

**Regional Seminar on
“Ensuring Responsibility for International Crime Within the
Principle of Universal Jurisdiction: The Challenge for the ASEAN Criminal Justice
Cooperation”
27-28 November 2003, Bangkok, Thailand
organized by
Thai Working Group for an ASEAN Human Rights Mechanism
& Law Society of Thailand**

D E C L A R A T I O N

We, the participants from eight countries in the ASEAN region, as well as Canada, representing both government and non-government organizations, in the regional seminar on *“Ensuring Responsibility for International Crime Within the Principle of Universal Jurisdiction: The Challenge for the ASEAN Criminal Justice Cooperation”* held in Bangkok, Thailand from 27-28 November 2003 call for:

- Support for the functioning of the International Criminal Court (ICC) and effective implementation of the Rome Statute of the ICC (Rome Statute).
- Accession to and transparent implementation by ASEAN countries of the Rome Statute.
- Support for the principle of universal jurisdiction and its effective implementation in the region.
- Full cooperation with the ICC through both formal and informal arrangements.
- ASEAN countries to ensure a balance between national security concerns and the guarantee of international human rights standards.
- The Working Group for an ASEAN Human Rights Mechanism to monitor the impact of the Rome Statute in the region.
- The pursuit of international justice against t crimes through the full spectrum of measures including where appropriate extradition, prosecution, deportation, reparations for the victims and accountability through truth and reconciliation commissions.
- Consolidation of remedies so that fragmentation does not lead to undue delays in justice.
- The admissibility of all credible and trustworthy evidence and the exclusion of unreasonable technicalities when prosecuting international crimes.

- The rejection of superior orders and obedience to local law as defences to international crimes including genocide, war crimes, crimes against humanity and torture.
- The application of the requirement of proof of criminal intent so as to exclude the use of racial prejudice as a defence.
- Public awareness in legal systems on the need to bring perpetrators of international crimes to justice.
- Justice to be brought to the perpetrators of grave international human rights violations; acknowledgement of these violations; and appropriate reparations for the victims and their families.
- The rejection of amnesties/pardons granted in advance of accountability, and amnesties/pardons for those found responsible for international crimes particularly for war crimes, crimes against humanity and genocide.
- Imprescriptability of war crimes, crimes against humanity and genocide.
- ASEAN countries not to enter into bilateral immunity agreements with the United States of America.
- Continuity of state responsibility for past wrongs, whether the people in power are the same or different.
- ASEAN countries to ensure the effectiveness of the assumption of universal jurisdiction through reforms in criminal justice, prosecutions and collection of evidence.
- ASEAN countries to establish national and regional mechanisms to ensure accountability, reduce impunity and prevent gross human rights violations in the region.
- ASEAN countries and NGOs to undertake studies:
 - To establish a proper balance between, on the one hand addressing the needs of reconciliation, and on the other hand, holding perpetrators accountable and bringing justice to victims and their families;
 - To examine how amnesty grants contribute to peace and justice in the region; and
 - To determine the impact of immunity provisions on peace and justice in the region.
- ASEAN countries to have clear extradition processes.

- ASEAN countries to establish mechanisms to monitor, and where necessary, assist in the reform of the judiciary and investigation units and ensure implementation of the Rome Statute.
- ASEAN countries not to use economic development at the expense of respect for human rights.
- Governments, funders and NGOs to continue to promote universal jurisdiction.

The workshop notes the disquieting impact of terrorism and its relationship with national security laws in the region, particularly increasing constraints imposed upon human rights.

We commit to pursue the above declaration, with the support of our respective constituencies towards the attainment of justice and peace in the ASEAN region and in the world.

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