

Concept Note

High-level regional seminar on cooperation and complementarity between States and the International Criminal Court

(Niamey, Niger, 24-26 October 2017)

1. Concept note

Background

When States founded the International Criminal Court (“ICC”, “Court”) in 1998, it was with the aim of establishing an independent, international judicial mechanism to complement domestic courts and convey a loud and clear message on the need for justice for the most serious crimes of concern to the international community.

State cooperation nonetheless remains a vital pillar of the Court’s work. The aim of high-level seminars is to promote cooperation between the Court and States, with the backing of the European Commission and some States Parties. These events are intended to increase cooperation with the Court by enhancing participants’ knowledge of the cooperation regime, promoting universality, clarifying and correcting certain preconceived notions about the ICC and strengthening contacts and partnerships between the Court and its stakeholders, both strategically and operationally.

Objectives

The Court has no enforcement powers of its own, and no police force. Nor does it have the authority to compel States to comply with its requests. State cooperation is vital in the fight against impunity for the world’s worst crimes. Without that cooperation, the Court would not be in a position to carry out its mandate effectively and efficiently.

Under the ICC system, States have primary jurisdiction for the prosecution and punishment of Rome Statute crimes. The Court steps in only if a State is unwilling or unable to prosecute and try the perpetrators of those crimes. That is the principle of complementarity, which lies at the heart of the Rome Statute. In the same spirit, the Office of the Prosecutor has developed a strategy of taking a positive approach to complementarity with States – which means, among other things, encouraging domestic proceedings and identifying opportunities to provide assistance to domestic criminal courts through measures such as information-sharing (in accordance with its mandate) and capacity-building.

There are two core objectives for the seminar:

- (i) to discuss issues of cooperation in international criminal justice; and
- (ii) to contribute to knowledge enhancement and capacity-building for domestic and subregional courts and other stakeholders as regards the law, ICC practice and rule-of-law issues.

Format and purpose

The regional seminar will be held in Niamey, Niger, from 23 to 26 October 2017, and will address topics related to the ICC and international justice.

The seminar will be attended by ministers of justice or foreign affairs, or their representatives, and by experts from French-speaking countries in Central and West Africa (one from each country invited). These experts may be domestic or regional legal professionals at the level of prosecuting authorities, examining magistrates, judges or lawyers. The number of participants is expected to be limited to 45, including 15 participants from Niger and 30 from other countries in French-speaking Africa.

The proceedings will begin on the first day with a high-level plenary session chaired by senior officials of the Republic of Niger.

The purpose of the three-day seminar will be to enable legal professionals – the different links in the domestic criminal justice chain – to become familiar with the mandate and work of the ICC's various organs and entities (Chambers, Office of the Prosecutor, Registry, victims' and defence representatives) and to share expertise and best practices in the field of international cooperation.

Funding, logistics and security

Funding for these activities will be provided by the ICC through its partners.

The Nigerien authorities will also provide support for organizational and logistical requirements and for the security of ICC officials and seminar participants.