From 12-16 February 2012, different actors from across the Asia-Pacific region, as well as other regions in the world, gathered in Sydney, Australia, to commemorate the ICC’s 10th anniversary. The key event in the celebration was an international conference - Justice for All? The International Criminal Court Conference: 10 Year Review of the ICC held at the University of New South Wales (UNSW) on 14-15 February 2012. Jointly sponsored by the Faculties of Law and Arts and Social Sciences and the Australian Human Rights Centre, the conference addressed two main issues: the need to strengthen support in the Asia Pacific region for the ICC and the Rome Statute, and an assessment of the work of the Court in its first decade in advancing gender justice.

The conference gathered around 200 participants, including ICC officials headed by President Sang-Hyun Song, Prosecutor-elect Fatou Bensouda, Registrar Silvana Arbia and President of the Assembly of States Parties Tiina Intelmann. Each of the four officials welcomed the opportunity to consider Asia-Pacific specific challenges and issues, which in the first decade of the Court’s operation have not been well represented in The Hague.

The two-day program reflected the views of a cross section of the ICC community, with ICC officials, leading academics and representatives of governments and civil society organizations participating in lively debates and discussion. Reflections on the ICC’s achievements were shared by Professors William Schabas (UK), Benjamin Schiff (US) and Max Du Plessis (South Africa) and key NGO actors William Pace and Brigid Inder, as well as by other guests including the US Ambassador for War Crimes, Stephen Rapp. Ambassador Christian Wenaweser, Permanent Representative of Liechtenstein to the United Nations and immediate past President of the Assembly of States Parties, and Mr. Tuiloma Neroni Slade, Secretary-General of the Pacific Islands Forum and former Judge of the Court representing Samoa.

CICC Asia-Pacific Coordinator Evelyn Balais-Serrano and CICC members Rafendi Djamin of ASEAN Inter-Governmental Commission on Human Rights, Andrew Khoo of the Malaysian Bar Council and Harry Roque of the Philippine Coalition for the ICC were plenary speakers in a panel on The ICC and the Asia-Pacific Region chaired by Kieren Fitzpatrick of Asia Pacific Forum of National Human Rights Institutions. The under representation of Asia-Pacific before the Court was highlighted, with some of the big powers – China, India, and Indonesia, remaining as non-members of the Court. Their participation, as well as that of the US, is considered crucial in getting more countries in the region to accede to the Rome Statute.
LETTER FROM THE COALITION’S REGIONAL COORDINATOR FOR ASIA AND THE PACIFIC, EVELYN BALAIS-SERRANO

This year we commemorate the ICC’s 10th year anniversary since the entry into force of the Rome Statute in July 2002. I personally witnessed that historic event when 10 countries, including two from Asia – Cambodia and Mongolia, together with Bosnia and Herzegovina, Bulgaria, Democratic Republic of the Congo, Ireland, Jordan, Niger, Romania and Slovakia simultaneously deposited their instruments of ratification and were all declared the 60th state party – the number required for the Rome Statute to enter into force. It was a great pride and honor for me to be in that special ceremony, having been personally involved in lobbying for ratification in both Asian countries represented. I remember meeting Cambodia’s Prime Minister Hun Sen and Mongolia’s key officials and getting their commitments to ratify within a year prior to actual deposit. After a decade, we now have 17 states parties from the Asia-Pacific region, with 3 joining only last year.

This issue of Asia-Pacific Update features the events that transpired during the first half of 2012, including the ASP in December 2011, and the special commemoration of the 10th year of the ICC. It also covers some of the exciting developments in the region – the first ever open national elections in Burma in the context of changes towards democratization, the drafting of the ASEAN Human Rights Declaration and the challenges being faced by the ASEAN Inter-Governmental Commission on Human Rights and other developments in the ongoing human rights and justice campaigns in the region, including the UN Human Rights Council’s Universal Periodic Review which reviewed Thailand during its 12th session, and Indonesia and The Philippines during its 13th session. We have also included a longer list of ICC resources and calendar of activities.

We hope to see more developments as we approach the second part of the year, where a number of additional activities will be held to mark the primary sponsor of the event, which funds significant arts projects in the state.

Wallace Wurth Memorial Lecture

On February 14, ICC President Judge Sang-Hyun Song delivered the Wallace Wurth Memorial Lecture entitled From Punishment to Prevention: Reflections on the Future of International Criminal Justice, which attracted more than 1200 people, including the family of the late Wallace Wurth, one of the pioneers of the UNSW, and the media. His lecture addressed some of the significant achievements of the ICC in the last 10 years and the critical challenges confronting the ICC in its next decade, highlighting the need to give greater priority to preventive approaches to violence. He also cited as major challenges the issue of complementarity, cooperation of states with the Court, achieving universality, particularly mentioning under representation of the Asian-Pacific region and the cost of justice.

Capacity Building Workshop on Gender Justice

The Capacity Building Workshop on Gender Justice held on February 16 was attended by...
representatives from national human rights institutions and women’s NGOs in the Asia Pacific region. Conducted by Brigid Inder and Kate Orlovska of the Women’s Initiatives for Gender Justice based in The Hague, the workshop focused on the role of the ICC in addressing gender injustice and the role of domestic jurisdictions in fostering a global system capable of addressing human rights violations, particularly those committed against women. It provided participants a deeper understanding on the work of the Court and allowed them to raise questions and issues on how to incorporate the Rome Statute in their work at the local level. The workshop strengthened networks among the participants and highlighted the need for ongoing training and education in the future.

**Governor-General Welcome Reception**

The Governor-General of Australia hosted a welcome reception for the ICC officials, the conference delegates and government and university officials at the Admiralty House on February 13. She delivered welcome remarks, recognizing the achievements of the ICC in the last ten years and expressing gratitude that the commemoration was being held in Australia. She highlighted Australia’s contributions to the establishment of the ICC and its continuing commitment to the goals of the Rome Statute towards building peace and justice in the world.

**ICC Ten Year Anniversary Dinner**

On February 16, the ICC Ten Year Anniversary Dinner was hosted by the UN Women (Australia) in downtown Sydney. More than one hundred women representing various organizations in Australia participated. This event was co-organised by the Conference convenors. Moderated by popular Australian broadcaster Julie McCrossin, it featured a panel of experts led by ICC Registrar Silvana Arbia and Brigid Inder who discussed some of the issues related to gender justice and the ICC.

**Roundtable Discussion**

The Australian Department of Foreign Affairs and Trade and the New Zealand Ministry of Foreign Affairs and Trade along with the four ICC officials held a roundtable discussion on ICC ratification and implementation in the Pacific Island nations. Delegates from governments attending the Conference participated in the discussion.

The Conference and other events were supported by the UNSW Faculties of Law and Arts and Social Sciences, the Vice-Chancellor’s unit, the Australian Aid, the Department of Foreign Affairs and Trade and Attorney General’s Department, the Australian Government through the Australia-Malaysia Institute and the Australia India Council, the New Zealand Ministry for Foreign Affairs and Trade, the Asia Pacific Forum, the Commonwealth Secretariat, the Asia Pacific Centre for Military Law, the Nelson Meers Foundation and the Sydney Theatre Company.
ASEAN HUMAN RIGHTS DECLARATION
ASEAN INTER-GOVERNMENTAL COMMISSION ON HUMAN RIGHTS URGED TO HOLD MEANINGFUL CONSULTATIONS WITH CSOS

In a joint statement issued on 8 April 2012, more than 100 civil society organizations and networks across the ASEAN region called for the release of the Draft ASEAN Human Rights Declaration (AHRD) and the initiation of public consultations on its content at the national and regional levels.

The ASEAN Inter-Governmental Commission on Human Rights (AICHR) tasked by the ASEAN leaders to draft the Declaration has been working on the document over the past year. However, it has yet to involve civil society in consultation in the drafting process. Only the AICHR representatives of Indonesia, Malaysia, Philippines and Thailand have so far solicited inputs from civil society groups in their respective countries.

The joint statement further called on AICHR "to implement specific steps to ensure that the process of drafting the Declaration will be credible, inclusive, transparent, reflective and consistent with universal human rights standards."

The AHRD is predicted to be adopted at the 45th ASEAN Ministerial Meeting (AMM), to be held in July in Phnom Penh, Cambodia. "The AICHR should postpone its submission of the AHRD to the AMM in July if no meaningful public consultations were held in the finalization of the document," said Haris Azhar, coordinator of the Commission for the Disappeared and Victims of Violence of Indonesia (Kontras).

In response to the CSO statement, the AICHR announced on 12 April that it will hold one consultation on the AHRD with civil society organizations in late June, barely a few weeks before it submits the document to the AMM in early July.

"On the theoretical level, we welcome the AICHR responding positively to the calls of civil society to have consultations on the AHRD. However, we are appalled that the AICHR hopes to finalize such an important regional document, that is supposed to enshrine the rights of the peoples in the region, by holding merely one consultation with civil society at this late hour," said Haris Azhar, who also serves as co-Convenor of the Solidarity for Asian People's Advocacy Task Force on ASEAN and Human Rights (SAPA TFAHR).

Azhar further said, "Rather than engage meaningfully with civil society on such a crucial issue, it appears that the AICHR prefers to engage in a symbolic, "box-ticking" exercise so it can then claim to have consulted civil society. The timing of the consultation with civil society indicates how the AICHR gives least priority to hearing and considering the voices of the people."

"The peoples of ASEAN, whose human rights the Declaration is supposed to uphold, are being left in the dark," said Yap Swee Seng, the Executive Director of Bangkok-based Asian Forum for Human Rights and Development (FORUM-ASIA). "They are not being given any meaningful way to ensure that their concerns are presented, received and reflected in the Declaration."

"Consultations without a draft of the AHRD at hand are meaningless, and a Declaration adopted without meaningful and broad-based inputs, will not be legitimate," said Dr. Pung Chhiv Kek, President of the Cambodian League for the Promotion and Defense of Human Rights (Licadho). "ASEAN and AICHR risk making themselves an outcast among regional organizations if they ignore civil society and impose a Declaration drafted without public input," she added.

In addition, concerns over the lack of consultations among national human rights commissions were also raised. "The AICHR should include national human rights institutions in any consultation process of the AHRD. It cannot be right that national human rights commissions are being excluded from this important process, especially since half of ASEAN countries have such commissions and Cambodia is in discussion of establishing one," said Nalini Elumalai, Executive Director of Suara Rakyat Malaysia (Suaram).

A report, titled "A Commission Shrouded in Secrecy," was released jointly on 26 April 2012 by the SAPA TFAHR and FORUM-ASIA.

The report revealed that AICHR has systematically failed to make public any of the official documents adopted since its inception in 2009. This includes its first annual report, which was submitted to the 44th ASEAN Ministerial Meeting in July 2011.

"We are extremely concerned that AICHR has not even made the draft ASEAN Human Rights Declaration available for public comments. It is ironic that the peoples in the region do not have the right to access a document that is supposed to protect their human rights," said Yap Swee Seng, executive director of FORUM-ASIA during the launch of the report.

According to the civil society coalition, the other official AICHR documents that have not been made public include the Guidelines on Operations of the AICHR, the Terms of Reference of the Drafting Group of the ASEAN Human Rights Declaration, the Terms of Reference of the Baseline Study on Corporate Social Responsibility and Human Rights in ASEAN, the Rules of Procedure for the AICHR Fund, the first annual report of the AICHR, the AICHR Work Plan 2013-2015, its 2012 Priority Programme and its budget, and the Terms of Reference of the Thematic Study of the Right to Peace.

SAPA TFAHR and FORUM-ASIA said “a total reform is needed if the AICHR is to become more independent from the governments, more effective in responding to human rights violations and more relevant to the needs of the peoples in the region.”

Meanwhile, in a press release issued by the Office of the UN High Commissioner for Human Rights on 11 May 2012, Navi Pillay urged ASEAN to set the bar high with its regional human rights declaration. She called for a meaningful consultation on the draft with the widest spectrum of people in the region before it is presented to ASEAN’s foreign ministers in July. She also expressed her hope that the Declaration will play an important role in improving the enjoyment of human rights for people in South-East Asia.

"Regional human rights instruments should complement and reinforce international human rights standards," Pillay said. "But my hope is that the ASEAN Human Rights Declaration will go further by setting the bar higher for governments to ensure full protection and promotion of human rights through their policies, legislation and practices."
The Coalition for the International Criminal Court in January 2012 called on Pacific states – Kiribati, Micronesia, Niue, Palau, Papua New Guinea, Solomon Islands, Tonga and Tuvalu – to intensify their efforts to ratify the Rome Statute and join the ICC. In letters dated 12 January 2012 to the governments of these Pacific states, the CICC urged immediate action to accede to the Rome Statute.

Vanuatu’s accession to the Rome Statute on 2 December 2011 brought the number of states parties to the Rome Statute to 120 and increased the Pacific voice at the ICC. It also brought the total number of ICC states parties in the Asia-Pacific region to 17, entitling the region to a Minimum Voting Requirement (MVR) in the December 2011 election of judges to the ICC. Despite this advancement, Pacific states remain under-represented within the Rome Statute system.

“The Pacific countries’ participation in the Rome Statute system will be crucial as the Asia-Pacific region as a whole tries to catch up with the rest of the world in shaping the new mechanism of international justice that is the ICC,” said Evelyn Balais-Serrano, regional coordinator for Asia and the Pacific of the Coalition for the International Criminal Court. “With ICC membership, they stand to gain as they strengthen their own judicial and legal systems,” she added.

To date, 121 states, the last of which is Guatemala, have ratified the Rome Statute. Eight of these states belong to the Pacific region: Australia, New Zealand, Samoa, Fiji, Marshall Islands, Cook Islands, Nauru and Vanuatu. Over the past years, ICC officials and civil society organizations have been focusing their efforts on the promotion of ratifications within Asia and the Pacific region.

**THAILAND**

In a letter dated 2 May 2012 to Thai Prime Minister H.E. Ms. Yingluck Shinawatra, the

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**UNIVERSAL PERIODIC REVIEW**

**INDONESIA, PHILIPPINES ACCEPT UPR RECOMMENDATIONS; THAILAND REJECTS ICC RATIFICATION RECOMMENDATION**

**Background**

The Universal Periodic Review (UPR) was established by the UN General Assembly in 2006 as a process through which the human rights records of UN Member States could be reviewed and assessed. This review, conducted through the UN Human Rights Council (HRC), is based upon human rights obligations and commitments expressed in the UN Charter, the Universal Declaration of Human Rights and human rights instruments to which the State is party. Individual countries are slated for review every four years. UPR sessions take place at the HRC in Geneva, and are framed by reports submitted by national governments as well as recommendations made by all States to the States under review.

UPR sessions also provide an important opportunity for civil society organizations to monitor the compliance of international obligations by those states under review, as well as the renewed commitments of states made during the review process and update on previous commitments. In recognition of the important role that civil society organizations play in promoting the respect and promotion of human rights, the UPR mechanism allows CSOs to submit information on the situation of human rights in the countries under review as well as to report on the implementation of those recommendations during the cycle.

**The UPR, a Mechanism for Promoting Universality of the Rome Statute**

During the 1st cycle of the UPR, states participating in the UPR who are also parties to the Rome Statute issued more than 100 recommendations to over 60 states in relation to the ICC; the majority of these recommendations were on ratification of the Rome Statute.

In advance of the 13th session of the UPR, the Coalition for the ICC, with the participation of our global membership, in particular Steering Committee members Amnesty International and Parliamentarians for Global Action (PGA), launched an initiative to advance universality of the Rome Statute through the UPR. The Coalition sent a letter to ICC States parties encouraging them to make specific recommendations on ratification and implementation of the Rome Statute and the APIC in national legislations to states coming up for review.

The Coalition will continue its efforts to promote universality of the RS through the UPR in the upcoming sessions.

**Indonesia**

In its National Report submitted to the UN Human Rights Council in March 2012, the Indonesian government had noted that, “it remains highly committed to the implementation of the recommendation on the ratification/accession of international human rights instruments, namely the Statute of the International Criminal Court (ICC).” On May 25, the UN Human Rights Council adopted the report. A total of 74 member states participated in the review process including 27 members of the Council and 47 observer states. Of the 180 recommendations, 144 were accepted while 36 recommendations remain to be examined. In addition to the one on RS ratification, Indonesia also accepted recommendations to ratify the two Optional Protocols to the Convention on the Rights of the Child (on involvement of children in armed conflict and on the sale of children, child prostitution and child pornography), guaranteeing full exercise of freedom of religion, providing resources for implementation of national policies and programs in favor of socially vulnerable groups like women, children, poor people, ethnic minorities and migrants, and others
relating to issues of violence against women and children, education, human trafficking and juvenile justice. The government said it will provide responses to the 36 remaining recommendations no later than the 21st session of the HR Council scheduled for September 2013.

In compliance with UPR recommendations, on April 12, 2012 the Indonesian parliament ratified the UN 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The human rights community and civil society organizations in Indonesia warmly welcomed this move. They look forward to the alignment of national legislation with the standards set by the Convention so that the basic rights of millions of Indonesians working abroad can be upheld.

In his speech before the UN Human Rights Council on February 28, 2012, Foreign Minister Marty Natalegawa stated that, “Indonesia is committed to the pursuit of human rights and democracy.” In the same speech Natalegawa emphasized the importance of developing a strong culture of prevention. He spoke of a “…culture that prevents abuses from being perpetrated in the first place… a culture that is nurtured through international norms setting as well as homegrown national processes” He further said, “This year we expect to make significant progress in the ratification process of some important instruments.” He mentioned specifically the International Convention for the Protection of All Persons from Enforced Disappearances and the Indonesian Coalition for the International Criminal Court said, “The ratification of the Convention on Enforced Disappearance is not everything but this is one proof of the government’s seriousness amidst its many unfulfilled promises. This can serve as an entry point into the implementation of other bigger human rights commitments.”

Indonesian President Susilo Bambang Yudhoyono is preparing to deliver a public apology to families and victims of human rights abuses, including those who perished during the purge of the Communist Party of Indonesia (PKI) members in 1965, the Tanjung Priok massacre in 1984 and the May 1998 riots. Yudhoyono plans to make the apology before his term ends in 2014 to make the gesture his legacy.

A member of the Presidential Advisory Council on legal issues, Albert Hasibuan, said that aside from the public apology, a mechanism to compensate the victims was also being devised. “It would include a mechanism by which the government would fulfill the victims’ rights, which includes access to compensation and retribution,” he said. National Commission on Human Rights chairman Ifdhal Kasim said that the apology could be the most practical way to settle past human rights abuses. “We need an alternative way to tackle the problem and in this case the President should come forward on behalf of the state to apologize to the victims and make a policy on compensating victims,” he said. Kasim added that by apologizing for past rights abuses, Yudhoyono would address grievances among victims and that could serve as a first concrete step toward rehabilitation and reconciliation.

Kontras Executive Coordinator Haris Azhar applauded the plan but said it would not mean much. “There has to be disclosure to the public about what really happened in the past,” he added.

Human rights activists, survivors and families of victims believe that Yudhoyono’s public apology is not enough. They insist that for peace and reconciliation to take place, it is important for the government to first uncover and disclose the truth about the gross human rights violations done in the past, institute corrective measures based on past mistakes, hold accountable the persons responsible for the violations of human rights, rehabilitate victims and their families and repair the damages done to them.

Philippines

On 29 May 2012, during the opening statement of its review session, the Philippines said, that it has ratified eight core international treaties including the Rome Statute of the ICC, the Convention on PRD and the OPCAT, and that it has enacted the Magna Carta of Women in accordance with the CEDAW as well as the Anti-Torture Act in compliance with its obligations under the CAT. It has also amended its Migrant Workers’ Act to further strengthen its adherence to the Convention on the Rights of Migrant Workers and has passed the IHL Law otherwise known as the Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity.

Sixty-seven states participated in the Philippines’ review process. Some of the recommendations posed by participating States include: ratification of the Convention on Forced Disappearances, withdrawal of all reservations to the CAT and ensuring national legislation is in line with the Rome Statute of the ICC; ending impunity for extrajudicial killings, enforced disappearances and torture and bringing those responsible to justice, including Major General Jovito Palparan Jr, former Governor Joel Reyes and the perpetrators of the Maguindanao massacre.

Thailand

From cycle 1, 12th session, Thailand reported back to the Human Rights Council on 15 March 2012 on its human rights achievements based on previous recommendations. Of the total 172 recommendations made to Thailand in the UPR Working Group during the October 2011 UPR Session, 100 were already accepted by the Thai government. Of the remaining 72, 34 were recently accepted by the cabinet and 38 recommendations were rejected, including accession to the Rome Statute of the ICC.

In a statement issued on 19 March by the Civil Society and Human Rights Coalition (CHRC), a network of more than 50 human rights organizations, institutions and peoples’ organizations, it said “Thailand needs to take a pro-active role to fulfill the pledges it made before the Human Rights Council. Failure to do so might bring back Thailand to square one and lose its credibility internationally. In the worst scenario, Thailand might plunge into the level of failed state.”
RESPONSIBILITY TO PROTECT (RTOP)
UN-ASIA PACIFIC STRATEGY AND COORDINATION MEETING

A UN and Asia-Pacific Strategy and Coordination meeting was held in Bangkok, Thailand on 17-18 May 2012, organized by the Asia-Pacific Centre for the Responsibility to Protect, in cooperation with the University of Queensland and the Australian Government (AusAid) and in partnership with the Chulalongkorn University.

Around 80 participants from Africa, Latin America, Europe, North America and Asia-Pacific participated in the two-day meeting aimed at assessing the developments and milestones in promoting RtoP over the last decade since the publication of the ICISS Report in 2001 and the UN World Summit Outcome Document in 2005, focusing on exploring regional capacity to protect, prevent and respond to situations of genocide, war crimes, crimes against humanity and ethnic cleansing.

Dr. Edward C. Luck, Special Adviser to the UN Secretary General on the RtoP, was the main speaker at the opening plenary with Dr. Simon Evans, director of Global Centre for the RtoP, Prof. Tim Dunne, research director of the Asia-Pacific Centre for the RtoP and Evelyn Balais-Serrano, CICC Asia-Pacific coordinator, representing William Pace of the International Coalition for the RtoP as discussants. The role of the Security Council, parallels between RtoP and the International Criminal Court, the role of women in RtoP, monitoring and the ‘Responsibility while Protecting’ and the important role of civil society were highlighted in the presentations and in the discussions that followed.

Succeeding plenary and concurrent sessions tackled RtoP implementation, the crises in Libya and Syria, the role of regional organizations and instruments like the ASEAN, ECOWAS and AICHR, perspectives from various stakeholders in deepening commitment to RtoP and the way forward. Some of the recommendations put forward by the Centre based on the outcome of the conference include continuing the process of engagement with several sectors and stakeholders in the region to deepen the level of understanding and commitment to promoting and implementing the three pillars of the RtoP1, engaging the ASEAN at the regional level while enhancing further the engagement with various sectors among countries in the Asia-Pacific region, beginning the process of region-to-region dialogue between Southeast Asia/Asia-Pacific, Africa and Latin America and deepening the partnerships with RtoP ‘friends’ and generating new partnerships with governments and civil society.

For more information about RtoP and the outcome of the meeting, see www.r2pasiapacific.org/index.html.

1 The three pillars of RtoP consist of the following:
Pillar One: States have the primary responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.
Pillar Two: Commitment of the international community to provide assistance to States in building capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and to assisting those which are under stress before crises and conflicts break out.
Pillar Three: Responsibility of international community to take timely and decisive action to prevent and halt genocide, ethnic cleansing, war crimes and crimes against humanity when a State is manifestly failing to protect its populations.

See http://www.responsibilitytoprotect.org/index.php/about-rtop

CICC CALLS.... CONTINUED FROM PAGE 5

Coalition called on the government of Thailand to take immediate steps to ratify the Rome Statute. With the ratification of Philippines, Cambodia and Timor Leste, and good prospects of ratification in Malaysia and Indonesia, the Coalition hopes that Thailand will join its neighbors in the ASEAN to commit to the global fight against impunity by ratifying the Rome Statute in the near future.

Over the last two years, successive initiatives have been conducted in order to raise awareness on the Rome Statute in the Thai Parliament, as well as among government officials, the media and civil society. Seminars, lectures and other activities have been held, including government and civil society's participation in the Assembly of States Parties in New York in December 2011. Over the course of this year, events are being organized within the context of the commemoration of the 10th anniversary of the coming into force of the Rome Statute.

Thailand participated in the Rome Conference and signed the Rome Statute in 2000. In the process, legal challenges regarding the compatibility between the Rome Statute and the Thai domestic legislation have surfaced, hindering the smooth flow towards ratification. In this regard, the Coalition has called on Thailand to assess their concerns carefully, suggesting that it might help if they draw lessons from states parties with monarchies like Norway, Japan and Jordan – which have successfully addressed similar compatibility issues.

“As members of civil society, it is our strong desire to see Thailand as part of the international community that promotes justice and works for respect for human rights,” expressed Chalida Tajaroensuk, director of People Empowerment Foundation (PEF), an NGO advocating for human rights in Thailand and Asia. “We call on our government to ratify and implement all important international human rights treaties, including the Rome Statute of the International Criminal Court. With the ICC, we want an end to impunity and to prevent similar conflicts that took place in our recent history from happening again.”
ASEAN.... CONTINUED FROM PAGE 4

Pillay emphasized that engaging early, in a transparent process of inclusive and meaningful consultation will help the Declaration to acquire the status and popular support it deserves. “The process through which this crucial Declaration is adopted is almost as important as the content of the Declaration itself,” Pillay said. “I very much hope that AICHR recognizes the value of holding meaningful consultations with people from all walks of life, in every country across the South-East Asia region. This will help to ensure that the ASEAN Human Rights Declaration will have the distinction of embedding international human rights standards in the local context and representing the interests and aspirations of the people in the region.”

Catherine Ashton, the EU’s High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the European Commission, attended the EU-ASEAN Ministerial Meeting on 26-27 April in Brunei Darussalam, which coincided with the 35th anniversary of the official relations between the EU and ASEAN.

The High Representative, accompanied by the Foreign Ministers of EU Member States, discussed with their ASEAN counterparts various possibilities to enhance political dialogue and cooperation between the two regions. Both sides had endorsed the EU-ASEAN Plan of Action for 2013-2017, aimed at enhancing cooperation in the political and security fields, realizing the full potential of the trade and investment relationship and developing a wide-ranging sectoral cooperation.

In addition, the Plan of Action is an important tool for promoting peace, conflict prevention and human rights in the region. As such, the plan seeks to “Enhance the role of the ASEAN Regional Forum (ARF), with ASEAN as the primary driving force, in promoting peace and stability, as well as dialogue and cooperation, in the Asia-Pacific region(...)”. The Plan also emphasizes the role of women in conflict prevention, and underscores the importance of Resolution 1325 as well as the need to comply with CEDAW. Lastly, the plan encourages the EU and ASEAN to co-host seminars on human rights issues, as well as “other initiatives aimed at jointly exploring ways of strengthening exchanges, dialogue and capacity building related to the protection of human rights from a regional perspective (...)”

While in Brunei, the EU High Representative also held bilateral meetings with several ASEAN Ministers, including from Indonesia and Vietnam, and with H.R.H. Sultan Hassanal Bolkiah. From Brunei, she proceeded to Burma/Myanmar (28-30 April) where she met with President U Thein Sein and Daw Aung San Suu Kyi and conveyed the EU’s message of support for the ongoing changes in the country. She also visited Thailand (1 May) where she met with Prime Minister Yingluck Shinawatra.

Background
The Association of South-East Asian Nations (ASEAN) consists of ten Member-States: Brunei Darussalam, Burma/Myanmar, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand and Vietnam. As a whole, ASEAN represents the EU’s fifth largest trading partner, with €206 billion of trade in goods and services. The EU is ASEAN’s third largest trading partner after China and Japan, accounting for 11% of ASEAN trade. The EU is by far the largest investor in ASEAN countries, with EU companies accounting for an average of 20.6% of FDI in the past three years.

The EU has been a strong supporter of ASEAN integration. It has notably established several programs to underpin the ASEAN integration process. In 2007, the EU and ASEAN adopted a Plan of Action to implement the Nuremberg Declaration for an EU-ASEAN Enhanced Partnership (2007-2012).

Campaign to Stop Rape & Gender Violence in Conflict
Take Action to Support Fatou!

The International Campaign to Stop Rape & Gender Violence in Conflict, a global collaboration between Nobel Peace laureates, international, regional, national and community level advocacy groups has recently launched a campaign to support Fatou Bensouda in her new role as ICC Prosecutor, as well as the increasing visibility of gender justice on the Court’s agenda.

The Campaign, which focuses on four countries – Burma, the Democratic Republic of Congo, Kenya and Colombia – will demand urgent and bold political leadership to prevent rape in conflict, to protect civilians and rape survivors, and call for justice for all—including effective prosecution of those responsible. These three pillars of the Campaign—Prevent, Protect, Prosecute—signal a comprehensive effort to stop rape in conflict.

The ICC serves a critical role in ensuring comprehensive justice of conflict-related rape and gender violence. In countries such as Burma, Colombia, the Democratic Republic of Congo, and Kenya—rape is used as a tactical weapon, often perpetrated with direct consent of or ordered by military commanders and government officials. Prosecuting not only the perpetrators of rape, but the architects of violence is vital for preventing future conflict and providing restorative justice to survivors.

However, the ICC Prosecutor will only be as effective as the support and mandate she receives from the international community. The Campaign involves sending letters to heads of state asking them to support Fatou: providing the new ICC Prosecutor with a mandate for effective gender justice, urging them to ratify the Rome Statute and be part of the International Criminal Court.

For details on the campaign, please go to www.stoprapeinconflict.org/support_fatou.
Securing 43 of the 44 seats it contested in the 1 April 2012 by-election, the National League for Democracy (NLD) led by Daw Aung San Suu Kyi became the main opposition force in Burma’s national parliament that remains dominated by the military and its political allies. This development was largely praised by the international community as ‘a step towards transition to democracy.’ Barely a few weeks after the elections, some western nations “decided in principle” to lift sanctions on Burma to encourage further reforms.

Early on, Suu Kyi said one of her priorities as a politician is to push for an amendment of the current Constitution, which was boycotted by the NLD, paved the way for a civilian government headed by President Thein Sein, the junta’s former fourth-in-command. The election was condemned around the world as a move by the government to entrench military rule. However, due to local and international pressure, the regime eventually freed hundreds of political prisoners, invited the NLD to mainstream politics and signed tentative peace agreements with some rebel groups.

Despite the peace agreements though, fighting goes on between the regime and the ethnic groups in the north. Since 1 February 2012 up to the 1 April elections, at least 20 clashes were recorded in the Kachin State and Northern Shan State. The UN Human Rights Council’s March 2012 resolution on Burma expresses “continued grave concerns” over violations of international humanitarian and human rights law and calls once again on the government to investigate these violations, bring perpetrators to justice and put an end to impunity.

The International Federation for Human Rights (FIDH), Asian Forum for Human Rights and Development (FORUM-ASIA), Alternative ASEAN Network on Burma (Altsean-Burma), and Forum for Democracy in Burma (FDB) released a briefing paper prepared for diplomats at the 19th session of the UN Human Rights Council which concluded on 23 March. The paper identified four core issues that must be immediately addressed by the Burmese government namely; (1) Ongoing detention of political prisoners and harassment of activists, (2) Ongoing attacks against civilians and serious crimes in ethnic areas, (3) Repressive laws and (4) Justice and accountability for past and present human rights abuses.

The four organizations further cited “…Numerous repressive laws that do not comply with international standards remain on the book, including the Electronics Act and the Unlawful Association Act, under which many political prisoners were convicted.” They also raised serious concerns about the inconsistency with human rights standards in several new laws, including the Peaceful Gathering and Demonstration Bill, Farmland Bill, Ward or Village-tract Administration Bill.

Suu Kyi, who spent almost two decades as a political prisoner under the former junta had been invited along with the other parliamentarians in her party to take their oath of office and take up their seats in Parliament during the last week of April. Earlier, however, the NLD had demanded to change the wording of the oath from “safeguard” to “respect” the Constitution drawn up by the country’s former military rulers. Since the authorities had not considered the demand, the NLD parliamentarians decided to postpone their entry into the Parliament. However, Suu Kyi announced on 30 April that she and other NLD parliamentarians had agreed to take their seats in Parliament, despite the unresolved issue of the oath.

“In politics it is essential to give and take,” the Nobel Peace Prize laureate told reporters. “As a gesture of respect to the desires of the people and in consideration of the requests made by lawmakers from democratic parties and independent lawmakers, we have decided to attend the Parliament ... We will go there as soon as possible and take the oath,” she said.
PHILIPPINES

ICC IMPLEMENTATION WORKING GROUP CONVENED; GOVERNMENT RATIFIES OPCAT

On 1 March 2012 the Technical Expert Group for the Domestic Implementation of the Rome Statute of the ICC was convened for the first time. The project is an initiative of the University of the Philippines’ Institute of International Legal Studies headed by Atty. Harry Roque, in consultation with CICC-Asia and the Philippine Coalition for the ICC.

The expert group is composed of Professors Merlin Magallona and Raul Pangalangan, both former deans of the UP College of Law and members of the Philippine delegation to the Rome Conference; two representatives each from the Departments of Foreign Affairs and Justice, Solicitor General’s Office, House of Representatives, Senate, Supreme Court and two legal experts on constitutional law.

The expert group is expected to come out with draft laws and other documents needed for submission to the relevant agencies of the government that will deliberate and approve the ICC implementation law. It is expected to meet regularly to address issues related to its mandate of drafting implementation law and lobbying the government to adopt it. The timetable of the group to accomplish the drafts is six months to one year.

Members present at the meeting suggested to invite as members of the expert group representatives from the Departments of National Defense and Interior and Local Government.

On 6 March 2012, the Philippine Senate concurred through Senate Resolution 664 to the ratification of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The OPCAT was adopted by 22 affirmative votes without negative vote or abstention.

On 17 April, the Philippines became the 63rd state party to the OPCAT and the fourth state party in the Asia-Pacific region. In a statement issued by the Commission on Human Rights of the Philippines, it says “In a country like Philippines where torture has been a common practice in detention centers over the past decades to the present, the OPCAT ratification is a big step forward in the campaign for justice. Since places of detention are closed to the outside world, persons deprived of their liberty are vulnerable to and at risk of torture, other forms of ill-treatment, and other human rights violations. Respect for detainees’ rights as well as the satisfaction of their most basic needs solely depends upon custodial authorities. The OPCAT will ensure that these otherwise obscure places will now be more open so that less and less abuse will take place.”

The ratification of OPCAT requires that the Philippine government has one year from accession to establish the ‘National Preventive Mechanisms’ (NPMs) that will have the mandate to conduct unannounced visits to all places of detention in the country. To date, a draft law on the establishment of the NPMs is almost finished. As planned, it will be ready for public consultations and for filing at the Lower House and the Senate in July 2012.

SOUTH ASIA

REPORT ON SAARC AND HUMAN RIGHTS LAUNCHED

Coalition Steering Committee member, the Asian Forum for Human Rights and Development (FORUM-ASIA), launched on 26 March 2012 a report on SAARC and Human Rights: Looking Back and Ways Forward. The report presents an overview and history of SAARC, an assessment on the state of human rights in the eight members of SAARC, an analysis of SAARC’s charters, conventions, and other initiatives related to human rights and an assessment of SAARC’s interactions with South Asian civil society on human rights issues. The report aims to serve as a baseline study of human rights situations in South Asia in relation to the functions of SAARC as a regional grouping. FORUM-ASIA, along with the continuous engagement of its 21 South Asia members from five different countries (Bangladesh, India, Nepal, Pakistan and Sri Lanka), as well as its South Asia partners, have been working towards the promotion and protection of human rights in the region since 1991. Its commitment is reflected in the many lobbying activities that were undertaken with the assistance of South Asian government officials and parliamentarians. In particular, two Sub-Regional Workshops on a Human Rights Mechanism in South Asia were organized in Kathmandu, Nepal, respectively in March 2010 and July 2011. The need for the establishment of a regional human rights mechanism under SAARC was a recurring topic, which was immediately endorsed as a core issue by the establishment of an informal Working Group of eminent human rights experts from South Asia after the Second Sub-Regional Workshop in 2011. This Working Group, to which FORUM-ASIA is part, is currently working towards initiating dialogue and engaging with SAARC on the promotion and protection of human rights in the sub-region.

This initial report and the subsequent monitoring reports will help track the development of the role of SAARC in the promotion and protection of human rights including ratification of key international treaties and conventions and integration of these instruments to national systems of justice to address the culture of impunity prevailing in the region.

This publication was made possible with the support from the Finnish NGO Foundation for Human Rights (KIOS), the Swedish International Development Cooperation Agency (SIDA) and the United Nations Democracy Fund (UNDEF).

Background

The South Asian Association for Regional Cooperation, better known as SAARC, is a regional organization whose members comprise of eight nations: Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka.

SAARC is a regional intergovernmental organization like the African Union (AU), European Union (EU), the Organization of American States (OAS), the Caribbean Community (CARICOM), the Arab League, and the Association of Southeast Asian Nations (ASEAN). Unlike the ASEAN, which has been the model which influenced the creation of SAARC, the economic driver has remained relatively muted.

South Asia has a quarter of the world’s population. It is one of the fastest growing regions in the world, but has more people living in poverty than Sub-Saharan Africa.
In line with the Coalition’s Universal Ratification Campaign (URC), its Coordinator for Asia-Pacific Evelyn Balais-Serrano conducted on 1-2 May a mission to Thailand, following a previous mission in January 2012. She participated in various activities facilitated by the Foreign Affairs Committee of the House of Representatives (HoR).

**ICC EXHIBITION**
The Chairperson of the Foreign Affairs Committee of the HoR, Mr. Sunai Chulpongsatorn, accompanied Balais-Serrano to the exhibition in the lobby of the Parliament, explaining that it was set up as part of his committee’s ongoing ICC information campaign. Several wood panels showing photos and descriptions of the ICC—its headquarters, President, Prosecutor and Registrar; cases under investigation and cases under preliminary investigation were featured. One panel advertised the ICC seminar scheduled in the afternoon.

**ICC SEMINAR**
A seminar on *Thailand and the International Criminal Court* was organized by the Foreign Affairs Committee of the HoR and attended by more than 300 people composed of MPs, representatives of relevant government ministries, legal academics and families of victims of the 2009-2010 conflicts. In his opening remarks, the Chairperson of the Committee of Foreign Affairs said that this activity is part of the campaign to let the people of Thailand better understand the ICC. He also stated that these activities are part of the preparation for a national conference on the ICC to be held in July. He mentioned a possible study tour by MPs to the ICC in The Hague towards the end of the year to build on their previous 2011 trip to The Hague to learn more about the work of the ICC. Lastly, he acknowledged the support of the CICC by sending its Coordinator for Asia-Pacific to this seminar.

A panel consisting of a representative from the Ministry of Foreign Affairs, a former dean and several professors of the Law School of Thammasat University gave inputs on the history and features of the ICC, its jurisdiction, trigger mechanisms and rules and procedures in filing of case. Balais-Serrano gave a brief response and delivered the concluding remarks. She discussed CICC’s involvement in the campaign for ratification in Thailand since 2000 and the current URC focus on the country. She also gave an overview of developments in the region and expressed her joy in seeing more and more Thai people and organizations becoming interested in the ICC. She thanked the HoR’s Foreign Affairs Committee in behalf of the Coalition and expressed her hope that Thailand takes the lead in the ASEAN in promoting justice and rule of law by joining the ICC.

**MEETINGS WITH THE MINISTERS OF JUSTICE AND FOREIGN AFFAIRS**
Balais-Serrano met with the Justice Minister, H.E. Pracha Promnog and explained her mission to Thailand. The justice minister said that Thailand is open to the idea of ratification but they have to consider the ongoing process of amending the Constitution, which he hopes will be finalized this year. The discussion revolved around constitutional provisions that inhibit Thailand from ratifying the Statute, in particular a provision on head of state immunity which refers to the monarchy, a very sen-

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*Speakers at the seminar on “Thailand and the ICC” organized by the Standing Committee on Foreign Affairs, House of Representatives (HoR). Photo: HoR

*Meeting with H.E. Pracha Promnog, Minister of Justice of Thailand with chair and vice-chair of HoR Standing Committee on Foreign Affairs. Photo: HoR*
sitive issue that has to be carefully addressed before deciding to ratify.

Balais-Serrano, accompanied by the chair of the HoR and his deputy also met with the Foreign Minister, together with his deputy minister and other relevant officials. The Foreign Minister explained why Thailand has not ratified yet—citing similar reasons as set out by the Minister of Justice. Serrano explained that of the 121 states parties, a number have monarchies - Norway, Japan, The Netherlands, Cambodia, Jordan and others - but were able to make interpretations of their constitutions to make them compatible with the provisions of the Rome Statute, thus allowing them to accede. She discussed the Philippine experience and the benefits the people can have when Thailand joins the ICC. The Minister said his office will reconvene the ICC Inter-Agency Working Group that was set up in 2010 and will organize activities to make the government aware of the ICC. He also asked the HoR to coordinate with his office on the preparation for the July event. He thanked the Coalition and extended an invitation to join their future activities.

Media Conference at the Media Room of the Parliament, with chair of Foreign Affairs Committee, HoR.

INTERVIEW WITH INTERNATIONAL CRIMINAL COURT DEPUTY PROSECUTOR AND PROSECUTOR-ELECT

H.E. MS. FATOU BENSOUDA

The following interview with Ms. Fatou Bensouda was conducted in May 2012, prior to her swearing in as prosecutor of the International Criminal Court (ICC) on 15 June 2012. Ms. Bensouda served as deputy prosecutor at the ICC for nearly eight years, beginning in September 2004. Prior to joining the ICC, Ms. Bensouda served as a senior legal advisor and head of the legal advisory unit of the International Criminal Tribunal for Rwanda (ICTR), where she had previously worked as a legal advisor. Ms. Bensouda has also held a number of high-level positions in the public and private sectors in The Gambia.

In this 10th anniversary year of the International Criminal Court (ICC), what, in your view, are the biggest challenges for the ICC in delivering justice in a fair, effective and independent manner?

There are three fundamental challenges that ICC faces in its course of providing justice in a fair, effective and independent manner. First, the Court does not have a physical enforcement mechanism of itself. For example, it cannot dispatch police forces or an army to enforce its arrest warrants. Thus, it is dependent on the cooperation of states and international organizations for enforcement. While in general cooperation is forthcoming with over 70% of the Office of the Prosecutor (OTP) requests for cooperation to States Parties, Non-States Parties and International Organizations receiving positive answers, the court encounters more difficulties when it comes to arresting individuals that are protected by active militias or the State apparatus that they used to commit massive crimes. In order to be effective, the court requires collaborative efforts of other actors in a consistent manner, not on a case-by-case basis.

The second challenge is somehow related with the first one: the interplay between conflict resolution initiatives and justice. Some leaders sought by the Court threatened to commit more crimes to retain power, blackmailing the international community with a false option: peace or justice. The OTP has to follow its independent justice mandate. To guarantee its impartiality, OTP cannot take into account the prospect of peace initiatives. If politicians isolate the role of the Court and the justice component of conflict management by not cooperating, the Court’s effectiveness would be seriously hampered. The efficiency and impartiality of the Court, thus, depends on how political leaders and conflict managers react to aforementioned blackmail.

The third challenge is related to the independence of the Court. A Court with no practical independence would lose its legitimacy and subsequently its effectiveness. We rely on partners, including civil society, to ensure that the judicial and prosecutorial independence of the

Media Briefing

A Media Briefing was held at the Parliament Media Room after the meeting with the Justice Minister. It was attended by around 20 members of the media. The Chairperson of the HoR, his deputy and Balais-Serrano gave brief statements on the results of the meeting and an overview of the ICC’s work and the campaign for ratification in Thailand.

Of the mission, Balais-Serrano said, “Overall, the mission was able to impress upon the relevant officials of Thailand the importance of ratifying and implementing the Rome Statute, gearing them up to the next level of the campaign – the preparations for the national ICC conference in July where the Prime Minister is expected to be engaged by an ICC representative. It is also expected that the debate of whether to ratify or not will be put on the government’s agenda by July; thus from now until July is a crucial period of time to prepare the government to respond positively to ICC ratification.”

Interview with International Criminal Court Deputy Prosecutor and Prosecutor-elect

H.E. Ms. Fatou Bensouda from Gambia.

Continued on page 13
Court is protected, so that it has full capacity to exercise justice.

What additional steps could the Office of the Prosecutor (OTP) take in order to ensure that the rights of victims to participation and reparations are fully met?

The OTP considers that victims’ participation in proceedings before the Court is an essential feature of the Rome system and an important contribution to international justice. The Office’s work must be relevant to victims, to affected communities, and more broadly to all relevant communities in order to foster conciliation and prevent future crimes, as this is a strategic priority for us.

I believe that there is scope for further development of the interaction between the victims and the Court especially during the early stages of the OTP’s work, i.e. in the preliminary examinations. The OTP is refining its best practices to better enable victims to submit information concerning alleged crimes and ensure effective interaction through public notice of its preliminary examination and investigation activities.

Moreover the Office will continue to seek to address the interests of a wider community of victims through its submissions on the gravity of the crimes, including in terms of their impact.

At the reparations stage, the Office favours a wider approach to allow participation of victims and representations from or on behalf of victims and other interested persons. We believe any other approach would be overly restrictive and unfair, since the Prosecution must necessarily limit the incidents selected in its investigation and prosecution. Accordingly the Office will support reparations applications, as appropriate by a broader range of individuals and entities than those who are linked to the charges for which the accused is ultimately convicted.

These principles of the Office were the building blocks of our submission to the Trial Chamber about the reapportionment procedure in the Lubanga case. The OTP argued for the inclusion of child soldiers, their families, persons who suffered harm when attempting to interdict the abduction of children from schools for the purposes of recruitment, victims of sexual violence due to enlistment and conscription and civilians of any ethnic group who suffered at the hands of the UPC without restriction to the period of charges as victims who should benefit from reparations.

With almost 8 years under your belt at the OTP, you have gained experience in building evidence of gender crimes. What will you do as Prosecutor to ensure some of the roadblocks to successfully prosecuting gender crimes are removed during your tenure?

Prosecuting gender related crimes have been an integral part of the Rome Statute system since its inception. Article 54 of the Statute specifically provides that the Prosecutor shall “take into account the nature of the crime, in particular where it involves sexual violence, gender violence or violence against children”. Moreover the Article 42(9) of the Statute requires the Prosecutor to appoint advisers with legal expertise on sexual and gender related crimes. Following these requirements, the OTP established the Gender and Children Unit, comprised of advisors with legal and psycho-social expertise to deal specifically with these issues. Additionally, the OTP has reflected the primacy of gender related crimes by integrating them into the overwhelming majority of our cases.

Under the new Prosecution, I will guarantee that the primacy given to the gender related crimes will stand and will even be furthered. We will in particular continue to strengthen our cooperation with local gender groups in situation countries that provide sometimes the only form of support available for gender crimes victims, who often are excluded and shunned from their communities. The process of prosecuting gender related crimes has to be handled very delicately to ensure the well being of the victims. In order to ensure clarity, transparency and predictability of our work about the matter, the OTP is preparing a gender policy which is on the brink of being finalized. We will also continue to periodically and consistently revisit our policies and practices regarding sexual and gender related crimes, making sure they are effective and improving them if needed. The Office will also continue to provide gender-related training to its staff, from investigators to prosecutors.

One thing we have to understand, however, is that gender related crimes are very sensitive issues in certain domestic contexts. As it can be a challenge to gather evidence of these crimes in certain contexts, we will continue to look for innovative methods for the collection of evidence in a way that would ensure the prosecution of criminals and protection of victims.

We should not focus on the words and propaganda of a few powerful, influential individuals, and forget about the millions of anonymous people that suffer from their crimes. Indeed, the greatest affront to victims of these brutal, unimaginable crimes – women and young girls raped, families brutalized, robbed of everything, entire communities terrorized and shattered – is to see those powerful individuals responsible for their sufferings trying to portray themselves as the victims of a “pro-Western”, “anti-African” Court.
Every current ICC investigation is on the African continent. Despite the fact that no one can deny that gross human rights violations are being committed in these countries, many have called on the OTP to also move forward with its preliminary examinations in other regions. How would you respond to this?

I believe there is one thing we have to understand about the so-called “Africa bias”. We should not focus on the words and propaganda of a few powerful, influential individuals, and forget about the millions of anonymous people that suffer from their crimes. Indeed, the greatest affront to victims of these brutal, unimaginable crimes – women and young girls raped, families brutalized, robbed of everything, entire communities terrorized and shattered – is to see those powerful individuals responsible for their sufferings trying to portray themselves as the victims of a “pro-Western”, “anti-African” Court. The ICC is and will always be with the real victims and will act to protect their well being no matter which continent they are from.

Apart from the normative point of view, the African bias arguments are also factually invalid. Uganda, Democratic Republic of Congo (DRC) and the Central African Republic (CAR) all voluntarily referred their situations to the Court whereas the situations in Libya and Darfur were referred to the Court by the United Nations Security Council (UNSC). The *propriomotu*-powers of the Prosecutor were only invoked in Kenya and Cote d’Ivoire which received a high level of cooperation from the relevant states.

To answer the second part of the question, we just have to take a look at what is actually going on right now in the OTP. The Office is currently engaged in preliminary examinations in Honduras, the Republic of Korea, Afghanistan, Nigeria, Guinea, Colombia and Georgia. As can be seen, preliminary cases range from Latin America to the Far East, from Central Asia to Eurasia. We are currently reviewing the evidence in these situations and will decide whether to move on with an investigation or not.

Some have criticized the OTP for its treatment of the various preliminary examinations under consideration, arguing that irregular treatment, a lack of transparency and substantive reporting, as well as inappropriate time delays, have created unrealis-tic expectations among victims that the OTP will be proactive in ensuring justice. What are your views on these critiques and how do you plan to address some of them?

Preliminary examinations are key elements of the OTP activities as they provide an early opportunity, through contacts with relevant authorities and through widening public information about the cases, to encourage national proceedings and prevent recurrence of violence. Adherence with the complementarity principle of the Court requires effective preliminary examinations in certain cases.

The Coalition for the International Criminal Court (CICC), in particular, has always been one of our key partners, since the inception of the idea of establishing the Court.

In October 2010, the OTP published its policy paper about the preliminary examinations to provide clarity, transparency and predictability in this field, and we have consulted our civil society partners in the process. A one year report on preliminary examination activities was also published in December 2011. The report consisted of background information on all of the current preliminary examinations as well as any disclosable information about the nature of the examination. I believe these reporting activities will meet the concerns of our partners about the preliminary examination processes.

The Inter-American Court for Human Rights has issued landmark rulings on crimes for which the ICC has jurisdiction, setting important precedents in international law. Are there any steps that you see the ICC could take in order to learn from the experience and practice of this and other tribunals?

Learning from the experiences and best practices of all international and regional courts has been an integral part of the consolidation process of the ICC. The Nuremberg Military Tribunal, for example, can be considered as the first ancestor of the ICC. More contemporarily, the Special Court for Sierra Leone, the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) have provided the ICC with very valuable examples on how to proceed with prosecutions. They have also played a very crucial role in the expansion of the international criminal jurisprudence. The Inter-American Court has also played a similar role especially regarding the development of jurisprudence on crimes that can be categorized as crimes against humanity by exercising jurisdiction over crimes such as extrajudicial executions, forced disappearances and torture.

How do you see the role of civil society—the Coalition for the International Criminal Court in particular—around the Court’s work?

In general, civil society has played a crucial role in supporting the work of the OTP. They have been key partners in the field, during the preliminary and investigative periods, and in reaching out to the affected communities and victims. These organizations have been actively working to expand the outreach of the Court, organizing public campaigns for arrests of the indicted individuals, lobbying with their respective states for cooperation towards the Court as well as providing valuable input to the OTP strategies and policies.

The Coalition for the International Criminal Court (CICC), in particular, has always been one of our key partners, since the inception of the idea of establishing the Court.

In my opinion, the most important function of the CICC has been to act as an umbrella organization, a crucial convenor of all these different NGOs with differing interests and priorities. It is clear that we need to have a coordinated and integrated response to challenges facing the ICC for our efforts to be effective, while of course respecting the autonomous mandates. We are currently in the process of analyzing the past 9 years of collaboration with our NGO partners, to see what can be further improved.

For full text of the interview, go to the Coalition’s website: www.coalitionfortheicc.org
ASSEMBLY OF STATES PARTIES ELECTS NEW OFFICIALS

JUDGE SONG RE-ELECTED ICC PRESIDENT

During the Assembly of States Parties (ASP) of the ICC held in December 2011, new officials were elected: Fatou Bensouda (Gambia), former deputy prosecutor as the next prosecutor; Ambassador Tiina Intelmann (Estonia) as new ASP President with Markus Borlin (Switzerland) as First ASP Vice-President and Ken Kanda (Ghana) as Second ASP Vice President.

The six judges who obtained the highest number of votes and a two-thirds majority of votes from states parties were: Miriam Defensor-Santiago (Philippines), Anthony Thomas Aquinas Carmona (Trinidad and Tobago), Robert Fremr (Czech Republic), Olga Venecia Herrera Carbuccia (Dominican Republic), Howard Morrison (United Kingdom) and Chile Eboe-Osuji (Nigeria).

On 11 March 2012, the judges of the ICC re-elected Judge Sang-Hyun Song (Republic of Korea) as President of the Court for another three-year term. Judge Sanji MmasenonoMonageng (Botswana) was elected First Vice-President and Judge Cuno Tarfusser (Italy) Second Vice-President.

(Source: ICC-CPI-20120311-PR773)

ICC RESOURCES

South-East Asia and International Criminal Law
(also available in Thai)
by Richard J. Goldstone
Torkel Opsahl Academic EPublisher
Oslo, 2011
ISBN 978-82-93081-38-8 (English version),
978-82-93081-51-7 (Thai version)
23 pages (English version),
29 pages (Thai version)

The publication appears in English and Thai as FICHL Occasional Paper Series No. 2 (2011) and can be read, printed or downloaded at www.fichl.org/occasional-paper-series/ or by clicking on the title above (pursuant to the open access policy of the FICHL).

Legal Tools Database
Available for free at www.legal-tools.org (containing more than 48,200 documents). All but some 200 documents are full-text searchable, in several languages, with metadata registered for all documents. The Database provides equal access for everyone to documents needed to draft motions, decisions and papers concerning core international crimes.

Using Old Evidence in Core International Crimes Cases
(also available in Bengali)
Torkel Opsahl Academic EPublisher
Oslo, 2011
ISBN 978-82-93081-52-4 (English version),
978-82-93081-53-1 (Bengali version)
4 pages

The publication appears in English and Bengali as FICHL Policy Brief Series No. 6 (2011) and can be read, printed or downloaded at http://www.fichl.org/policy-brief-series/ or by clicking on the title above.

Unveiling the “Invisibility Cloak”
by Sarah M.J. Muzart
Investigating the Extent to Which the Kingdom of Thailand’s Failure to Address the Issue of Enforced Disappearances Violates Their Responsibility towards the Protection of Basic Human Rights by Comparison with the International Human Rights Jurisprudence

Legal Eye on the ICC
Women’s Initiatives for Gender Justice
March 2012

‘Legal Eye on the ICC’ is a regular eLetter from the Women’s Initiatives for Gender Justice. In the Legal Eye you will find summaries and gender analysis of judicial decisions and other legal developments at the International Criminal Court (ICC), and discussion of legal issues arising from victims’ participation before the Court, particularly as these issues relate to the prosecution of gender-based crimes in each of the Situations under investigation by the ICC.

Women’s Initiatives for Gender Justice also produces Women’s Voices, a regular eLetter providing updates and analysis on political developments, the pursuit of justice and accountability, the participation of women in peace talks and reconciliation efforts from the perspective of women’s rights activists within armed conflict situations, specifically those countries under investigation by the ICC. To receive these e-letters directly, email: info@iccwomen.org using ‘Add me to your mailing list’ as subject.

ICTJ World Report Issue 11,
International Center for Transitional Justice
April 2012

This monthly newsletter provides news related to ICTJ’s work, including a podcast on accountability for past crimes in Bosnia, as well as international justice-related updates from around the world. (ictj.org/publication)
The Coalition for the International Criminal Court includes 2,500 organizations around the world working in partnership to strengthen international cooperation with the ICC; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide.

COALITION FOR THE INTERNATIONAL CRIMINAL COURT
www.coalitionfortheicc.org

The Coalition is deeply appreciative of the generous support provided by all of our many partners and donors from around the globe. Major funding has been provided by the European Union, the Ford Foundation, Humanity United, the John D. and Catherine T. MacArthur Foundation, the Open Society Institute, and the Sigrid Rausing Trust, as well as by the governments of Australia, Austria, Belgium, Denmark, Finland, Ireland, Liechtenstein, Luxembourg, The Netherlands, New Zealand, Norway, Sweden, and Switzerland, and a number of individual donors. Such support has been essential to the Coalition’s effort to secure a future in which justice is accessible to all. If you would like more information about how you can join in this effort, please visit our website at www.coalitionfortheicc.org or contact us by phone at +1.646.465.8527 or via email at development@coalitionfortheicc.org.

The contents of this publication are the sole responsibility of the Coalition for the International Criminal Court and should in no way be taken to reflect the views of the European Union, Irish Aid, or any other donor.

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Together for Justice: Civil society in 150 countries advocating for a fair, effective and independent ICC.

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CALENDAR OF ACTIVITIES
ICC 10TH ANNIVERSARY Commemoration

JULY 1, 2012 – CAMBODIA
Workshop on: ICC’s First 10 Years in the Fight Against Impunity and Prevention of Mass Crimes in the Future organized by ADHOC

JULY 17, 2012 – INDONESIA
National ICC Conference organized by the Indonesian Coalition for the ICC

JULY 2, 2012 – PHILIPPINES
Flag-raising Ceremonies at the Philippine Commission on Human Rights, with speech by the CHR Chairperson Loretta Ann Rosales

JULY 16, 2012 – PHILIPPINES
Flag-raising Ceremonies at the Armed Forces of the Philippines Headquarters, with speech by the AFP Director General

JULY 17, 2012
“The International Criminal Court & the Lubanga Conviction: Taking Stock of Gender Justice” organized by the Philippine Coalition for the ICC

AUGUST 2012 – PHILIPPINES
ICC Film Showing and Forum, jointly organized by the Philippine Coalition for the ICC and the University of the Philippines Institute for International Law Studies

JULY 2012, MALAWI, AFRICA
ASEAN-AU Exchange Visit for Civil Society Organizations being held by Human Rights Working Group, Open Society Foundation and Centre for Citizens Participation on the African Union

SEPTEMBER 25-29, 2012 – PHNOM PENH, CAMBODIA
International Memory Initiatives Exchange being organized by Impunity Watch and the Peace Institute of Cambodia
See details for applications at www.impunitywatch.org

OCTOBER 16-19, 2012, VIENITIANE, LAO PDR
9th Asia-Europe People’s Forum
For more information:www.aepf.info/secretariat@aepf.info

NOVEMBER 5-6, 2012, VIENITIANE, LAO PDR
9th Asia-Europe Meeting (ASEM9)

NOVEMBER 18-20, 2012, PHNOM PENH, CAMBODIA
21st ASEAN Summit

NOVEMBER 14-22, 2012
11th Session of the Assembly of States Parties
The Hague, Netherlands