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ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION

THE INTERNATIONAL CRIMINAL COURT: RECENT DEVELOPMENTS

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I. Introduction

A. Background

1. For decades, international law lacked sufficient mechanisms to hold individuals accountable for the most serious international crimes. Punishment for grave breaches of the Geneva Conventions of 1949[1] or for violations of the Genocide Convention or the customary international law of war crimes and crimes against humanity depended primarily on national courts. The problem is that it is precisely when the most serious crimes were committed that national courts were least willing or able to act because of widespread or systematic violence or because of involvement of agents of the State in the commission of crimes. If you look at the past to the best known historical events of that kind-Nazi Germany, Rwanda, the former Yugoslavia, Cambodia-the governments themselves or their agents were involved in the commission of those crimes. And so the failures of national courts in these contexts protected perpetrators with impunity. To prevent impunity in those situations, it is necessary to enforce international justice when national systems are unwilling or unable to act.

2. The first actions taken by the international community to address this impunity gap were to create ad hoc tribunals in such situations. The first tribunals were, of course, those of Nuremberg and Tokyo after World War II. In the 1990's, the United Nations had set up two tribunals, namely the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for Yugoslavia (ICTY). These tribunals were extremely important and were pioneers. They showed that international justice could work, but they all possessed several limitations.

3. One limitation is that only a few States participated in their creation. The Nuremberg and Tokyo tribunals were set up by the victorious Allied powers after World War II, and the Rwanda

[1] Four Geneva Conventions of 12 August 1949 relate to the following namely: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. Convention (III) relative to the Treatment of Prisoners of War, and Convention (IV) relative to the Protection of Civilian Persons in Time of War.

and Yugoslavia tribunals were created by the Security Council acting under Chapter VII. There are also other limitations. Ad hoc tribunals are limited to specific geographic locations. They respond primarily to events in the past. Their establishment involves extensive costs and delays. Last but not least, their creation depended, every time, on the political will of the international community at the time. And so in some cases there was action; in some cases there was nothing. As a result, their ability to punish perpetrators of international crimes and to deter future perpetrators has been limited. Eventually, a permanent truly international court was necessary to respond to the most serious international crimes and to overcome the limitations of the ad hoc tribunals.

4. The attempt to create a permanent mechanism that could try persons committing most serious crimes got a revival of sorts at the end of the cold war. Particularly, prominent to this momentum were the creation of ICTY and ICTR. This momentum culminated in the convening of the Rome Conference which adopted the *Rome Statute of the International Criminal Court* on 17 July 1998, which entered into force on 1 July 2002. As on March 2017, the membership of the Court stands at 124.[2] Out of them 34 are African States, 19 are Asia-Pacific States, 18 are from Eastern Europe, 28 are from Latin American and Caribbean States, and 25 are from Western European and other States. This breadth of its membership itself is indicative of the widespread support it receives across the globe.

5. The adoption of the Rome Statute was a historic event. The treaty has created the first-ever permanent international criminal court, independent and impartial, and able to hold individuals personally accountable for the commission of the most serious international crimes. The ICC will provide redress to victims and survivors of these crimes and may, over time, prove to be a powerful deterrent to the commission of these crimes. However, it is good to remind ourselves here that the ICC prosecutes individuals, not groups or States. Any individual who is alleged to have committed crimes within the jurisdiction of ICC may be brought before ICC. However, The ICC is not intended to supplant States where States have organized criminal justice systems that are willing and able to ensure that there is accountability for the crimes

[2]https://asp.icccpi.int/en_menus/asp/states%20parties/pages/the%20states%20parties%20to%20the%20rome%20statute.aspx

concerned. Rather, the purpose of international criminal accountability mechanisms, whether permanent or ad hoc, is to fill in when there are impunity gaps. They are not substitutes for national mechanisms.

B. AALCO's Work Programme on the ICC

6. The AALCO has been following the developments relating to the work of the ICC since its Thirty-Fifth Session at Manila (1996). The initial discussions relating to the establishment of the ICC were held at the two Special Meetings convened within the framework of the Thirty Fifth and the Thirty Sixth Annual Sessions. Thereafter, the agenda has been successively deliberated in many Annual Sessions, the last being 2012 Session held in Lagos, Nigeria. It may be noted that in 2008 a Memorandum of Understanding was signed between AALCO and the ICC[3]. This partly gave a thrust to the activities undertaken on this agenda item.

7. Apart from this, AALCO has conducted numerous Seminars and Work Shops on specific thematic concerns relating to the ICC. In 2009, a seminar on "International Criminal Court: Emerging issues and Challenges" was successfully conducted in collaboration with the Government of Japan. In 2010, prior to the Kampala Review Conference, a Round Table Meeting of Legal Experts was organized jointly by the AALCO and the Governments of Malaysia and Japan with a view to consolidate the position of the Member States. The Reports of these meetings have thereafter been published and circulated among the Member States.

8. Since review and analysis of the developments at the Kampala Review Conference is an important part of the work programme of AALCO, a three member delegation, led by Prof. Dr. Rahmat Mohamad, the then Secretary General participated at the Review Conference. Addressing the General debate on 1 June 2010, the Secretary General highlighted the specific concerns of the Member States of AALCO, which emerged at the Putrajaya Round Table Meeting. He emphasized that expanding on the principles of universality, sustainability and complementarily were the major challenges that the ICC would have to face and look for solutions. The need for a clear and broadly accepted definition for 'aggression', the relationship

[3] The text of the MOU is available on the AALCO website www.aalco.int

between peace and justice, issues on cooperation with the ICC and the principle of complementarity were the other topics that he reflected on.

9. On 2 June 2010, the Secretary General hosted an informal Networking Meeting of the AALCO. During the course of this meeting, the "Report of the Round Table Meeting of Legal Experts on the Review Conference of the Rome Statute of the ICC" was also launched. The meeting was well attended and several high-level representatives of Members States, non-Member States and representatives of civil society organizations attended it. In 2011, AALCO also organized, in collaboration with the Government of Malaysia and the ICC, a two day meeting of legal experts on the topic "Rome Statute of the International Criminal Court: Issues and Challenges".

C. Issues for focused consideration at the Half-day Special Meeting during the 56th Annual Session.

10. At this Fifty-Sixth Annual Session of AALCO Member States are encouraged to deliberate and make comments on the following issues:

i. "The Legality, under International Law, of the UNSC Authority to Refer Cases and/or Situations to the ICC Under Article 13 (B) Of The Rome Statute, 1998". This is a proposal by the Republic of Sudan[4].
ii. The referral and deferral powers of the UN Security Council.
iii. The Principle of complementarity; and
iv. Regional approach to conflict solution.

[4] This proposal was sent to the AALCO Secretariat vide Note Verbale (SED/6/2/AALCO) dated 24 October 2016.

II. Recent Developments Relating to the ICC

11. After ten years of its establishment the ICC started to render its judgments since 2012 on cases before it. In this part of the brief a brief overview is given of some of the judgments given by ICC in recent years.

(i) Prosecutor v. Jean-Pierre Bemba case

12. In this landmark verdict, the ICC found beyond reasonable doubt that Bemba, a former vice president and commander-in-chief of the Movement for Liberation of Congo (MLC), was criminally responsible under Article 28(a) of the Rome Statute of the ICC for the crimes against humanity of murder and rape, and the war crimes of murder, rape, and pillaging committed by his forces in the course of an non-international armed conflict in the Central African Republic (CAR) during 2002 and 2003. Bemba is the highest-ranked individual to have been convicted by the Court to date. At the time of the conflict, Bemba deployed his troops from the DRC to the neighboring CAR to support the then president Ange-Félix Patassé to beat back a coup attempt of François Bozizé. Later, in January 2005, the CAR government under Bozizé referred the situation to the ICC. Throughout the trial, Bemba denied all charges against him claiming that in fact it was former CAR president Patassé who had actual command and control over MLC troops.

13. This case is important for at least two reasons:

- First, the case against Bemba was the first time in the history of modern international criminal justice that acts of sexual violence far outnumbered alleged killings. During the conflict, crimes of sexual violence against women, men and children were used as a "tool" by Bemba's troops to terrorize the civilian population in the CAR.

- Second, the verdict set another important jurisprudential precedent at the ICC as it was the first time that the Court addressed the liability of an accused under the command responsibility doctrine provided for in Article 28 of the Rome Statute.

14. Four other members of Bemba's legal team also were sentenced by the Court. They were found guilty in October 2016 of bribing or persuading by other means 14 defense witnesses to try to influence the outcome of the first trial, which led to a March 2016 conviction for war crimes and crimes against humanity. This was the ICC's first case dealing with witness tampering. The defense lawyer, Aime Kilolo, was given a two-and-a-half-year suspended sentence as well as a $32,000 fine for his involvement. Bemba remains in detention in the Hague pending the outcome of his appeals.

(ii) The Prosecutor v. Germain Katanga

15. On 24 March 2017, the International Criminal Court awarded symbolic reparations of $250 each to 297 people who lost relatives, property or livestock or suffered psychological harm in a deadly attack by the militia under Congolese warlord Germain Katanga on a Congolese village in 2003.

16. Awarding both individual and collective damages, the court also found that Katanga, serving a 12-year term for war crimes, was liable for one million dollars of the total damages estimated at $3.7 million. The collective reparations are in the form of projects covering "housing, support for income-generating activities, education and psychological support" for victims.

17. Katanga was sentenced by the ICC to 12 years in jail in 2014, after being convicted on five charges of war crimes and crimes against humanity for the February 2003 ethnic attack on Bogoro village in Ituri province. He was accused of supplying weapons to his militia in the attack in which some 200 people were shot and hacked to death with machetes. Katanga is now on trial in the Democratic Republic of Congo on other charges of war crimes and insurrection in the mineral-rich Ituri region.

(iii) *The Prosecutor v. Ahmad Al Faqi Al Mahdi.*

18. On 22nd August 2016, Ahmad al-Faqi al-Mahdi, a member of an extremist group named Ansar Dine, which is linked to Al Qaeda, pleaded guilty at the International Criminal Court

(ICC) to destroying UNESCO protected shrines and damaging a mosque in the ancient city of Timbuktu, Mali, in the court's first prosecution of the destruction of cultural heritage as a war crime. Also, it is the first time that an alleged offender prosecuted at the ICC has pleaded guilty. Prosecutors said that he took part in the destruction of a number of venerable centuries-old mud and stone buildings holding the tombs of holy men and scholars.

19. He faces a maximum sentence of 30 years in prison, but prosecutors will request a sentence of nine to eleven years as part of a plea agreement. Mr. Mahdi said to be is suspected of committing other crimes, but the case was narrowly focused to highlight how cultural and religious buildings are deliberately singled out for destruction to obliterate an enemy's history and identity. The judgment is scheduled to be delivered on 27th September 2016.

20. The case comes at a time of heightened international concern about the fate of many cultural and religious monuments in the Middle East and North Africa. Places of worship, artworks and archaeological remnants, libraries, museums and other treasured sites have been destroyed by extremist groups who call them pagan or heretical, including the giant Buddha statues at Bamiyan, Afghanistan, in 2001, and more recently Nimrud, Palmyra and other pre-Islamic sites in Iraq and Syria.

(iv) The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido

21. On 21 June 2016, the International Criminal Court sentenced former Congolese Vice-President Jean-Pierre Bemba to 18 years for murders, rapes and pillaging committed by his troops in the Central African Republic more than a decade ago. He is the third person to be sentenced by the ICC since it began work in 2002. His case was the first at the ICC to focus on rape as a weapon of war and the first to highlight a military commander's responsibility for the conduct of the troops under his control.

22. The decision announced focused on the actions of his troops, as Bemba commanded a private army of 1,500 men who intervened in the neighbouring Central African Republic's civil war. Judge Sylvia Steiner, the presiding judge in her decision, stated that the former militia leader had failed to exercise control over his private army sent into the Central African Republic in late October 2002 where they carried out "sadistic" rapes, murders and pillaging of "particular cruelty".

23. Bemba was convicted in March 2016 on two counts of crimes against humanity as well as three counts of war crimes. The case however is likely to drag on for a few more years, as his defence team has already filed notice that it intends to appeal, and argued that Bemba should be released immediately as he has been behind bars since his arrest in 2008.

III. Concerns of Asian-African States in relation to ICC

24. In this part of the brief an attempt is made to look at the most important concerns that Asian-African States have expressed in relation to ICC over the years.

A. ICC's Exclusive Focus on Africa

25. The attitude of some of the African States in relation to ICC has navigated from *cooperation* to *conflict* over the years. The relationship has become so unreceptive that, in recent years, some African states have withdrawn or are thinking of withdrawing from the Rome Statute. Indeed the "open bureau meeting" on the 'ICC-Africa Relationship' that was convened by the ICC's Assembly of State Parties (ASP) on 18 November 2016 clearly indicated that some States in Africa are increasingly disheartened with the ICC. What explains this declining enthusiasm for the Court in Africa? Any dispassionate and impartial analysis of this situation needs to consider the following factors into account:

26. First, all situations and cases before the ICC (except Georgia) have come from Africa (to the exclusion of crimes committed elsewhere). Almost all the cases that are ongoing or that are

about to begin all concern the African continent.[5] All four persons who have thus far been convicted by the Court are Africans. Almost all who have been indicted are also African. Although the ICC has the potential to cover all States, whether they are party to the Rome Statute or not, it has only African States before it even after utilizing all the means by which it may be seized of jurisdiction. As such, this raises some issues. For example, the ICC (the Office of Prosecutor) has conducted Preliminary investigations throughout the world including: Iraq, Venezuela and Colombia (2006); Afghanistan (2007) and Georgia and Gaza, and Honduras (2010). These investigations have not led to any indictments for various reasons: crimes were insufficient in number, national justice systems were able to deal with the issue, investigations are ongoing and/or the ICC cannot legally address some crimes committed in a state non-party to the ICC Statute. Why the ICC decided not to open investigations in these situations remains unclear. What is certain though is this: when international prosecutors bring to justice only or mainly criminals from particular region or particularly weak States, it could potentially lead to charges of discrimination among human rights abusers on the basis of their citizenship.

27. Second, the ICC needs to bear in mind the cumbersome relationship between the search for peace and the demands for justice. Peace and justice, on the one hand and accountability and reconciliation, on the other are not mutually exclusive. To the contrary, they go hand in hand. Put differently, if we insist at all times on a relentless pursuit of justice a delicate peace may not survive. If we insist in punishing always and everywhere those responsible for serious violations of human rights it may be difficult or even impossible to stop the bloodshed and save lives of innocent civilians. There is some legal basis for this enshrined in Article 53 of the Rome Statute which allows the Prosecutor to not proceed with an investigation if doing so would serve the "interests of justice". The challenge then, is to find the right balance in each specific instance where this issue arises.

[5] However, some cases have been referred to the ICC by the African States themselves. These include: Uganda, Democratic Republic of Congo; Central African Republic and Mali.

B. Powers of Referral and Deferral by the UNSC

28. Under the Rome Statute, the UN Security Council has been given a significant role. However, the relationship between ICC and the United Nations Security Council has been a matter of great contention since the beginning.[6] As in any court system, the ICC is limited to investigating situations within its jurisdiction. The ICC can investigate a case when a crime is committed in a state that is party to the ICC or if the person accused of committing the crime is a national of a state party. Article 13(b) of the court's Rome Statute, however, also vests the UN Security Council, acting under Chapter VII of the UN Charter, with the authority to refer situations to the ICC, including those where crimes were committed on the territory of non-states parties or by nationals thereof. To this date, this is the only way to make ICC jurisdiction universal- i.e., extended to any state, whether it is an ICC state party or not.

29. The UN Member States who drafted the Rome Statute granted this role to the Security Council primarily to save it from the need of creating ad hoc tribunals which not only is costly but also takes several years to bring a tribunal into operation. Meanwhile, evidence and witnesses are lost. Referral of situations to the ICC through the medium of Security Council enables immediate investigation to preserve evidence and access witnesses.

30. In practice, the decisions of the Security Council are often affected less by considerations of judicial purity and coherence than by factors relating to the conflict at hand. While selectivity may be a justifiable or inevitable stance from the point of view of the Security Council, this provision that stands codified in Article 13 of the Rome Statute has serious implications for the perceptions of legitimacy and the integrity of the ICC. Also important has been the concern expressed by many States on the use of Article 15 of the Rome Statute that allows the Prosecutor of the ICC acting *proprio motu* to refer cases to the ICC.

31. Powers of deferral enshrined in Article 16 of the Rome Statute has also caused a great deal of discomfort to many States over the years. As is known, Article 16 of the Rome Statute provides that the UN Security Council may, in a resolution adopted under Chapter VII of the Charter, request the Court to defer (namely not commence or proceed with) an investigation or

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6 Jennifer Trahan, " The Relationship between the International Criminal Court and the U.N. Security Council:Parameters and Best Practices" (2013) 24 Criminal Law Forum 417-73

prosecution for a renewable period of twelve months.[7] As such it recognizes the ability of the Security Council to suspend the activities with regard to a specific situation or case, when it is considered that the suspension is necessary for the maintenance of international peace and security.

32. Both the powers of referral and deferral present a critical dilemma: they should not be seen to be governed by political motives, in which case the legitimacy of ICC would be seriously undermined in the eyes of the international community. In this regard the need to ascertain certain parameters that could potentially guide the actions of UNSC could hardly be exaggerated. Also critical is the need to address the claim that how non-party states, especially the permanent members of the Security Council, can justify their exceptionalism, namely of subjecting to the Court another state not party while they do not accept the Court's jurisdiction over themselves.

C. The Principle of Complementarity

33. To maintain and preserve national criminal jurisdiction has been a principal concern of many states over the years. Hence, one of the foundational principles of Rome Statute, namely the principle of complementarity[8] (which means that the Court will supplement but not supersede national jurisdictions) was a hotly debated issue even at Rome. The basic idea behind the complementarity is to maintain State sovereignty, under which "it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes", to enhance the national jurisdiction over the core crimes prohibited in the Statute, and to perfect a national legal system so as to meet the needs of investigating and prosecuting persons who committed the international crimes listed in the Statute.[9]

34. *The Advantages of the Principle of Complementarity (in terms of national judicial proceedings are as follows):*

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[7] Article 16, Rome Statute provides thus: "no investigation or prosecution may be commenced or proceeded with under this Statute for a period of 12 months after the Security Council, in a resolution adopted under Chapter VII of the Charter of the United Nations, has requested the Court to that effect; that request may be renewed by the Council under the same conditions."

[8] This is embodied in the Preamble and Article 17 of the Rome Statute; See Lijun Yang, "On the Principle of Complementarity in the Rome Statute of the International Criminal Court" (2005) 4 Chinese Journal of Internal Law 1, 121-132.

[9] Preamble, Rome Statute, *supra* note 6.

1. They are **closer to the victims and affected communities** and enable more easily the participation of the victims in the proceedings;
2. **Evidence gathering** is also easier given territorial proximity between the investigative and prosecutorial offices and the crime scenes;
3. National proceedings tend to be **faster and less costly**;
4. Enforcement **of arrest warrants is easier** and less complex.
5. Ending impunity for these powerful individuals can play a significant role in **strengthening a culture of the rule of law and legality** without which other phenomena such as corruption, drug trafficking, political violence and other crimes may continue to prosper.
6. The most serious crimes not only damage the direct victims, but also cause many indirect effects with disastrous consequences for the entire population.

35. It is difficult to disagree with the view that the principle of complementarity would be in keeping with the principle of sovereignty. Indeed States have even deemed the principle of complementarity as "the most important guiding principle of the Statute", which should be "fully reflected in all its substantive provisions and in the work of the Court, which should be able to exercise jurisdiction only with the consent of the countries concerned."[10]

36. However, the difficult aspect of the negotiations at Rome was to develop the criteria setting out the circumstances when the Court should assume jurisdiction even where national investigations or prosecutions had occurred. Two broad concepts emerged: Unwillingness and Inability. As provided in Article 17 of the Rome Statute, where national criminal jurisdictions are *unwilling or unable* genuinely to carry out investigations and prosecutions of the most serious crimes of international concern, the ICC will instead investigate and prosecute those allegations.[11] But this formulation left several questions unanswered (particularly with regard to the terms "unwilling and unable") as to the meaning, scope and extent of control to be exercised

[10] Rome Conference Vol.II, *supra* note 8, p. 75; Elizabeth Wilmshurst, "Jurisdiction of the Court", in Roy S. Lee (ed.), *The International Criminal Court: The Making of the Rome Statute*, Kluwer Law International, The Hague, 1999, p. 127.

[11] Article 17(1) (a), Rome Statute, *supra* note 6. Article 17(1) (a) provides "… [a case is inadmissible if it] is being investigated or prosecuted by a State which has jurisdiction over it, unless the State is unwilling or unable genuinely to carry out the investigation or prosecution."

by the international judges over domestic proceedings. The problems arising out of this principle were starkly witnessed in certain African situations recently.

37. Another problem that has arisen for African States that are parties to ICC relates to the principle of competing obligations flowing from the Rome Statute as well as their membership in the African Union. When a particular course of action is dictated by the ICC it becomes mandatory on the part of all State Parties to ICC to adhere to that. This is because State parties to ICC are under an obligation to cooperate with ICC in relation to a number of issues. However, when contrary decisions are taken by regional organizations, the members of these organizations despite being a member of them, are faced with a dilemma: whether to give priority to their status as State Parties to ICC or whether to abide by and implement the decisions taken by the regional institutions of which they are members. Is this issue amenable to legal interpretation or does it require a political solution. This remains the crux of the problem.

IV. Comments and Observations of the AALCO Secretariat

38. Today it is widely accepted that perpetrators of war crimes, other serious violations of international humanitarian law, and gross human rights violations must be held accountable and must be brought to justice in accordance with due process of law.

39. What should also be accepted is that ensuring accountability cannot be the work of one court, one judicial system, one State, or one region. Ending impunity must, and does, rest upon the complementary efforts of national and international criminal accountability systems, the existence of the rule of law within nations and among nations, and the unwavering commitment of the international community to maintain conditions under which justice and peace prevail. In other words, Justice is not exclusively dependent on either international or national courts, but on the vital contribution of each. Indeed, the relations between international and domestic courts and tribunals are dynamic precisely because they are in a state of constant evolution. This co-ordination of international and national law increases the resources available to the international community in achieving the shared goal of ending impunity for the worst crimes against mankind. In other words, Justice in The Hague cannot be a one-way street- it is a dialogue among international institutions and jurisdictions, and most of all, a dialogue with domestic jurisdictions.

40. The biggest challenge for the Court at this juncture, especially in relation to its legitimacy in Africa, is the "double standard" problem. The idea that everyone is equal before and under the law underpins domestic legal systems, especially in the area of criminal law. The position under international law in relations between states is no different, at least in theory. This is enshrined in the preamble and Article 2(1) of the foundational UN Charter which affirm "equal rights of men and women and of nations large and small" and the "principle of sovereign equality of all" states. The exclusive focus on Africa largely reflects current limits on the reach of international justice. The ICC needs to continue playing an impartial role in the fight against impunity in Africa and the rest of the world and proactively follow up situations in other jurisdictions where crimes have been committed. The sooner the better for, the contribution of the ICC to furthering the cause of justice and peace is undermined by the fact that some States do not yet accept its legitimacy.

ANNEX

SECRETARIAT'S DRAFT
AALCO/RES/DFT/56/SP2
5 MAY 2017

HALF DAY SPECIAL MEETING ON "INTERNATIONAL CRIMINAL COURT: RECENT DEVELOPMENTS"

The Asian-African Legal Consultative Organization at its Fifty-Sixth Session,

Having considered the Secretariat Document No. AALCO/56/NAIROBI/2017/SD/S10,

Taking note of the deliberations in the Assembly of State Parties to the Rome Statute, and noting the progress in cases before the International Criminal Court (ICC),

Being aware of the importance of the universal acceptance of the Rome Statute of the ICC and in particular, the principle of complementarity,

Acknowledging the concerns of Member States with regard to and the operation of ICC;

1. **Encourages** Member States which are not yet party to consider ratifying/acceding to the Rome Statute and upon ratification/accession consider adopting necessary implementing legislation;

2. **Further encourages** Member States that have ratified the Rome Statute to consider becoming party to the Agreement on the Privileges and Immunities of the ICC;

3. **Directs** the Secretariat to follow the deliberations in the Assembly of States Parties and follow the developments regarding cases taken up by the ICC;

4. **Requests** the Secretary-General to explore the possibility of convening a workshop in collaboration with the ICC and/or other international organizations and academic institutions, in a Member State of AALCO, for prosecutors and judges from AALCO Member States, aimed at capacity building and familiarizing them with the working of the ICC; and

5. **Decides** to place the item on the provisional agenda of an Annual Session of AALCO as and when required.