



## AFLA Shares Lessons on Universalising the Rome Statute of the International Criminal Court with Asian Stakeholders



A Muslim Rohingya boy who has crossed the border from Myanmar to Bangladesh pleads aid workers for some rice. Photo by Dar Yasin.

AFLA's Executive Director, Evelyn A. Ankumah, spoke on universalising the ICC Statute in Asia, and shared with the audience some of the African perspectives on this topic. She was speaking at an event convened by the Assembly of States Parties (ASP) to the ICC, and the Kingdom of the Netherlands, to commemorate the 20th Anniversary of the International Criminal Court. The meeting was held on 11th October to coincide with the 57th Annual Meeting of the Asian-African Legal Consultative Organization (AALCO), in Tokyo, Japan.

The panellists were H.E. Judge **O-Gwon Kwon**, President of the ASP; H.E. Judge **Tomoko Akane** of the ICC; H.E. **Motoo Noguchi**, Ambassador for International Judicial Cooperation of Japan and Chair of the Board of Directors of the ICC Trust Fund for Victims; **Mohsen Baharvand**, Deputy Secretary-

General of AALCO; Professor **Claus Kreß**, University of Cologne; and **Evelyn A. Ankumah**, Executive Director of AFLA.



Evelyn A. Ankumah, delivering her statement. To her far left H.E. Judge **O-Gwon Kwon**, followed by H.E. **Motoo Noguchi**.

Addressing the gathering of Attorneys General and Justice Ministers, Ambassadors, and other high level state officials from African and Asian countries, Ankumah observed that international criminal justice has no barriers, and transcends specific countries and regions. It is as relevant for Africa as it is for Europe, the Americas, and Asia. She said criminal justice is pursued for two main reasons. The first is to give due regard to the position of the victim. Indeed, impunity is an affront to the pain and suffering of victims, and the scars they have to live with, often for the rest of their lives. The second is preventive in nature. The prospect of perpetrators being held criminally accountable could deter future commission of crimes.

Ankumah contended that criminal justice is best done at home or as close as possible to home, for greater efficiency and legitimacy. However, it is not always possible to pursue criminal justice at national levels, as states might be unable or unwilling to hold perpetrators accountable due to limited capacity or inexpediency. Such reasons are not limited to specific regions.

Ankumah further highlighted Africa's mixed position on international criminal justice. On the one hand, there has been considerable support, which can be explained by the relatively long culture of discussing human rights protection at sub-regional and regional levels; a vibrant NGO community that advocates for

the protection of human rights; and a painful history of genocide, war crimes, and crimes against humanity.

On the other hand, the pursuit of international criminal justice has proven to be controversial because it affects the powerful and the influential. There's also the feeling in some quarters that Europe is imposing its will on Africa. Indeed, Africa has had long historical ties with Western European countries, and in modern times, development cooperation and promotion of human rights have become part and parcel of that relationship. But there would seem to be a difference in Asia, where many countries are seeking to develop their economies through business dealings with China, which - unlike development partners in Western Europe - does not insist on compliance of international human rights norms.

Ankumah opined that it seems Asian countries tend to have stronger ties with the U.S., a not so keen supporter of the ICC, while African states have stronger ties with Western European countries known to be proponents of the ICC. Indeed, Asian countries like Japan and South Korea, with ties to Western Europe, are already strong supporters of the ICC.

Ankumah called on Asian stakeholders to build a human rights and justice culture through education and sharing of information. As in Africa, serious crimes of international concern have been committed in Asian countries, like Myanmar, Bangladesh, the Philippines, and Afghanistan. Ankumah said the dialogue to universalise the Rome Statute in Asia must continue, and perhaps in the process, Asia can learn some lessons, be they positive or negative, from the African experience.

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