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Concluding Observations from the Eighth High-Level Regional Cooperation Seminar with the International Criminal Court (ICC) in Seoul, Republic of Korea

On 4-5 April 2017, senior representatives from 13 States from the Asia-Pacific region, as well as representatives from intergovernmental organizations and representatives from the Court, gathered for the Eighth High-Level Regional Cooperation Seminar: “The ICC and Asia: the joint quest for justice, accountability and prevention” in Seoul, Republic of Korea.

In order to encourage a wider representation of Asia 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 Asia, while fully respecting the sovereign decision of each State as to joining any treaty. Increased membership of Asian 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; and agreed to continue to work towards the adoption of such legislation and the establishment of such 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;*
- 3. The participants identified the importance of concluding cooperation agreements between the Court and States to facilitate important forms of voluntary cooperation, including the enforcement of sentences, relocation of witnesses under threat, hosting suspects or accused during interim release, and accepting persons released due to acquittal or non-confirmation of charges; and agreed to engage closely with the Court to resolve any possible challenges, including through bilateral exchanges, and further agreed to explore any ad hoc or operational arrangements to facilitate cooperation in these areas*



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as well as to take stock in various fora, including the ICC Assembly of States Parties, of progress made with respect to voluntary cooperation;

4. 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;*

5. 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 Eighth High-Level Regional Cooperation Seminar was attended by participants from Afghanistan, Bangladesh, Cambodia, Japan, Republic of Korea, Laos, Maldives, Mongolia, Nepal, Philippines, Samoa, Thailand and Timor-Leste.