



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

On 14-15 November 2023, senior representatives from 9 States, as well as representatives from intergovernmental organizations and representatives from the Court, gathered for the High-Level Regional Seminar: “The International Criminal Court and the Asia-Pacific: past, present and future of the Rome Statute – vision for the greater regional solidarity” in Seoul, Republic of Korea.

In order to encourage a wider representation of Asia-Pacific 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 drawn by the Court:

1. The participants collectively reflected on the accomplishments of the International Criminal Court (“ICC”, “Court”) since the adoption of the Rome Statute, notably, the ICC playing a pivotal role in advancing the system of international justice, creating a deterrent effect for the most serious crimes of international concern, and serving as a beacon of hope for victims. The participants also shared views on the challenges ahead and identified areas for the Court to prioritize in order to successfully fulfill its mandate in the future. These areas include advancing the principles of cooperation and complementarity, promoting good governance and effective management, and advocating for the universality of the Rome Statute.
2. In the context of the Asia-Pacific region, participants acknowledged opportunities for the region to assume a more proactive role in advancing the Rome Statute system globally, which could further uphold the principles of peace and justice that the region aspires to safeguard.
3. With regard to the principles of cooperation and complementarity, the participants acknowledged that effective support from States is integral to closing the impunity gap and underscored the significance of demonstrating effective cooperation with the Court, as well as readiness and ability to prosecute and punish international crimes. Representatives from States reaffirmed their unwavering support for the ICC and shared various achievements made within their respective domestic judicial systems. While recognizing the ICC's increased efforts in engaging with States and other actors in the Asia-Pacific, the participants underlined the importance of further concrete actions, inter alia, implementing more robust awareness-raising activities, enhancing engagement and dialogue with partners, and ensuring that Court-related information is more accessible and user-friendly.

The International Criminal Court would like to express its gratitude to the European Union for its generous funding of the seminar



4. In the pursuit of fostering regional cooperation, the participants also emphasized a strategic approach to partnerships with stakeholders possessing substantial expertise and regional knowledge. This includes collaboration with international organizations, regional networks, academia, and the judiciary, all of which could contribute to strengthening the Rome Statute system from various perspectives. The active participation of regional networks on judicial cooperation demonstrated unique opportunities and the potential to further strengthen the ICC's network of international cooperation with the Asia-Pacific region. The strong regional expertise and network of these groups suggests that the Court could benefit from collaborative efforts in various stages of its operations, including investigation, evidence preservation, asset recovery, legal assistance, and witness protection.
5. There was recognition that the low ratification rate of the Rome Statute among Asia-Pacific States is impeding the universality of the Rome Statute. Participants engaged in discussions about concrete actions to promote greater solidarity and cohesion among the States in the region in the field of international criminal justice. To this end, some participants suggested that the creation of a regional support system could facilitate more effective sharing of information, experiences and expertise, as well as offer opportunities for supporting capacity building. It was also noted that the Court should be fully cognizant of the specific reasons preventing non-state parties from ratifying the Rome Statute. Correlation between the ratification of human rights treaties and the ratification of the Rome Statute was noted.
6. A break-out discussion led by judges and academic experts reflected on the ICC's jurisprudence in a wide range of areas, including sexual and gender-based crimes, victims' rights, reparations, admissibility, and relationship with international human rights law. There was also extensive discussion on the legal aspects of the crime of aggression under the Rome Statute. A few cases of international crimes heard by national courts were mentioned by the participants, but it was noted that the experience of most national jurisdictions in the region is very sparse or non-existent in this respect. Lack of interest in international criminal law by national judges was highlighted as a challenge. Participants stressed the importance of the Court in discharging its mandate effectively to solidify its legitimacy and authority and recommended the strengthening of partnerships between the ICC and judiciaries and academia in the Asia-Pacific region.



7. Another break-out discussion, led by experts on judicial cooperation and members of prosecution services from the participating States and the ICC, focused on recent advancements in prosecutions, investigations, and evidence preservation within the Court. Participants emphasized the need for continuous efforts to keep pace with technological developments in investigative activities. State experts shared best practices, such as digital forensics and testimony analysis, presenting opportunities for the Office of the Prosecutor's cooperation with States from the Asia-Pacific region. Participants discussed opportunities and challenges in judicial cooperation with the ICC, highlighting the need to mainstream the ICC through domestic legislation, national implementation, and increased cooperation with States. They delved into practical challenges faced during the implementation of judicial cooperation requests and legal assistance with the ICC, proposing ways to address these challenges, including amending domestic legislation on the arrest and surrender of ICC suspects.
8. The participants recognized the complexities of the Court as a judicial institution which operates not in a vacuum, but a political world. In this respect, threats and attacks on the Court and its officials were noted as a particularly significant challenge. Finally, it was noted that it is important to reflect on the positive achievements of the past 25 years of the Rome Statute, proactively document and convey them, and to use them as a catalyst to generate momentum for the coming years.

The High-Level Regional Cooperation Seminar was attended by participants from Australia, Bangladesh, Cambodia, Japan, Republic of Korea, Maldives, Mongolia, Thailand and Timor-Leste.