

CICC ASIA PACIFIC REGIONAL STRATEGY MEETING
QUEZON CITY, THE PHILIPPINES, 11-12 APRIL 2011

FINAL RECOMMENDATIONS

The Coalition for the International Criminal Court (CICC) and the Philippine Coalition for the ICC (PCICC) organized the “Regional Strategy Meeting for Asia and the Pacific” in Quezon City, The Philippines, from 11-12 April, 2011, to form strategies to move forward support for justice and accountability throughout the region. The meeting brought together non-governmental organizations with active national campaigns to push their governments to ratify and implement the international treaty, known as the Rome Statute, which establishes the International Criminal Court, the world’s first global, permanent, independent criminal court with jurisdiction over crimes against humanity, genocide and war crimes. The meeting was attended by CICC NGO members from Bangladesh, Burma, Cambodia, China, Indonesia, Malaysia, Nepal, Republic of Korea, Thailand, The Philippines and Vietnam, as well as CICC Steering Committee members Amnesty International, FORUM-ASIA, Human Rights Watch and REDRESS.

There was a general consensus that states must step up their efforts and commit toward ending Asia’s underrepresentation in the ICC. In this regard, civil society will continue to carry out actions advocating for ratification or accession to the Rome Statute among non-states parties in the region, in coordination with key actors, including government officials, international and regional organizations, and civil society. The need to take necessary measures to move forward with the implementation processes was also highlighted, in particular considering the few existing ICC implementing laws in the region.

Participants noted that human rights violations have plagued the region over the past decades and that, in some cases, these violations continue to occur. Joining the ICC thus represents a strong deterrent effect that will contribute toward the prevention of future gross human rights violations in the Asia Pacific region, and ultimately contribute to the global fight against impunity.

Accordingly, the undersigned recommend the following:

To The Philippine authorities:

- Having announced to the ICC President that the Rome Statute will now be transmitted to the Senate for ratification, we call on the Office of the President to forthwith deliver the Statute to the Senate;

To the Malaysian authorities:

- Having announced publicly that the Cabinet has approved accession to the Rome Statute, we call on them to take the final step of depositing the accession instrument at the United Nations as soon as possible;

To the Authorities of the Asia Pacific states:

- Take all necessary steps to ratify or accede to the Rome Statute of the ICC as soon as possible, if not yet a state party, and ensure that the region no longer remains underrepresented in the ICC;
- Fully implement the Rome Statute within the domestic legislation of States, by adopting full implementing laws that include Rome Statute crimes (including the amendments adopted in the ICC Review Conference in Kampala) with adequate penalties, principles of International Criminal Law and provisions on ICC cooperation, thus ensuring that national jurisdictions can take a primary role in investigating and prosecuting —through fair and independent trials—, those crimes that would fall under the jurisdiction of the ICC;
- Ratify or accede to the Agreement on Privileges and Immunities of the ICC (APIC), so as to ensure that the Court's officials can carry out their functions in an effective and independent manner;
- Comply with the Court's requests for assistance and cooperation at all stages (investigation, arrest and surrender, protection of victims and witnesses, enforcement of sentences);
- Involve civil society experts at all stages of national ratification and implementation processes;
- Follow up on pledges made by Asia Pacific states during the Review Conference in Kampala, and to make new pledges in the future —including during the upcoming 10th session of the Assembly of States Parties— which may include a commitment to move forward with ratification and implementation processes, cooperation with the ICC, ratification of APIC, financial contributions to different trust funds of the Court, among others;
- Participate in all ICC-related events including the meetings of the Assembly of States Parties to the ICC, and get involved on issues of particular expertise;
- Support capacity building efforts on the ICC, including the training of prosecutors, lawyers and judges, as well as of the military and police officials;
- Actively engage in the upcoming elections of ICC officials, to be held in December 2011 during the 10th ASP, and identify suitable candidates to fill the positions of outgoing judges and a new Chief Prosecutor;
- Promote mutual assistance between states in the region so as to share similar experiences concerning ratification and implementation processes;
- Further engage with regional organizations such as ASEAN and SAARC, so as to promote ICC issues within their agendas;
- Support the establishment of a United Nations commission of inquiry into war crimes and crimes against humanity and other crimes under international law in Burma;
- Support the establishment of an independent international investigation into war crimes, crimes against humanity and other crimes under international law in Sri Lanka;
- Support the ongoing work of the ECCC and encourage it to fully investigate all cases before it independently and impartially, with the aim of ensuring the independence of the process in order to provide justice to the victims of Khmer Rouge atrocities, thus contributing to the global fight against impunity;

To National Human Rights Institutions

- Encourage the ratification of the Rome Statute of the ICC among the governments of the region;

To the International Criminal Court:

- Conduct relevant outreach as appropriate, particularly in Afghanistan and the Republic of Korea, currently under Preliminary Examination by the Court; and provide regular reports on these situations to the public;
- Continue to monitor, with the assistance of local civil society, situations throughout the region of armed conflict or other situations of social unrest or political turmoil, which could potentially lead to ICC situations;
- Enhance its public information activities in the Asian region;
- Continue to ensure regular high-level visits of the Office of the Prosecutor, Presidency, and other representatives to the region, and meet with different stakeholders including civil society; so as to strengthen and consolidate Asian representation in the ICC;
- Encourage non state parties that are at an advanced ratification process of the Rome Statute, to finalize such processes and deposit their Rome Statute ratification instruments as soon as possible;
- Ensure that ICC organs maintain contact and regularly interact with local civil society, by seeking their input on specific issues and inviting them to relevant events and meetings;
- Make a decision on the composition of the Chambers for reparation proceedings in the best interest of the victims, taking into account the efficiency considerations in respect of reparation evidence already received by the Trial Chambers, ensuring the right of the accused to a fair trial;

To the ASEAN:

- Include ICC issues within its working agenda, and, in this regard, consider the adoption of concrete initiatives to promote the universality of the Rome Statute among ASEAN states, through, *inter alia*, the adoption of a Resolution or Declaration calling on the promotion of the ICC and the ratification and implementation of the Rome Statute by member states; as well as consider the organization of an annual working session on the ICC;
- Aim toward adopting a common position of ASEAN in support of the ICC and, in doing so, consult with local civil society and experts from ASEAN member states;
- Promote the adoption of an ASEAN model ICC implementation law and provide any necessary assistance to countries in the ratification and implementation of the Rome Statute and the APIC;
- Strengthen its relationship with the ICC and encourage ASEAN's participation and representation at key meetings of the ICC, including its participation within the Assembly of States Parties;
- Commit to ensuring diplomatic support for the Court and promote the fight against impunity in all political dialogues with member states and international organizations;
- Incorporate Rome Statute standards into the proposed ASEAN Declaration of Human Rights

To the ASEAN Inter-governmental Commission of Human Rights (AICHR):

- Conduct public activities to promote the Rome Statute;
- Conduct a thematic study on strengthening the rule of law and justice in ASEAN, in order to better promote and protect human rights;

To the SAARC:

- Call on all SAARC member states to ratify and implement the Rome Statute;
- Prioritize the inclusion of ICC issues within its working agenda, and take the necessary steps to initiate this process in consultation with local civil society and experts on ICC issues;

- Take the necessary steps to create an independent and effective regional human rights commission;
- Take a collective and proactive stand to combat ongoing gross violations of human rights perpetrated by state and non state actors in the South Asia region;

To other International Organizations:

- **EU:** Encourage EU missions in the region to promote ICC during its contacts with the states and NGOs and civil society in general, whether by advocating for it or encourage sponsoring ICC activities. Continue its demarches and dialogues with specific states in the Asia Pacific region, in consultation with local civil society;
- **ICRC:** Encourage local ICRC delegations in the region to work together with civil society and government officials with the aim to organise activities on the ICC and to seek technical support and expertise on the ICC ratification and implementation to states requesting such assistance.
- **OHCHR:** Encourage local OHCHR delegations in the region, where relevant, to cooperate towards enhancing ICC in the region, and organise trainings for prosecutors, lawyers and judges on ICC issues as well as governmental officials.

To the CICC Secretariat:

- Continue to provide member organizations timely information on the ICC and ICC-related issues to be discussed at the ASP, and on CICC strategies and policies; and to ensure that members are able to give timely input on issues, not least through continued participation at annual ASP meetings;
- Continue to assist local civil society in its ratification/accession efforts, including in states that are finalizing these processes;
- Continue targeted awareness raising activities on the ICC and the Rome Statute with states, media, NGOs, students, universities and others;
- Continue to develop action plans and advocacy materials for national coalitions and members to implement CICC strategies at the national level;
- Consider the possibility of creating audiovisual materials to help members' advocacy on the ICC;
- Continue to strengthen regular contacts and exchanges mechanisms and opportunities between coalitions members and the Secretariat, in relation to strategies, campaigns and activities;
- Facilitate contacts and cooperation between international and regional organizations and local civil society in the region and experts working on the ICC.
- Continue to support local activities aimed at the dissemination of the ICC and the Rome Statute system.

To National CICC Coalitions and Members:

- Advocate for ratification and implementation of the Rome Statute and APIC, as well as for strengthened cooperation with the Court by developing strategies nationally and regionally;
- Continue to work together to identify ideal venues and bodies within international and regional organizations where ICC issues can be brought to the agenda;
- Continue to be active on the ICC after achieving Rome Statute ratification by closely advocating and monitoring for implementation, joining CICC issues teams, following ASP issues, as well as ensuring national support for and cooperation with the Court;
- Include the ICC campaign in broader national and regional campaigns for human rights, the rule of law and democratization;

- Encourage key civil society organizations and individuals (including human rights, humanitarian, and other organizations, as well as bar and legal practitioner associations) not yet active in the ICC campaign to get involved by joining the CICC and their respective national and regional coalitions, and contributing to ICC campaigns in every way possible;
- Continue requesting constant dialogue with key national authorities involved in the ICC process and holding high level advocacy meetings with them;
- Participate in the upcoming elections of ICC officials, by identifying suitable candidates in your region; monitoring the qualifications of nominated candidates; assisting governments as well as the Search Committee on the Election of the Prosecutor in the task of identifying said candidate; and engaging the media;
- Work closely with the media and use it as a platform to distribute fair and well-informed information and material (press conferences, op-eds, articles and workshops on the ICC) widely (preferably translated into local language), in order to raise awareness on ICC related issues and increase the visibility of the network/coalition among state officials, and the general public, including by creating blogs/sites with country-specific positions, as to facilitate advocacy by national members and groups;
- Inform regional coalitions and other local civil society, as well as the CICC Secretariat, about its national plans regarding ratification and implementation processes, as well as dissemination activities concerning the ICC.

SIGNATORIES:

Participants to the Meeting:

Indonesian Civil Society Coalition for the ICC
 Odhikar
 Bangladesh Coalition for the ICC
 Bar Council Malaysia
 Vietnam's Lawyers Association
 National Coalition for the ICC, Nepal
 Philippine Coalition for the ICC
 Bantay Katarungan
 Amnesty International Philippines
 Minbyun Lawyers for a Democratic Society
 Task Force Detainees of the Philippines
 Center for International Law (CenterLaw, Philippines)
 Burma Partnership
 ICC Project Office in China
 Task Force on ICC, Thailand
 Cambodian Human Rights and Development Association
 Asian Forum for Human Rights and Development (FORUM-ASIA)
 Amnesty International
 Human Rights Watch
 REDRESS