to do so;*
2. The participants noted the importance of giving full effect to the cooperation regime enshrined in Part 9 of the Rome Statute, emphasised the importance of States adopting implementing legislation or appropriate mechanisms deriving from pre-existing legislation to allow a State to reply in a timely and adequate manner to requests for cooperation emanating from the Court and noted the benefits of having model legislation available to guide this process as well as drew attention to the ratification of the Agreement on Privileges and Immunities of the Court; the participants also identified importance of concluding cooperation agreements between the Court and States to facilitate important forms of voluntary cooperation, including the enforcement of sentences, relocation of victims and witnesses under threat, and enabling interim and final release of ICC suspects or accused; *and agreed to continue to work towards the adoption of national legislation and the establishment of domestic procedures, including coordination between relevant national authorities, thus ensuring the State’s operational capacity to address the requests of assistance of the Court in an effective and timely manner, as well as to engage closely with the Court regarding the negotiation of cooperation agreements, when appropriate;*
3. The participants took note of the recent developments regarding the work of the Court on Defence issues, recalled the importance of the principles of fair trial and equality of arms, as well as of timely cooperation from States Parties with the requests for assistance from the Defence teams, in order to ensure the fairness of proceedings before the Court; *and agreed to continue discussions with the Court in order to ensure effective cooperation with the Defence teams.*
4. The participants underlined the importance of the roles and rights of victims in the justice system of the Rome Statute. In order to make justice a meaningful reality, the Rome Statute’s uniquely victim-centric framework provides for victims to participate in judicial proceedings and to receive assistance or

*The International Criminal Court would like to express its gratitude to the European Commission for its generous financial support for the seminar*



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reparations for their benefit, their families, and their communities. That victims of unimaginable atrocities are able to overcome harm and rebuild their lives with dignity, must not be overlooked when considering the validity and effectiveness of international criminal justice under the Rome Statute system. Participants also address the role of ICC states parties in ensuring the implementation of victims' interest and rights of the ICC and TFV's mandates; *and agreed that in addition to the independent and impartial prosecution of accused criminals, the Rome Statute system is providing undeniable value of reparative justice to victims as well as in facilitating the recognition and implementation of victims' rights including through providing adequate resources for the Court and TFV's activities.*

5. The participants underlined the importance of developing efforts in the context of national, regional and international fora, including the ICC Assembly of States Parties, to engage in dialogue and exchange of information related to the mandate, activities and achievements of the ICC in order to raise awareness and clarify possible misconceptions with respect to the work of the Court, as well as the importance of enhancing States' understanding and knowledge of the procedures applied by the Court, and sharing national and regional experiences and expertise among States, the Court and relevant regional and international partners, with a view to strengthening the Rome Statute system, continuing efforts to end impunity for core international crimes, and enhancing discussions on matters related to justice and accountability; *and agreed, to enhance such exchanges and dialogue between States, as well as between the States, the Court and intergovernmental or non-governmental organizations;*

6. The participants noted the importance of various approaches and mechanisms towards generating political and diplomatic support of States for the ICC in furtherance of the core principles of the Rome Statute, and striving to mainstream the efforts to fight impunity for core international crimes in national, regional and international fora; *and agreed to explore concrete ways in this regard.*

*The following States participated at the Eleventh High-Level Regional Cooperation Seminar: Armenia, Azerbaijan, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Latvia, Lithuania, Poland, Romania, Serbia, Slovakia, Turkey and Ukraine.*