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**ASIAN-AFRICAN LEGAL CONSULTATIVE  
ORGANIZATION**



**REPORT OF THE  
ROUND TABLE MEETING OF LEGAL EXPERTS  
ON THE REVIEW CONFERENCE OF  
THE ROME STATUTE OF THE INTERNATIONAL  
CRIMINAL COURT**

**JOINTLY ORGANIZED BY THE GOVERNMENT OF  
JAPAN GOVERNMENT OF MALAYSIA AND AALCO**

**(30-31 MARCH 2010, PUTRAJAYA, MALAYSIA)**

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## **PREFACE**

“The tragedy of continual commission of heinous crimes in different regions of the world constitutes a reminder of the need for the international community to combat impunity and to address the circumstances that give rise to such situations” - Bruno Stango Ugarte, President of the Assembly of States Parties of the International Criminal Court (ICC) (2005-2008).

The ICC is a vital element of the international legal system established by States to regulate relations among its constituents and to secure the foundations of justice and peace which can provide redress to victims and hope for a better future.

As mandated by Article 123 of the Rome Statute, seven years after the establishment of the ICC, the first Review Conference would be convened in Kampala, Uganda, from 31 May to 11 June 2010. Being very much aware of the importance of this Conference and the agenda to be discussed there, the Government of Japan, the Government of Malaysia and the AALCO organized a two-day Round Table Meeting of Legal Experts on the forthcoming Review Conference of the Rome Statute of the International Criminal Court, in Putrajaya, Malaysia on 30-31 March 2010. The objective of this meeting was that it afforded the Legal Experts from the participating States to discuss in a candid manner the issues to be taken up at the Review Conference.

The Round Table Meeting was inaugurated by Honourable Tan Sri Abdul Gani Patail, the Attorney General of Malaysia and Current President of AALCO. In addition to the address made by Tan Sri Abdul Gani Patail, the meeting was also addressed by Amb. Yasuji Ishigaki, Special Assistant to the Minister of Foreign Affairs of Japan, and me. A lucid and enlightening presentation on the topic “Universalization of the Rome International Justice System: The Role of the ICC” was made by Judge Kuniko Ozaki of the ICC.

The discussions in the meeting were centered on the themes: (1) Consideration of Progress in International Criminal Justice, (2) Consideration for proposals for amending the Rome Statute: Crime of Aggression and (3) Review of Article 124 of the Rome Statute and other proposals. This publication brings together the proceedings of the

meeting as well as the following debate. I hope that this would be a useful document for Member States attending the Review Conference, in understanding some of the issues to be discussed in detail there.

I thank the Governments of Malaysia and Japan for their support and encouragement in furtherance of the activities undertaken by AALCO to promote cooperation and better understanding of legal issues of common concern for its Member States.

I wish to profoundly thank the Honourable Tan Sri Abdul Gani Patail, and Amb. Yasuji Ishigaki, for their immense encouragement and contribution in convening the aforementioned Round Table Meeting of Legal Experts. A special thanks to Mr. John Patrick Oyuga Okoth, Senior State Counsel, Ministry of Justice, Kenya, for having chaired the Working Session on the Crime of Aggression.

A very special thanks to all the Member States of AALCO and non-Member States for nominating their Legal Experts to attend this meeting, without their active participation this report would not have been possible. I also deeply acknowledge the subsequent interest of the Legal Experts, who spared their valuable time in going through the Summary Report of the meeting and providing their valuable input towards it.

Last but not the least, I also wish to place on record my appreciation to all my colleagues in the AALCO Secretariat, especially the Deputy Secretaries-General of AALCO, Dr. Xu Jie, Amb. S.R. Tabatabaei Shafaei, and Dr. Yuichi Inouye, for their tireless efforts in making this meeting an overall success.

I also wish to thank Mrs. Anuradha Bakshi, Assistant Principal Legal Officer and Mr. Senthil Kumar, Legal Officer for their efforts in preparing for the Round Table Meeting and the publication of this Report of the proceedings.

*Prof. Dr. Rahmat Bin Mohamad*  
*Secretary-General*

New Delhi  
22 April 2010

## **I. INTRODUCTION**

The Statutes of the Asian-African Legal Consultative Organization (AALCO) mandates it to “exchange views, experiences, and information on matters of common concern having legal implications and to make recommendations thereto if deemed necessary”. In pursuance of which the Organization considers the matters relating to the International Criminal Court. Since the adoption of the Rome Statute in 1998, and its subsequent entry into force on 1 July 2002, the AALCO has been continuously observing the developments in the institutions established by the Rome Statute- the Assembly of States Parties, the International Criminal Court and the Office of the Prosecutor. In addition, it also follows up on the work of the Special Working Group on the Crime of Aggression. These have been successively considered at AALCO’s Annual Sessions and various Inter-Sessional Meetings.

Being aware of the significance of the forthcoming Review Conference of the Rome Statute of the ICC scheduled to take place in Kampala, Uganda, from 31 May to 11 June 2010, and the issues to be discussed thereat, AALCO last year in collaboration with the Government of Japan, convened a one day Seminar in New Delhi on 18 March 2009 on the topic “The International Criminal Court: Emerging Issues and Future Challenges”.

Mindful of the successful Seminar convened last year and the response that it elicited from the Member States, non-Member States and academia and pursuant to the mandate received from the Member States at the Forty-Eighth Session (Putrajaya, 2009) a two-day “Round Table Meeting of Legal Experts on the forthcoming Review Conference of the Rome Statute of the International Criminal Court” (hereinafter Round Table Meeting), jointly organized by the AALCO, the Government of Malaysia and the Government of Japan, was held in Putrajaya, Malaysia on 30-31 March 2010. Intensive discussions on the agenda for the Review Conference to be held in Kampala,

*Report of the Round Table Meeting of Legal Experts, Putrajaya, 2010*

Uganda, from 31 May to 11 June 2010 were held among the participants.

Fourteen Member States of the AALCO participated in the Round Table Meeting namely: Brunei Darussalam, People's Republic of China, India, Indonesia, Islamic Republic of Iran, Japan, Kenya, Republic of Korea, Malaysia, Qatar, Singapore, Sultanate of Oman, Tanzania, and Thailand.

In accordance with Rule 18 (1) of the Statutory Rules the following observers were admitted to the Session:

- (i) Representatives of the following non Member States: Philippines and Canada
- (ii) Representatives of the following regional and international organizations: International Criminal Court (ICC), and European Union.



## **II. AGENDA**

The following agenda was adopted for the Round Table Meeting

**Tuesday, 30 March 2010**

**Inaugural Session (9.15 AM – 10.15 AM)**

**Working Session- I (10.30AM – 1.00 PM)**

***Theme I: Consideration of the Progress in International Criminal Justice***

Opening Remarks by **Amb. Yasuji Ishigaki**, Special Assistant to the Foreign Minister of Japan, the Chairperson of Working Session - I

Topics for stocktaking of international criminal justice

- (a) Complementarity
- (b) Cooperation
- (c) The Impact of the Rome Statute system on victims and affected communities
- (d) Peace and justice

Sharing of Experience by States Parties to the Rome Statute Republic of Korea, Kenya, and Japan

Comments and Observations by Participants

**Working Session- II (2.00 PM – 5.00 PM)**

***Theme II: Consideration of Proposals for Amending the Rome Statute: Crime of Aggression***

Opening Remarks by **Mr. John Patrick Okoth**, Senior State Counsel, Ministry of Justice, Kenya, the Chairperson of the Working Session-II Comments and Observations by Participants

**Wednesday, 31<sup>st</sup> March 2010**

**Working Session - III: (10.00 AM – 12.30 PM)**

***Theme III: Consideration of proposals for amending the Rome Statute***

- (a) Review of Article 124 of the Rome Statute and Other Proposals
- (b) Criminalizing the act of employing certain weapons (poison, poisonous gas, etc) in internal armed conflicts (Belgian Proposal)
- (c) Strengthening the enforcement of sentences (Norwegian Proposal)

Opening Remarks by **Prof. Dr. Rahmat Bin Mohamad, Secretary-General, AALCO**, Chairperson of the Working Session - III

Comments and Observations by Participants

**Concluding Session**

### **III. INAUGURAL SESSION**

**Honourable Tan Sri Abdul Gani Patail, Attorney General of Malaysia and Current President of AALCO in his opening address welcomed** all the delegates to the Round Table Meeting and said that the Attorney General's Chambers was honoured to jointly organize the Round Table Meeting along with the Government of Japan and Secretariat of AALCO. He thanked the Government of Japan for its generosity in taking up the proposal that was made during the Forty-Eighth Annual Session of AALCO, which was held in Putrajaya, Malaysia in 2009, to explore the possibility of convening an Expert Group Meeting of Legal Experts, before the Review Conference scheduled to be held in Kampala, Uganda, from 31 May to 11 June 2010. He believed that this Round Table Meeting was an important opportunity for AALCO Member States to formulate a consolidated and cohesive approach on the substantive proposals to be considered at the forthcoming Review Conference. For that purpose the agenda for the Round Table meeting had been modelled on the agenda of the Review Conference.

Tan Sri Abdul Gani Patail noted that the Eighth Session of the Assembly of States Parties (ASP) held from 18 to 26 November 2009 decided vide Resolution ICC-ASP/8/Res.6 that the Review Conference would consider three primary issues. Firstly, proposals on the Crime of Aggression. That would include the definition of crime of aggression, the conditions for the exercise of jurisdiction by the ICC as well as draft elements of the crime. This would also entail consequential amendments to several articles in particular Articles 5(2) and 25(3) of the Rome Statute. He mentioned that the Special Working Group on the Crime of Aggression concluded its work during the resumed Seventh Session in February 2009. Its proposals on the definition, elements of crimes and conditions for ICC jurisdiction would be further considered by the Review Conference. Nevertheless, by terms of their mandate, the views of the experts were not binding on

their respective Governments. Thus, these proposals remained open to further discussion. However, critiques of the standing proposals had pointed out certain shortcomings such as linkage to the precondition of an act of aggression by a State. This was further circumscribed by the *de facto* definition of the crime of aggression in General Assembly Resolution 3314 (1974) and the mandate of the Security Council in Article 39 of the Charter of the United Nations. The complexities of the involvement of the Security Council, he suggested would require creative thinking to resolve.

The President mentioned that the second issue to be discussed was review of the deferment of jurisdiction limb of Article 124 of the Rome Statute which would allow a new State Party to exclude war crimes allegedly committed by its nationals or on its territory from the ICC's jurisdiction for seven years. The President noted that the question with regard to this proposal after a decade of operation would deprive new States Parties of the right to defer acceptance of the jurisdiction of the ICC for war crimes for a period of seven years from the date of ratification/accession. The rationale of this provision was to enable States to exercise jurisdiction over war crimes committed by their nationals or on their territory without interference of the ICC. He cautioned that in the interest of upholding the Principle of Complementarity, States should not be overly hasty in ceding complete/absolute jurisdiction to the ICC. He was of the view that this safeguard should be maintained for the time being. In this regard States that were recovering from conflict and struggling with lack of capacity should instead consider utilizing the technical and financial assistance to deal with their own cases.

Lastly under any other proposals, Belgium had proposed amendments to Article 8(2)(e) to add the use of 3 new categories of prohibited weapons as war crimes in non-international armed conflicts. This he said would create a level playing field with the situation of international armed conflicts. The weapons listed were already included in Article(2)(b) (xvii) to (xix) of the Rome Statute for international

armed conflicts and encompassed use of poison or poisoned weapons, asphyxiating, poisonous or other gases, all analogous liquids, materials or devices, and bullets which expand or flatten easily in the human body.

Tan Sri Abdul Gani Patail also mentioned that the Review Conference would also conduct stock taking of the progress of international criminal justice system focusing on complementarity, cooperation, the impact of the Rome Statute system on the victims and affected communities, and the competing claims of peace and justice in post-conflict situations.

**His Excellency Prof. Dr. Rahmat Bin Mohamad, Secretary-General of AALCO in his introductory remarks** profoundly thanked the Governments of Malaysia and Japan for their support and encouragement in furtherance of the activities undertaken by AALCO to promote cooperation and better understanding of legal issues of common concern for its Member States, and for having cosponsored this very important meeting. He stated that consideration of developments pertaining to the International Criminal Court, since 1996, constituted an important element of the work programme of AALCO. Towards fulfilment of the mandate of the Forty-Seventh Session, held in New Delhi (HQ) in 2008, a seminar was jointly organized by the Government of Japan and AALCO Secretariat on the topic “The International Criminal Court: Emerging Issues and Future Challenges” on 18 March 2009, in New Delhi, India. In pursuance of the mandate received from the Forty-Eighth Session 2009, the Round Table Meeting of Legal Experts had been convened to discuss issues to be tabled at the Review Conference in Kampala, Uganda.

He noted that the 2010 Kampala Review Conference presented a unique opportunity for all the countries to closely examine the ICC’s progress to date in fulfilling its core mandate of putting an end to impunity for egregious crimes through the prosecution of alleged perpetrators. He wondered whether the ICC would withstand the scrutiny. The ensuing first Review Conference presented a welcome

opportunity to reflect upon the shortcomings as they permeated the Rome Statute in particular and the future of international criminal justice in general.

The Secretary-General noted that currently 111 States Parties had ratified the Rome Statute; Bangladesh was the latest State to have ratified the Rome Statute on 23 March 2010. The Court provided the international community with an instrument to defend human rights and pursue justice for specific crimes that otherwise would be committed with impunity. It sought to prosecute and punish those individuals who had committed the most serious violations of International Humanitarian Law namely, War Crimes, Crimes against Humanity, Genocide and once defined aggression.

In his general remarks the Secretary-General noted that the ICC held immense potential for advancing the cause of international criminal justice. Some developing countries had their own concerns in relation to the Rome Statute of the ICC. They felt that the Role of the Prosecutor had to be more clearly defined in terms of the selection of situations and cases to be heard by the Court. The absence of any meaningful criteria on the basis of which the Prosecutorial discretion was exercised, was an area of concern. It was important that the ICC Prosecutor remains independent and impartial in all situations.

Another issue of concern he mentioned was the relationship between the ICC and the United Nations Security Council. Some of the developing countries believed that any inherent role that the Security Council is invested with would politicize the Court in that it would allow the permanent members of the Council to use their veto to block the investigation and prosecution of certain perpetrators. The need to move towards a perfect symbiosis of the interests of international justice and international peace and security was absolutely vital.

The ICC was also seen as representing a serious intrusion into a traditional area of State sovereignty for it was believed by some States that the jurisdiction of ICC extends over nationals of the States

not party to the Rome Statute. This was perceived as being incompatible with the Law of Treaties.

In relation to the Principle of Complementarity, he mentioned that the AALCO Member States were of the firm opinion that the role of the ICC, in accordance with the Rome Statute, shall be complementary to the national criminal jurisdiction. Investigation and prosecution of serious international crimes should be in the first place handled by national judicial systems rather than by the ICC. It was vital in order to understand the role and the effectiveness of the Court, but its actual character would be further clarified through its application.

Further, he noted that the Member States of AALCO realized the imperative of having a clear and a broadly acceptable definition on the Crime of Aggression and considered it to be indispensable to developing the rule of law in the world. In this regard, it had been noted that the major definitional issues that remained were the conditions for the exercise of jurisdiction, and especially the role of the Security Council in that regard.

The Secretary-General believed that the success of the Review Conference should not solely rely on amendments to the Rome Statute rather it should also serve as an opportunity for stocktaking, benchmarking and evaluating the international criminal justice system established by the Rome Statute. States Parties could also discuss and make commitments on issues such as cooperation, implementing legislation, complementarity and impunity gap.

In conclusion he noted that the objective of the Round Table Meeting was to enable the Member States of AALCO and ASEAN Countries to deliberate upon the substantive issues to be tabled at the Review Conference, and understand each others position on the critical issues to be discussed in Kampala. The Meeting was in fact a pre-discussion forum for AALCO Member States. He said that a Summary Report would be presented to the participants at the end of the Round Table meeting, on 31<sup>st</sup> March 2010. He noted that once comments on

the same were received from the Member States, the final Report would then be sent to all the Member States and also circulated in Kampala, along with the Report of “The International Criminal Court: Emerging Issues and Future Challenges” brought out by the AALCO Secretariat last year.

**Her Excellency Judge Kuniko Ozaki, of the International Criminal Court** in her speech thanked the Governments of Malaysia, Japan and AALCO for organizing the Round Table Meeting, and the Government of Malaysia for its warm hospitality. She said that it was an honour for her to be able to exchange views with the delegates attending the meeting on the ICC and its role towards establishment of the rule of law in the world. However, she emphasized that the views and opinions she would express were her own and did not reflect the position of the Court.

Judge Ozaki stated that in 1998, a conference of 160 States adopted the Rome Statute of the ICC, four years later the Statute entered into force and the Court had been operational for almost eight years. As mandated by the Rome Statute, in 2010 a Review Conference would take place in Kampala. She emphasized that the purpose of the Statute, as stipulated in the Preamble, was to put an end to impunity and to contribute to the prevention of crimes, recognizing that grave crimes under the jurisdiction of the Court threatened peace, security and the well-being of the world. She highlighted that it was always important to come back to the purpose and spirit of the Statute in order to understand the jurisdiction and the nature of the institution.

Judge Ozaki mentioned that currently four situations had been referred to the Court, The Democratic Republic of Congo, Uganda, the Central African Republic and Darfur, Sudan. Out of these four, the Security Council referred the situation in Darfur to the Court, but the other situations were not referred by the Security Council or third States, but by the States concerned themselves, the so-called self referrals. She noted that it was important to mention that during the



Rome Conference self referrals were not expected, however, it could be said that these demonstrated the trust and confidence that the international community had in the Court. Lately, the Prosecutor of the ICC had requested approval of Judges to open an investigation in Kenya, and it was the first time that he had used his *proprio motu* powers.

Thereafter, Judge Ozaki mentioned that the Court's jurisdiction was strictly limited and three main principles governed its competence. First, the Subject matter jurisdiction was restricted to the "most serious crimes of concern to the international community as a whole". Thus only cases of Genocide, Crimes against Humanity and War Crimes, all of which had a detailed and clear-cut definition negotiated and agreed by the States Parties could be prosecuted by the ICC. The Court did not possess universal jurisdiction. Unless the Court received a referral from the Security Council under Chapter VII of the UN Charter, it was restricted by the principle of active personality and territoriality. Thus, the perpetrators had to be citizens of a State Party or crimes had to be committed on the State Party's territory. She noted that the Court's jurisdiction was also limited in time and its jurisdiction *ratione temporis* encompassed only crimes committed after the entry into force of the Rome Statute on 1 July 2002, and did not apply retrospectively.

Further, with regard to the triggering mechanism, Judge Ozaki mentioned that it could be triggered by a State Party, the Security Council referring a situation or by the Prosecutor using his *proprio motu* powers. She said the role of the Security Council was vital in that respect. Under article 13(b) of the Statute the Security Council, acting under Chapter VII of the UN Charter, could pass a resolution establishing the jurisdiction of the Court.

Furthermore, Judge Ozaki underlined the importance of international cooperation as provided in Part 9 of the Statute and said that the Court needed cooperation of State Parties to investigate, arrest and enforce its decisions. She noted in this regard that States Parties

were cooperative; however, the Court required more cooperation to work properly. She emphasized that the Court's Statute foresaw active participation of victims in the trial to fulfil its mission of creating a good foundation for reconciliation; victims had a right to participate in the proceedings even if they were not called as witnesses. The Court could also rule on reparations. It had the power to order restitution, compensation and rehabilitation. It was also designed to take into account special interests of victims of violence against women and children.

Thereafter, Judge Ozaki mentioned the two most important aspects of the Court, which made it unique and at the same time universal institution, or a Court of last resort. Those were the principle of complementarity and the ICC's strictly judicial character in usually the most politically difficult situations.

Elaborating on the principle of complementarity she noted that the ICC was governed by the principle of complementarity, which meant that the Court would not act in cases where the responsible States investigated and prosecuted, unless it was unwilling or unable to do so genuinely. In this regard she noted that criminal law is and should be local, and it was for the local community to take appropriate measures to recover it from damages done to it by serious crimes. No one international organization could substitute such a basic attribute of international criminal justice. Therefore, complementarity was an inherent attribute of the ICC as a universal Court.

While commenting on the judicial character of the Court, Judge Ozaki mentioned, that the subsidiary and secondary nature of the Court did not mean that the Court could be subsided and was second rate in its work. The Court as the Court of last resort inevitably had to have the best quality in terms of its judicial work. She stressed that it was of utmost importance that the Court has a purely judicial character and maintains high legal standards. She said that so far the Court had demonstrated its purely judicial nature both through its Judges and the prosecution. She added that it was possible that future actions of the

Court could be subject to political pressure, however, it should stay faithful to the will of the fathers of the Rome Statute and provide for fair trials and best practices guided exclusively by law.

Commenting on the fairness of proceedings, she mentioned that this idea was further developed in the rules governing the proceedings. The provisions of the Statute established a mechanism of checks and balances assuring that the Court applied the highest standards and good practices. In this regard it was the main responsibility of Judges to ensure that cases brought before the Court were soundly entrenched in law and supported by sufficient evidence.

Judge Ozaki mentioned that currently there were 111 States parties to the Rome Statute of the ICC, and on this occasion she welcomed Bangladesh as the latest party to the Rome Statute. However, she noted that it was unfortunate that the Court stayed under-represented in Asia and Middle East, although the goal of accountability for gross human rights violations was strongly shared and embraced by these regions as well. She highlighted that Asia and Middle East had a lot of experiences in overcoming serious crimes in the past, and their legal experiences and traditions could contribute to the emerging system of international criminal law and have their share in shaping the developing global standards.

With reference to the forthcoming Kampala Review Conference she said that it would be somewhat different from what was anticipated in Rome. It would to some extent deal with its original mandate, but would also address other issues that had emerged in the cold light of reality of the first years of the Court. As of now three issues would be tabled at the Review Conference, namely reconsideration of provisions article 124, the Crime of Aggression, and the proposal submitted by Belgium, with 17 co-sponsors, to ensure that weapons which are already prohibited in international armed conflicts are equally prohibited in non-international armed conflict. The Review Conference would also turn its attention to subjects that were

not anticipated in Rome, i.e. the lessons learnt at this stage. This stocktaking exercise would focus on four main issues already highlighted by the previous speakers. She stated that this retrospective approach would help in identifying future policies and practices for the ICC and international criminal justice as a whole.

In conclusion, Judge Ozaki hoped that international criminal justice would continue to develop. The ICC would always offer a last hope for justice in response to humanity's deepest depravity. There was need to work towards a day when there was chance of justice for every atrocity. Then the ICC would underpin a system that fulfilled justice's promise to deter crime. Few would then doubt that justice sustained peace. However, to accomplish this goal assistance from the Asian and African countries was required to reach the goal of global movement to end impunity.

**His Excellency Ambassador Yasuji Ishigaki, Special Assistant to the Minister of Foreign Affairs of Japan in his keynote address** expressed deep appreciation to Honourable Tan Sri Abdul Gani Patail, the Attorney General of Malaysia and the incumbent President of AALCO, and Prof. Dr. Rahmat Bin Mohamad, Secretary-General of AALCO for organizing the Round Table Meeting. Thereafter, Amb. Ishigaki briefly overviewed the issues to be discussed at the Review Conference to be held in Kampala, in order to provide the common ground for discussion during the three working sessions.

He noted that, Article 123, paragraph 1 of the Rome Statute stated that “[s]even years after the entry into force of this Statute the Secretary-General of the United Nations shall convene a Review Conference to consider any amendments to this Statute. Such review may include, but is not limited to, the list of crimes contained in Article 5. The Conference shall be open to those participating in the Assembly of States Parties and on the same conditions”.

Accordingly, the first Review Conference could be convened after 1 July 2009. Furthermore, non-party States which had signed the Rome Statute or the Final Act of the Rome Conference may participate in the Review Conference as observers. Other interested States can participate in and make a statement at the Review Conference upon the authorisation of the Conference.

Amb. Ishigaki enumerated the topics on the Agenda for the Review Conference as follows: (1) Crime of Aggression, (2) Review of Article 124, (3) Criminalising the act of employing certain weapons (poison, poisonous gas, etc.) in internal armed conflict, (4) Strengthening the enforcement of sentences, (5) Topics for Stocktaking: (a) Complementarity; (b) Cooperation; (c) Impact of the Rome Statute system on victims and affected communities; and (d) Peace and justice.

He stated that Article 5, paragraph 1 of the Rome Statute provided as follows:

The Court has jurisdiction in accordance with this Statute with respect to the following crimes: (a) The crime of genocide; (b) Crimes against humanity; (c) War crimes; and (d) The crime of aggression.

Article 5, paragraph 2 states that: The Court shall exercise jurisdiction over the crime of aggression once a provision is adopted in accordance with Articles 121 and 123 defining the crime and setting out the conditions under which the Court shall exercise jurisdiction with respect to this crime. Such a provision shall be consistent with the relevant provisions of the Charter of the United Nations.

Thus, the crime of aggression was clearly within the jurisdiction of the ICC, but the ICC was suspended to exercise jurisdiction with respect to the crime until a provision on the definition of the crime and the conditions for the exercise of jurisdiction is agreed upon. In addition, he emphasized that such a provision must be consistent with the relevant provisions of the UN Charter. He noted that the reason why the ICC was suspended to exercise jurisdiction with respect to this crime was

that at the Rome Conference in 1998, States tried to agree to the definition of this crime and the conditions for which the ICC may exercise jurisdiction with respect to this crime, but failed to do so.

For this reason, soon after the Rome Statute entered into force in July 2002, the first session of the Assembly of States Parties of the ICC set up the Special Working Group on the Crime of Aggression (SWGCA). Amb Ishigaki informed the Round Table Meeting that, the Special Working Group continued its discussion until February last year, when it adopted the draft amendments on the Crime of Aggression. Then the draft Elements of Crimes were also finalised at the informal inter-sessional meeting on the Crime of Aggression at the Princeton Club in New York in June last year.

However, there were some unresolved issues on the Crime of Aggression. First, with regard to the definition of the crime, there had never been an established legal definition of crime of aggression. The General Assembly of the United Nations adopted Resolution 3314 on the Definition of Aggression in 1974 but this was purported to give guidance for the determination of an act of aggression by the Security Council. On this point, much improvement had been made as a result of the discussion at the Assembly of States Parties of the ICC since 2002 and at present there was a single text without brackets which will be sent to Kampala Review Conference.

With regard to the conditions for the exercise of jurisdiction, he mentioned that there had been the intensive debate on whether the ICC may exercise jurisdiction only when the UN Security Council determines the existence of the act of aggression or even when there is no such determination as long as certain requirements are met. This question would arise only when a mechanism is triggered by the Prosecutor or a State Party. Some countries, particularly Permanent Members of the Security Council, had insisted that the power of the Security Council to determine the existence of the act of aggression should not be undermined by the activities of the ICC. Other countries did not wish to see an involvement of the Security Council in order to

assure the independence of the ICC. Much had been discussed in the Assembly of the State Parties which was held in New York last week but there were still a wide range of views.

Thereafter, Amb. Ishigaki explained that there was a technical question of how to realise an amendment. Could it be through Article 121, paragraph 4 or Article 121, paragraph 5? In other words, for the ICC to exercise jurisdiction over the crime of aggression, was it necessary for an aggressor State to have accepted the amendment? This point was also debated in New York last week but a consensus has not emerged yet.

According to Amb. Ishigaki, the focus of discussion of the Review Conference would be the conditions for the exercise of jurisdiction and the method of amending the Rome Statute.

In relation to Review of Article 124, he noted that Article 124 was a transitional provision which enabled a State Party to opt out from the jurisdiction of the ICC with respect to war crimes for 7 years. The aim of this provision is to make it easier for a State to ratify the Rome Statute by allowing it to see how the ICC exercises jurisdiction over war crimes at an early stage. In fact, France and Colombia had made declarations to opt out under Article 124, though France withdrew its declaration in August 2008. At the Review Conference, States would discuss whether Article 124 should be deleted or not.

With regard to the provision of criminalising the act of employing certain weapons (poison, poisonous gas, etc.) in internal armed conflict, Amb. Ishigaki noted that the act of employing certain weapons, such as poison or poisonous gas, in the context of international armed conflicts has been criminalised by the Rome Statute, Belgium has submitted its proposal which intends to criminalise the same acts in the context of armed conflicts not of an international character.

Commenting on the last proposal on strengthening the enforcement of sentences to be discussed at the Review Conference, Amb. Ishigaki stated that Norway has proposed to add to Article 103

the phrase that enabled the ICC to utilise prison facilities in developing countries which have been improved to satisfy the required prison standards with international aid from other States or international or regional aid agencies.

He said that, one of the motives for this proposal was that the experiences of *ad hoc* tribunals show that only a limited number of States had agreed to accept sentenced prisoners in their prisons. Thus it was quite difficult for those *ad hoc* tribunals to find a State which may accept persons who have been sentenced by those tribunals. It was also pointed out that it was better for sentenced persons to serve their sentence in the countries which are relatively close to their mother countries in terms of the cultural similarity. The resumed 8th session of the Assembly of States Parties of the ICC, which was held in New York last week, decided that this proposal was to be discussed at the Review Conference.

Thereafter, Amb. Ishigaki mentioned the topics for stocktaking of international criminal justice.

(a) Complementarity: He noted that the ICC was based on the principle of complementarity. Therefore, if a State which has jurisdiction over the crime in question genuinely investigates and prosecutes the crime, the ICC cannot intervene in the investigation and prosecution. However, looking at the reality of certain countries, they may not have the judicial system sufficient to conduct complicated investigation and prosecution of crimes committed on a massive scale. Thus, the Office of the Prosecutor of the ICC, and some States Parties, started to argue the importance of the concept of “positive complementarity”.

Positive complementarity meant that the ICC should make positive efforts to enable national jurisdictions to conduct genuine investigations and prosecutions of crimes under the Rome Statute by encouraging States to assist each other on a voluntary basis. This concept intended to increase and strengthen both the State-to-State



assistance and assistance by international and regional aid agencies in the fields of legislative assistance, technical assistance, capacity building and construction of physical infrastructure. The ICC acts as a catalyst for assistance. This concept attracted considerable support in the Assembly of State Parties in New York last week but doubt was also cast on this concept. Therefore the concept of “positive complementarity” disappeared from the draft resolution that would be sent to the Review Conference.

(b) Cooperation: The aim of undertaking the discussion on the topic of “cooperation” was to foster a common understanding of further steps needed to improve cooperation between the ICC and (i) States Parties, (ii) The UN system, (iii) international and regional organisations and (iv) other stakeholders. The discussion on this topic would focus on (1) implementing legislation, (2) supplementary agreements and arrangements, (3) challenges encountered by States Parties in relation to requests for cooperation, (4) cooperation with the UN and other international bodies, and (5) enhancing knowledge, awareness and support for the ICC. The discussion had rendered particular attention to supplementary agreements and arrangements on the enforcement of sentences, the relocation of witnesses, and interim release of suspects. The expected final outcome for this topic has not been decided yet.

(c) Impact of the Rome Statute system on victims and affected communities: The aim of discussing this topic is to consider how victims and affected communities experience and perceive justice 8 years after the initiation of the ICC’s activities. Amb. Ishigaki explained that the discussion would focus on (1) the role of outreach in impacting victims’ expectations of obtaining justice and their enhanced knowledge of their legal rights, (2) especially in situation countries, the importance of recognising victims’ rights to justice, participation and reparation, (3) a review of how the Trust Fund for Victims (TFV) has contributed towards individual dignity, healing, rehabilitation, and empowerment and areas in which its work could be enhanced. The expected final

outcome was: (1) a high-level declaration, (2) a resolution, (3) a final document or/and (4) encouragement to States to consider further contributions to the TFV.

(d) Peace and Justice: Amb. Ishigaki said that amnesties, once viewed as a necessary price for peace, were no longer considered acceptable for the most serious international crimes. But the pursuit of peace and justice had presented challenges, since, in the short term, tensions have arisen between efforts to secure peace and efforts to ensure accountability for international crimes. Therefore, the aim of considering this topic was to draw lessons from past experience about what could be done to manage the tensions between peace and justice. With respect to the expected final outcome, there would be no formal outcome. A summary of the discussion would be prepared. He believed that AALCO Member States would have a big role to play on this subject.

In conclusion, Amb. Ishigaki stated that divergent views existed on each agenda item among the State Parties of the ICC but they worked hard to produce positive results. In his view, AALCO Member States, whether being States Parties to the Rome Statute or not, had a big role to play. He hoped that the Round Table meeting of Experts would provide a unique opportunity to AALCO Member States and ASEAN countries to exchange views on the aforementioned issues.

#### **IV. WORKING SESSION I**

##### **Theme I: Consideration in the Progress of International Criminal Justice**

**Amb. Yasuji Ishigaki**, the Chairperson of the Working Session I in his opening remarks based upon the text prepared by the Secretariat of the AALCO, stated that the forthcoming First Review Conference of the Rome Statute of the ICC at Kampala, was not merely about amendments to be made to the Rome Statute, rather it would afford the international community with an opportunity to take stock of the developments in the international criminal justice system and suggest ways of how the system can be further strengthened in the future.

He mentioned that notable developments had taken place in international criminal law since the adoption of the Rome Statute. The International Criminal Court (ICC) had come into being and matured into a fully functional and operational Court. The first four cases were pending before the judges. The jurisprudence of the Court was fast developing. Persons bearing the greatest responsibility for the most serious crimes were being brought to justice and it seemed that the culture of impunity is receding.

These developments gave reason for reflection on and evaluation of international criminal justice over the past decade and discussion of where the international community can do more to further the fight against impunity.

He outlined the four issues on which discussions would be focused in the Round Table Meeting of Legal Experts as well at the Kampala Review Conference: (1) Complementarity; (2) Cooperation; (3) The Impact of the Rome system on Victims and affected communities and (4) Peace and Justice.

In relation to Complementarity he stated that the Rome Statute system was based on the principle of complementarity. The Preamble

of the Statute as well as article 17 provides that the Court shall be complementary to national criminal jurisdictions.

Therefore, it was important to bear in mind that, the ICC is a Court of the last resort, and it would not replace national proceedings. As such the international criminal justice system relied a great deal on actions and activities at the national level. Under the Rome Statute, the Court would only step in when national authorities were unable or unwilling to investigate and prosecute massive atrocities. The principle of complementarity was integral to the functioning of the Rome Statute system and its long term effectiveness. The Assembly of States Parties had agreed to focus on the issue of complementarity at the Review Conference as it was considered to be very important to further the fight against impunity both at the national and international levels to ensure that any impunity gaps are closed.

Thus, he said that it was of paramount importance that the complementary justice system of the Rome Statute was strengthened and sustained and that the Court and States Parties would support and enhance mutual efforts to combat impunity. The forthcoming Review Conference would give States Parties and other States an opportunity to see how the Court was presently functioning and how the principle of complementarity could be further strengthened.

With regard to stocktaking of cooperation, he noted that it should provide for a comprehensive overview of the challenges and achievements with regard to implementation of Parts 9 and 10 of the Rome Statute. The aim was to foster a common understanding of further steps needed to improve cooperation, in accordance with the provisions of the Rome Statute, between the Court and the :

- \* States Parties;
- \* The United Nations system;
- \* International and regional organizations; and
- \* Other stakeholders.

He maintained that the issue of cooperation was at the core of the Rome Statute. Securing full, proper and timely cooperation between the International Criminal Court and States, as well as inter-governmental organizations was an essential basis for the effective functioning of the Court.

He enumerated the provisions of the Rome Statute in this regard. The measures stipulated in the Statute represented the minimum and guaranteed obligations accepted by States upon becoming Parties. Part 9 of the Statute defined types of judicial cooperation the Court may request, and States Parties were obliged to ensure that procedures were available under national law for such forms of cooperation (article 88). Part 10 addressed cooperation for enforcement. Under article 86 of the Rome Statute, all States Parties had a general obligation to cooperate with the Court with respect to investigations and prosecutions.

He said that, judicial cooperation was specifically addressed in Parts 9 and 10 of the Rome Statute. The obligations of States Parties to cooperate with the ICC as listed therein were subject to no further specific agreement, unless the Statute or Rules of Procedure and Evidence (“RPE”) specifically indicated otherwise. This was the case, for instance, with respect to enforcement of sentences (article 103) or relocation of witnesses (Rule 16(4) of the RPE). Practical arrangements might also be concluded to facilitate cooperation and assistance with the Court. In particular, the ICC has insisted the importance of concluding agreements and arrangements on the enforcement of sentences, the relocation of witnesses and interim release.

The first obligation of States with respect to cooperation was to implement the Rome Statute in their domestic legislation and thereby provide, in particular, pursuant to article 88 procedures for “all of the forms of cooperation” specified in Part 9. Fulfilling this obligation would constitute a first step in order to ensure full cooperation with the Court.

Without such implementing legislation, cooperation requests might encounter domestic legal hurdles in practice, since the legal and judicial authorities in charge of undertaking the requested measures may lack jurisdiction and power to proceed. Such implementing legislation was also likely to be necessary to set appropriate detailed procedural mechanisms.

Speaking on the Cooperation with the United Nations, Amb. Ishigaki stated that it was based on the Relationship Agreement between the United Nations and the International Criminal Court concluded in 2004 as well as subsidiary agreements such as the Memorandum of Understanding with the World Food Programme and the United Nations Development Programme.

Aside from the UN, the Court was building its relationship with a number of regional bodies. The Court has a relationship agreement with the EU, and was in the process of working on relationship agreements with the OAS and the AU. The Court was also committed to developing and deepening its relationship with the Arab League, and with the OIC.

He mentioned that the Court had also entered into relationships with other multilateral organizations, such as ICPO-INTERPOL and the ICRC with whom a MoU was signed on visiting prisoners in the Detention Facility. The Court had also joined EUROPOL's CARIN Asset Freezing Network. The Court also entered into a cooperation agreement with the Asian-African Legal Consultative Organization on 5 February 2008.

Amb. Ishigaki stated that following a proposal by Chile and Finland, which received strong support from various States Parties and Organizations, the eighth Assembly of States Parties decided that the topic "Impact of the Rome Statute on the victims and affected communities" would be discussed at the Review Conference.

The implementation of the Court's unique mandate was now underway, already involving local communities both directly and as a

result of the Court's proceedings and indirectly at the national level as a result of the principle of complementarity. The stocktaking exercise of the Review Conference would provide an ideal opportunity to consider how victims and affected communities experience and perceive justice 12 years after the adoption of the Rome Statute and eight years after the initiation of the Court's activities. The discussion at the Review Conference would focus on the following:

- \* The issues such as the role of outreach in impacting victims' expectations of obtaining justice and their enhanced knowledge of legal rights;
- \* Especially in situation countries, the importance of recognizing victims' rights to justice, participation and reparation, including nationality and particularly for specific groups of victims eg. Women and children;
- \* A review of how the Trust Fund for Victims has contributed towards individual dignity, healing, rehabilitation, and empowerment and areas in which its work could be enhanced, including obtaining more funds. In this context, its potential for strengthening national systems for reparations could be analyzed.

In conclusion Amb. Ishigaki said that one of the Primary objectives of the United Nations was securing universal respect for human rights and fundamental freedoms of individuals throughout the world. In this connection, few topics were of greater importance than the fight against impunity and the struggle for peace and justice and human rights in conflict situations in today's world.

Thereafter, the Legal Experts from three Member States namely: Republic of Korea, Kenya and Japan shared their experiences on the ratification of the Rome Statute by explaining the challenges that they faced and how they overcame these challenges.

**Mr. Tae Jun Youl, Director of Treaties Division, Ministry of Foreign Affairs and Trade of the Republic of Korea stated that** Korea and the International Criminal Court had maintained a mutually beneficial relationship. Korea had actively engaged in drafting the Rome Statute of the ICC and had supported the ICC since its inauguration. Korea had also been taking part in the preparation for the Review Conference of the Statute. In turn, the ICC Rome Statute has had positive effects on Korea. The Statute facilitated the introduction of the crimes within the Courts jurisdiction into the Korean penal system. The Statute also provides a legal tool that would contribute to regional and global stability.

Mr. Youl informed the meeting that Korea had enacted a new law of implementing the ICC Rome Statute: “Act on the Punishment of Crimes within the Jurisdiction of the ICC” on December 21, 2007. The Act criminalizes the crimes within the ICC jurisdiction, namely genocide, crimes against humanity and war crimes, which were not codified into the Korean penal system. The Act also provides a legal basis for extradition and mutual legal assistance in criminal matters between Korea and the ICC. In addition, the Korean criminal court can exercise universal jurisdiction on the above mentioned crimes committed by foreigners even outside the territory of Korea.

He expressed the view that the ICC could help a state secure peace and safety. The world had witnessed many cases in which the perpetrators of the most serious crimes of international concern were not punished mainly due to the lack of will or means. By bringing the perpetrators to justice, the ICC could restore peace and security. The Court also works as a deterring force that can prevent a latent perpetrator from committing such crimes.

He said that becoming a member state of the Rome Statute had multiple effects on the State as well as the ICC. Domestically, it provided a chance for the State to supplement its penal system. The State could make clear that the crimes within the ICC jurisdiction would be punished, which helps the State deter latent perpetrators. A State



could also join the efforts of the international community to put an end to impunity. As a member of the international community, each State was required to do its part in making the world safer and more peaceful. Accepting the Rome Statute, according to him was the right choice for a State to meet such a demand.

**Mr. John Patrick Okoth, Senior State Counsel, Ministry of Justice of Kenya**, while sharing Kenya's experience with the ICC stated that Kenya became party to the ICC in 2005. However, necessary approvals from the cabinet took 3 years. Once Kenya ratified the Rome Statute it drafted its national implementing legislation in 2005 which became a law in 2009. By that national legislation Kenya domesticated the entire Rome Statute, thus every crime listed in Article 5 of the Rome Statute is punishable in Kenya, after it ratified the Rome Statute in 2005. Kenya also had a Weapons Protection Act, 2008 which was operationalized in December 2009. He underlined that issues of peace and security were of paramount importance to Kenya and it also worked towards victim's protection.

Mr. Okoth also stated that last month Kenya had enacted the Mutual Legal Assistance Act, which made international cooperation a matter of procedure. Commenting on the issue of peace and justice, he stated that Kenya was struggling with its political decisions, and it was rather difficult to separate justice from political issues. As an example he mentioned that Kenya had supported the Security Council referral against Darfur so that the African Union could pass a resolution seeking the surrender of certain persons to the ICC.

He said that Kenya had been declared a situation country, even after that development the Government fully cooperated with the ICC to ensure that individual criminal responsibility is established, for the post election violence in Kenya which killed many innocent people and caused massive loss to property. Kenya had fully cooperated with the ICC Prosecutor who had visited it twice. With respect to the forthcoming Review Conference, Mr. Okoth stated that they would

make sure that the Review Conference would receive Kenya's full support.

While sharing **Japan's experience** with the ICC, **Amb. Ishigaki**, mentioned that Japan considered that the ICC would contribute to the establishment of the "rule of law" in the international community, since the ICC was an important institution for eradicating and preventing the most serious crimes of concern to the international community as a whole, namely, the crime of genocide, crimes against humanity, war crimes and the crime of aggression.

He elaborated that, the particular reason why Japan supported the ICC was derived from the lessons it learned from the International Military Tribunal for the Far East. He believed that it was important to set up a permanent international criminal court based on the principle of legality: It should be the court with clearly stipulated substantive criminal law and criminal procedures set up before the crimes to be punished were committed.

Amb. Ishigaki elaborated that even though the Rome Statute was adopted on 17 July 1998 and entered into force on 1 July 2002, Japan joined the Rome Statute on 1 October 2007. The reason for delay for the ratification by Japan was that there had been many challenges for Japan's ratification of the Rome Statute. One of the major challenges was the relationship between the "Core Crimes" under Article 5 of the Rome Statute and Japanese domestic criminal laws. The Government of Japan had examined the Rome Statute, the Elements of Crimes, the *travaux préparatoires* of these documents, the interpretations of the States Parties, in order to check:

- (i) whether the existing domestic criminal laws appropriately cover the "Core Crimes";
- (ii) which domestic crimes, if any, correspond to the "Core Crimes"; and
- (iii) whether the penalties under domestic law are in accordance with the penalties in the Rome Statute.

Finally Japan came to the conclusion that it need not criminalise the “Core Crimes” in its domestic penal code but just set up the procedures for requests for cooperation from the ICC and enacted a legislation to criminalise the act against the administration of justice before the ICC.

Thus, the Act on Cooperation with the International Criminal Court (so-called ICC Cooperation Act) was enacted to implement the Rome Statute in Japan. It had two features in its content: First, providing for the procedures to cooperate with the ICC for the purpose of producing evidence, temporally transferring a person in custody to the ICC, surrendering a person to the ICC, etc., and second, criminalising the offences against the administration of justice before the ICC, such as destruction of evidence, false testimony and bribery, etc.

Amb. Ishigaki stated that in Japan’s view, there were currently three major challenges for the ICC: (i) universality, (ii) sustainability and (iii) complementarity. First, it was important to achieve the universality of the membership of the Rome Statute. The number of the States Parties currently is 110. Last week, Bangladesh submitted its instrument of accession to the Rome Statute and was going to be the 111th State Party on 1 June. Including Bangladesh, States Parties in the Asian region counts 15, which was the smallest regional group at the ICC. The number of States Parties in other regions is the following: Western Europe and Others (25); Eastern Europe (17); Africa (30); Latin America (24).

From this point of view, according to him the accession of a greater number of Asian countries to the Rome Statute was essential for the ICC. Thus Japan had cosponsored this Round Table Meeting to deepen the understanding of the Rome Statute system by AALCO Member States. Japan also considered that it was important that the views of Asian countries should be more reflected in the ICC community.

In conclusion, Amb. Ishigaki pointed out that ratifying the Rome Statute was not an easy job. Each country had its own legal culture and the ratification of the Statute might have different political implication on the home front of each State. No one denied that it was up to each country to decide whether it joins the ICC or not and this legitimate right should be fully respected. At the same time the system of the ICC was already in place and he hoped that more Asian voices would be reflected in the ICC community along with the voices of our African friends. The ICC should be a universal judicial institution. Otherwise it would diminish its legitimacy in the international community. He stated that the Government of Japan was ready to provide any assistance to ASEAN and other countries for the ratification of the Rome Statute if they wished to do so and hoped that Japan would be able to work with more Asian friends in the activities of the ICC soon.

After the presentations, following Member States presented their comments and observations: **India, Malaysia, People's Republic of China, Japan, Indonesia, Islamic Republic of Iran, and Republic of Korea.** All the delegates agreed that the principle of complementarity was the core principle of ICC, which needed to be further strengthened. The delegates cautioned against taking the principle of complementarity too far and using the concept of 'positive complementarity' which may cause confusion with the concept of 'complementarity' as stipulated in the Rome Statute. Most of the delegates expressed a desire to have a common position regarding this principle at the Review Conference. One delegate shared her country's experience and stated that it was important to learn from the experiences of countries that had ratified the Rome Statute and had implementing national legislation to that effect. She wanted to know how countries that did not have specific legislations incorporating the crimes enlisted in the Rome Statute criminalize those crimes. The legal experts who shared their country experiences on ratification of the Rome Statute also answered questions raised by non-party States on

specific legal issues on national legislation to implement the Rome Statute.

One delegation stated that some Member States of AALCO including the Islamic Republic of Iran, People's Republic of China, Indonesia, Pakistan and Arab Republic of Egypt in the Resumed Eighth Session of the Assembly of States Parties to the Rome Statute (22-25 March 2010, New York) took a position regarding the issue of Complementarity in the Background Paper and Panel Template. They declared that the Background Paper should not exceed the parameters of the Rome Statute in defining the inability and unwillingness of States. And also as the term "Positive Complementarity" may raise confusion with complementarity in its original literal meaning that is stated in the Preamble and Article 1 of the Rome Statute, so the said term should be deleted.

On the issue of cooperation, most of the delegates agreed that it was important for States Parties, to cooperate with the ICC so that it could function properly. However, one delegate mentioned that her country believed in traditional cooperation, and thus did not enter into cooperation agreements with international organizations. One delegate also cautioned that within the concept of cooperation with the ICC, State Parties should not try and influence third parties to cooperate with the ICC, and it was important to respect the rights of those countries. Thus, it was necessary to maintain a balanced approach in application of this principle. In the framework of the issue of cooperation, the Bilateral Agreement concluded between United States with some other States which undermine the integrity of the Statute, should be considered in the Review Conference. Also there seemed to be a need to consider the relationship between Article 27, para 2, and Article 98, para 1, of the Rome Statute.

With regard to the topic peace and justice, the delegates maintained that it was an important aspect to be discussed at the Review Conference, and as a resolution on it would not be adopted it was

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necessary that the final outcome should be precise factual reflection of the discussions on that topic. One delegate said that “Peace is what we perceive in the end, and justice is a way to peace”. The Chairman in his remarks stated there had been active exchange of views in the Working Session. The matter had been discussed in a positive manner with free, frank and candid expression of challenges on issues to be tabled at the review Conference.

## **V. WORKING SESSION II**

### **Theme II: Consideration of Proposals for Amending the Rome Statute: Crime of Aggression**

**Mr. John Patrick Okoth**, chairperson of Working Session II in his opening remarks mentioned that the Special Working Group on the Crime of Aggression (SWGCA) had been working for over five years to arrive at a definition of the crime of aggression for inclusion in Article 5(2) of the Rome Statute. At the Seventh Session of the Assembly of States Parties had come out with a text that could be included in the Rome Statute. The two impediments that were encountered by the SWGCA were very little time available for the delegates attending the Special Working Group and several legal issues that were contentious namely: 1) The role of the Security Council vis-a-vis the Court, 2) deciding when State conduct reaches a level of aggression (the threshold issue); 3) including specific acts or drafting a general definition, and 4) the distinction between State responsibility and individual culpability. After five years of deliberation, the Special Working Group on the Crime of Aggression, produced draft amendments to the Rome Statute that would give the Court jurisdiction over the crime of aggression — provided that States Parties were able to resolve a jurisdictional dispute with the Security Council and once agreement had been reached on a definition of the crime

Thereafter he enumerated the six elements on the crime of aggression as enlisted in Article 8 (bis). He said it was important to discuss conditions for the exercise of jurisdiction by ICC as well as the draft elements of crimes, as well as the amendment procedure for the same.

**Prof. Dr. Rahmat Bin Mohamad, Secretary-General** recalled that many of the Member States of AALCO during its Annual Sessions particularly in 2008 (Forty-Seventh Session) and 2009 (Forty-Eighth Session) have considered the crime of aggression as a

serious international crime and its incorporation in the jurisdiction of the ICC would be very significant to its credibility and would ensure a balanced and realistic approach to ending the most serious international crimes. It was noted that the ICC should have the widest possible reach in terms of providing for various acts defining the crime of aggression, and in this regard the definition adopted by the United Nations General Assembly Resolution 3314 of 1974 could be a sound basis for a point of departure for both general definitions as well as for the selection of acts for inclusion in the definition. They also gave their views on the individual responsibility and command responsibility. Many delegations wanted a clearly defined role for the Security Council in case of failure or declining to determine the acts of Aggression to the effect that independent judicial bodies such as ICC should not be impeded.

Thereafter, the following delegates presented their comments and observations: **India, Indonesia, Islamic Republic of Iran, People's Republic of China, Japan, Republic of Korea, Malaysia, Singapore and Thailand.** There was an intensive discussion on all the three major issues related to the crime of aggression, that is, the definition of the crime, conditions for the exercise of jurisdiction by the ICC over the crime, and the amendment clause applicable to the crime. Thus, it seemed that a number of States had strong interests on this agenda item. One delegate mentioned that in light of the definition of the crime of aggression as proposed by the Special Working Group on the crime of aggression, to be tabled at the Kampala Conference, the two main issues to be taken up at the Review Conference were (i) conditions for the exercise of jurisdiction and (ii) amendments under Article 121 (4) or (5). Issues concerning the definition of the crime of aggression to be placed before the Review Conference were passionately discussed. The elements of the crime of aggression were discussed at length.

The jurisdiction of the ICC and the role of the Security Council were also discussed in great detail. The possibility of the ICC to



investigate the crimes where the Security Council does not decide on a particular situation was also discussed. Also discussed was the issue whether the aggressor State would have to accept the jurisdiction of the Court over the crime of aggression and whether the Security Council would have to determine the existence of an act of aggression before the Court could exercise its jurisdiction and the possible judicial filters that could be applied in the absence of such a determination by the Security Council, prior to the Court pursuing the matter further.

In view of some delegations the real controversy was regarding the definition of the crime of aggression and the role of the Security Council under the UN Charter. There were some concerns that, as the Security Council were a political body, its role and functions could hamper the situations that could be taken up by the ICC. The view was also expressed that while discussing the crime of aggression, the different nature between the crime of aggression and the other three crimes within the Rome Statute should be borne in mind, and the relevant provisions of the UN Charter should be followed, especially those provisions empowering the Security Council to determine the existence of the act of aggression. Particular emphasis was placed on the threshold clause of “a manifest violations of the UN Charter”.

The threshold clause means that the International Criminal Court would only investigate and prosecute certain crimes of aggression which have such qualification as to ‘... by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations (Charter), is not acceptable, since all acts of aggression, whatever their character, gravity and scale might be, constitute a manifest violation of the Charter of the United Nations, so the said threshold should be deleted. One could hardly imagine that an act of aggression would occur without manifestly violating the Charter. And also no one can deny that any unlawful use of force (as set forth in the Article 2(4) of the Charter) is a manifest violation of the Charter, let alone the acts of aggression which are the gravest demonstration of unlawful use of force.

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The amendment clauses stipulated in the Rome Statute, Article 121 (4) and (5) were intensely debated, and finally the role of the Security Council in determining an act of aggression, and referrals by the Security Council to the ICC were hotly debated. The delegations cautioned that on this thorny issue some States have their own positions, while others are still reviewing theirs.

## **VI. WORKING SESSION III**

### **Theme III: Consideration of proposals for Amending the Rome Statute**

**Prof. Dr. Rahmat Bin Mohamad, Chairperson of the Working Session III in his opening remarks stated** that the main priority of the Review Conference, as stipulated by Article 123 of the Rome Statute was to consider any amendments to the Statute. The recent Assembly of States Parties (ASP) had determined that the Conference should focus on amendments that command very broad, preferably consensual support, address a limited number of key topics, and be an occasion for stock tacking of international criminal justice in 2010.

He provided an overview of some of the proposals to be considered at the Review Conference, specifically to consider the proposals on: (i) Review of Article 124 of the Rome Statute and other Proposals, (ii) Proposal made by the Belgium on criminalizing the act of employing certain weapons (poison, poisonous gas, etc) in internal armed conflicts and (iii) the proposal made by Norway to strengthen the enforcement of sentences by the Court.

He said that Review of the Article 124 of the Rome Statute was mandatory. Article 123 of the Rome Statute provides that seven years after the Statute enters into force, the Secretary General of the UN shall convene the first Review Conference to consider any amendments to the Statute. The review may include, but is not limited to, crimes contained in Article 5 of the Statute regarding crimes within the ICC's jurisdiction.

In respect of Article 124 of the Rome Statute, it states that:

‘Notwithstanding article 12, paragraphs 1 and 2, a State, on becoming party to the Statute, may declare that, for a period of seven years after the entry into force of the Statute for the State concerned, it does not accept the jurisdiction of the Court with respect to the

category of crimes referred to in article 8 when a crime is alleged to have been committed by its nationals or on its territory. A declaration under this article may be withdrawn at any time. The provisions of this article shall be reviewed at the Review Conference convened in accordance with article 123, paragraph 1.’

This provision allows States to declare that it does not accept the jurisdiction of the Court on war crimes if it was allegedly committed by its nationals or on its territory for a seven year period after ratification. Article 124 of the Statute is the only provision in the Statute that specifically requires its own inclusion on the agenda of the first Review Conference.

The Review Conference would determine whether the provision should be maintained—thus allowing for application to future States Parties—or whether it should be removed from the Statute. It was further noted that if the Review Conference decided to retain Article 124, no amendment to the Statute would be necessary.

In the course of the Assembly of State Parties (ASP) meeting, a clear majority of those taking the floor spoke in favour of its deletion, although France, along with two States that are non-parties to the Rome Statute, Islamic Republic of Iran and People’s Republic of China, not supported this move. They suggested that it might be helpful in enabling them to come aboard.

Many of those opposed to keeping the provision emphasized that it detracted from the general policy of the Statute against reservations and did not appear to have played a significant role in achieving the goal of universality, that is, of encouraging all hundred and ninety-odd States to ratify or accede to the Statute. If there is no consensus in Kampala for removing it, “review” in this case may mean simply deciding to do nothing.

The Delegations observed that, despite its existence, this Article had not been widely used by States. So far, only two States, France and Colombia, had made use of this Article. In 2008, France withdrew

its declaration leaving Colombia as the only State Party with a declaration under Article 124. In several occasions Colombian authorities publicly stated their intentions to withdraw Colombia's declaration under Article 124; and although no effective withdrawal was undertaken, the effects of such declaration in Colombia expired on 1 November 2009.

It was also pointed out that States might wish to address the question of whether the deletion or reformulation of this provision would amount to an amendment. If so, such amendment would take some time to enter into force (one year after seven-eighths of the States Parties had ratified the amendment in accordance with article 121, paragraph 4). In this regard, one issue that would merit attention here was how to deal with a new State Party that might wish to make such a declaration between the time the amendment was adopted and the time of its entry into force.

The second issue considered by Prof. Dr. Rahmat Mohamad was the Proposal by Belgium on Amendments to Article 8 of the Statute. Belgium had submitted three-part proposals with respect to the list of weapons contained in Article 8, paragraph 2, and this was first considered during the second round of informal consultations, held on 14 April 2009. Of the three proposals, it was decided that only the first of the proposals put forward by Belgium would be submitted to the Review Conference.

The first part of the proposal sought to apply the prohibition of weapons listed in relation to international armed conflict to non-international armed conflict, including poison weapons, asphyxiating weapons and bullets that expand or flatten in the human body.

It had long been understood in the laws of armed conflict that some weaponry was regarded as so barbaric or so incapable of distinguishing between soldiers and civilians that its use is absolutely forbidden, no matter what the circumstances or consequences. These prohibitions applied originally to international armed conflict but, during

the last century, some of the prohibitions were extended, primarily by custom but occasionally by treaty, to their use in non-international armed conflict. The distinctions between rules of all kinds applicable in non-international and non-international armed conflict are slowly disappearing. Thus, the non-international armed conflict parts of the Rome Statute include a number of rules taken, for example, from The Hague Convention of 1907 that applied originally only to international armed conflict. Nevertheless, the rules on forbidden weaponry contained in the Rome Statute apply only in the international armed conflict situations. They are found in article 8 (2) (b) of the Statute and provide as follows:

- (xvii) Employing poison or poisoned weapons;
- (xviii) Employing asphyxiating, poisonous or other gases and all analogous liquids, materials or devices;
- (xix) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions [.]

In that regard, Article 8 (2) (e) of the Statute deals with “[o]ther serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law,” contains no such provisions. The draft amendment forwarded to the Review Conference contains a proposal originally put forward by Belgium and later co-sponsored by several other States Parties, which would include the same language in paragraph (2) (e) as is contained in paragraph 2 (b). The principle that weapons that are not permissible in international conflict are equally not permissible in civil wars would be reiterated in the Rome Statute.

At the informal consultations, the delegation of Belgium recalled that, in the absence of a broad level of support, Belgium would not request that the proposals be conveyed to the Review Conference, as it fully shared the view that the focus of the Conference should remain on Article 124, as well as on the issue of the definition of the crime of

aggression and the conditions for the exercise of jurisdiction by the Court over this crime. In this connection, Belgium observed, however, that its amendments had already received the encouraging support of a significant number of States. Belgium further indicated that, if its proposals were to be accepted, no State Party would be bound unless it had ratified the amendment in accordance with Article 121, paragraph 5, of the Statute.

Prof. Dr. Rahmat Mohamad said that the first proposal by the Belgium extended the criminalization of the use of poison, poisoned weapons, asphyxiating, poisonous or other gases and all analogous liquids, materials or devices as well as the use of bullets that expand or flatten in the body to armed conflicts not of an international character. The use of the weapons listed in this draft amendment is already incriminated by Article 8, paragraph 2, b), (xvii) to (xix) of the Statute in case of an international armed conflict.

Thereafter, the Chairperson focused attention to the Norwegian Proposal on Strengthening the Enforcement of Sentences; he mentioned that on 30 September 2009, Norway submitted to the Secretary-General of the United Nations a proposal for amendment to Article 103, paragraph 1, of the Statute, concerning the enforcement of sentences of imprisonment. This proposed amendment is related to the workings of the Court, but not with crimes within the jurisdiction.

Norway was concerned that only a limited number of States had so far agreed to accept sentenced persons for enforcement purposes. Norway believed that there should be scope in the Statute for states whose prison systems might not yet be up to international standards to conclude international or regional arrangements enabling them to qualify for assistance in order to do so, including through the receipt of voluntary financial contributions or other technical assistance. Doubts were expressed about whether a treaty amendment was really required to achieve this undoubtedly laudable goal and whether states would actually make the effort to ratify or otherwise accept such an

amendment. It, too, was not forwarded to Kampala, but no doubt another method will be found to give effect to its objectives.

The Norwegian proposal thus sought to introduce an element of greater flexibility that would allow for the conclusion of an increased number of such agreements, which would have several positive effects, such as allowing States to receive a higher number of prisoners; facilitating travel for, inter alia, family members; allowing prisoners to live in a more familiar environment, including a region with the same or a similar language. Reference was made to the possible need also to amend provisions the Rules of Procedure and Evidence at a later stage: namely, Rule 200, paragraph 5, Rule 201 and Rule 208. The point was also made that the proposal, not being urgent, merited further consideration, but at a subsequent Assembly or conference.

According to Norway, the principle of the role to be played by an international or a regional organization, even if of a secondary or supplementary role compared to that of States, merited explicit inclusion in the Statute, thus obviating any possible questioning of the Court's competence to enter into such agreements. Norway further explained that, at the current stage, the objective was to establish a mechanism for a possible role for an international or regional organization, while the specific modalities for the subsequent implementation, such as whether the organization would run the prison or fund it, should be the object of future discussions in light of how that role developed in practice.

In conclusion, Prof. Dr. Rahmat Mohamad reiterated that the proposals to be placed at the Review Conference could be debated and discussed in a more meaningful manner where the concerns of all Parties and non-parties could be met satisfactorily. In his view the present moment represents a unique opportunity for AALCO Member States to reinforce and strengthen their position once again at the forthcoming Review Conference to consolidate and coordinate their position on the said proposals. He urged that the Member States of



AALCO to lead the process and begin to actively build consensus on the expected outcomes of the event.

The following delegates presented their comments and observations: **Japan, Indonesia, Islamic Republic of Iran, Malaysia, Republic of Korea, India, and People's Republic of China.** The delegate of Japan recalled that during the Rome Conference in 1998, the Japanese delegation had suggested the inclusion of this Article as a transitional provision which would enable States to see how the ICC exercises jurisdiction over war crimes at its early stage. In relation to the proposed amendment of Article 124, most of the Member States were in favour of retaining it, as this article would be useful in encouraging universalisation of the Rome Statute. It would also encourage prospective States to consider ratifying the ICC and give equal treatment to the existing States Parties and new States Party. One delegate mentioned that as the number of ratifications from the Asian region was small, retaining this provision might encourage more AALCO Member States to become parties to the ICC.

The delegate of the Republic of Korea suggested that the delegates at the Round Table meeting could consider that the idea of Article 124 could be used to facilitate States Parties or non-party States to accept the amendment of the crime of aggression. However, another delegation cautioned against the use of such an idea.

In relation to the proposal of Belgium one delegate expressed the view that the focus of ICC at present should be to establish its authority and gain confidence of the international community, for this it was important that at this stage it should not enlarge its jurisdiction. Some States were flexible to this proposal provided other States supported its inclusion.

The Norwegian proposal was not discussed in detail since most States had not made their positions clear yet.

## **VII. CONCLUDING SESSION**

In the Concluding Session Prof. Dr. Rahmat Bin Mohamad placed for consideration the Summary Report of the Round Table Meeting of Legal Experts, and said that a report containing the comments/suggestions received from the Member States, within two weeks, would be prepared by the AALCO Secretariat and forwarded to Member States before the Review Conference.

**Dr. Yuichi Inouye, Deputy Secretary-General** proposed a vote of thanks on behalf of the Asian-African Legal Consultative Organization to Judge Ozaki of the International Criminal Court for her kind approval to personally grace and inaugurate the 2 days Round Table Meeting of Legal Experts on the Forthcoming Review Conference of the International Criminal Court, in Putrajaya, Malaysia, which had just concluded. He recalled that based on the mandate given by the Forty-Eighth Session of AALCO, the Secretariat started preparing for this Meeting. In this regard, it received valuable support from all the Member States. He thanked all the Member States for their kind support. Among the Member States, the Secretariat thanked the Governments of Malaysia and Japan for the generous financial and technical assistance to make this meeting possible.

Thereafter, he thanked the Chairpersons and Moderators of the three Working Sessions who readily agreed despite their busy schedules and lead the discussion on the identified themes. He thanked H.E. Amb. Yasuji Ishigaki, Special Assistant to the Minister of Foreign Affairs of Japan and Mr. John Patrick Okoth, Senior State Counsel of Kenya and Prof. Dr. Rahmat Bin Mohamad, Secretary-General of AALCO for efficiently Chairing the Working Sessions.

He also thanked the Legal Experts from the Republic of Korea, and Kenya who shared the valuable and practical experiences of their Governments which are States Parties to the Rome Statute of the International Criminal Court.

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Dr. Inouye thanked the President of AALCO, H.E. Tan Sri Abdul Gani Patail for his support on the joint initiative of Japan and AALCO pertaining to discussing issues before the ICC, which started last year with the holding of a one day Seminar on ‘‘The International Criminal Court-Emerging Issues and Future Challenges, in New Delhi, on 18 March 2009, and his keen interest in holding this Round Table meeting of Legal Experts on a very timely subject which is currently being keenly debated world over.

He also thanked the legal experts, participants, and representatives of International Organizations, for their able support and the interest shown on the themes of the Working Sessions.

He was confident that the deliberations at this Meeting on the issues to be discussed at the First Review Conference of the ICC in Uganda, Kampala in May-June 2010, would receive attention at the Review Conference under the UN mandate. The discussions that had taken place at this forum over the past two days, pertaining to the proposed amendments to the Rome Statute of the International Criminal Court, as well as stocktaking of international criminal justice system, would serve as minimum guidelines for the Member States that are likely to attend the Review Conference. He informed the delegates that the AALCO Secretariat would finalize the Report containing the presentations made by the Chairpersons as well as the summary of observations and discussions that took place in that meeting. This Report would be circulated to all the Member States and participants of the Round Table Meeting, before the Kampala Review Conference which is scheduled to be held from 31 May-11 June 2010. This Report will also be forwarded to the Review Conference.

**Mr. Tae Jun-Youl, Director, Treaties Division, Ministry of Foreign Affairs and Trade, Republic of Korea**, thanked all the Chairpersons for steering the debates in the three Working Sessions and appreciated the hard work put in by the AALCO Secretariat without which the meeting would not have been possible. He believed

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that the discussions of this meeting would help Member States to prepare for the forthcoming Review Conference.

**Amb. Yasuji Ishigaki, Special Assistant to the Foreign Minister of Japan** expressed his appreciation for the successful and timely Round Table Meeting which was held immediately after the resumed Eighth Session of the Assembly of States Parties (22-25 March 2010, New York) and well ahead of the Kampala Review Conference. Participation from Legal Advisers from as many as 14 Member States of AALCO was significant and the lively discussions and active consideration of substantive issues to be discussed at the Review Conference was a very positive step. He thanked the Government of Malaysia and AALCO Secretariat for convening the meeting.

## **VIII. LIST OF PARTICIPANTS**

### **A. Member States of AALCO**

- Brunei Darussalam** Ms. Elma Darlini Hj. Sulaimani  
Counsel, International Affairs  
Division, Attorney General's  
Chambers
- Ms. Norhayati Dato Paduka Hj.  
Omar Counsel, Criminal Justice  
Division, Attorney General's  
Chambers
- People's Republic of China** Ms. Zhou Lulu  
Second Secretary  
Ministry of Foreign Affairs
- India** Dr. V.D. Sharma  
Legal Officer, Grade 1  
Legal and Treaties Division  
Ministry of External Affairs
- Indonesia** Bapak Abdul Kadir Jailani  
Counsellor  
Perjanjian Politik Keamanan Wilayah  
Ministry of Foreign Affairs
- Bapak Inke H. Dinesia  
Third Secretary  
Indonesian Embassy  
Kuala Lumpur
- Islamic Republic of Iran** Mr. Bahram Heidary  
Legal Expert  
Ministry of Foreign Affairs

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<b>Japan</b>	Amb. Yasuji Ishigaki Special Assistant to Minister of Foreign Affairs of Japan Ministry of Foreign Affairs of Japan  Dr. Nobuyuki Murai International Legal Affairs Division International Legal Affairs Bureau Ministry of Foreign Affairs of Japan
<b>Kenya</b>	Mr. John Patrik Oyuga Okoth Senior State Counsel Ministry of Justice
<b>Malaysia</b>	The Honourable Tan Sri Abdul Gani Patail Attorney General of Malaysia and current President of AALCO  Bhg. Datuk Azailiza Mohd. Ahad Head of International Affairs Division Attorney General's Chambers  Mr. Mohd. Radzi Harun Deputy Head II of International Affairs Division Attorney General's Chambers  Ms. Swandra Kim Chu ISTAF International Affairs Division Attorney General's Chambers  Mr. Kamal Baharin Omar Head of International Criminal Matters Unit

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	International Affairs Division Attorney General's Chambers
<b>Sultanate of Oman</b>	Dr. Mahmmod Al Brashdi, Assistant First Counselor, Ministry of Legal Affairs
<b>Qatar</b>	Mr. Faisal Mohd. Al-Yousef Mr. Nabil Ahmed Al-Moslemany
<b>Republic of Korea</b>	Mr. TAE Jun-Youl, Director Treaties Division Ministry of Foreign Affairs and Trade  Ms. BACK Kyung-wha, Second Secretary International Legal Affairs Division
<b>Singapore</b>	Mr. Kow Keng Siong Deputy Senior State Counsel International Affairs Division Attorney general's Chambers
<b>Tanzania</b>	Ms. Naomi Zegezege Mpemba Foreign Services Officer Ministry of Foreign Affairs
<b>Thailand</b>	Mrs. Suphanvasa Chotikajan Tang, First Secretary, Department of Treaties and Legal Affairs  Mr. Jaya Patrachai, Third Secretary, Department of Treaties and Legal Affairs

**B. Non- Member Governments**

<b>Philippines</b>	Mr. Eduardo Vinuya Ministry of Foreign Affairs
<b>Canada</b>	Mr. James Stone Counsellor (Political/Economic) Canada High Commission in Malaysia

**C. International Organizations**

<b>International Criminal Court</b>	Judge Kuniko Ozaki
<b>European Union</b>	Mr. Adrienn Sallai

**D. Other Participants**

<b>Ministry of Foreign Affairs (MOFA) Malaysia</b>	Mr. Shaharuddin Onn Principal Assistant Secretary  Ms. Ainul Izzaty Mohd. Tamrin Assistant Secretary
<b>Majlis Keselamatan Negara (MKN)</b>	Mr. Kamil Hakimi Abdullah Assistant Secretary National Security Council Prime Minister's Department
<b>Royal Malaysian Navy</b>	
<b>Prosecution Division, AGC</b>	Mr. Shahidani b. Abd Aziz Juned Deputy Public Prosecutor  Mr. Hazril Harun Deputy Public Prosecutor
<b>Markas Tentera Darat Malaysia</b>	Lt. Kol. Jamal Rodzi B. Dahri Kl. Mohd. Zakaria Yahdi



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<b>Jabatan Penjara Malaysia (Prisons)</b>	Ms. Atiqah Mohd. Saim
<b>Policy Division, Ministry of Defence</b>	Kol. Roshaimi Zakaria (TUDM) Principal Assistant Secretary
<b>Royal Malaysian Police</b>	ASP Yeak Tiew Poh Head of Legal and Prosecution Division  ACP Razali Basri Legal/Prosecution Division
<b>Markas Medan Tentera Darat</b>	Mejar Zamri Wahid Mejar Hanif Zakaria
<b>UJP</b>	Ms. Farah Azlina Latif
<b>E. AALCO Secretariat</b>	
Prof. Dr. Rahmat Bin Mohamad	Secretary-General
Dr. Xu Jie	Deputy Secretary-General
Amb. Tabatabaei Shafaei	Deputy Secretary- General
Dr. Yuichi Inouye	Deputy Secretary-General
Mrs. Anuradha Bakshi	Assistant Principal Legal Officer



Inaugural Session: From left to right Prof. Dr. Rahmat Bin Mohamad, SG of AALCO, Honourable Tan Sri Abdul Gani Patail, Attorney General of Malaysia and Current President of AALCO, Amb. Yasuji Ishigaki, Special Assistant to the Minister of Foreign Affairs of Japan and Judge Kumiko Ozaki of the ICC



Legal Experts attending the Meeting from left to right, India, Indonesia and Islamic Republic of Iran



Honourable Tan Sri Abdul Gani Patail, Attorney General of Malaysia & Current President of AALCO delivering the opening address



Legal Experts from Brunei Darussalam, People's Republic of China and India



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Legal Experts from Japan, Kenya and Malaysia



Prof. Dr. Rahmat Bin Mohamad, Chairing the working Session III



From left to right Prof. Dr. Rahmat Bin Mohamad, Amb. Yasuji Ishijaki, Judge Kuniko Ozaki & Honourable Tan Sri Abdul Gani Patail





Legal Experts from Thailand, Deputy Secretaries General, AALCO,  
Dr. Xu Jie & Dr. Yuchi Inouye, Miss Anuradha Bakshi, Assistant Principal Legal Officer, AALCO

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Legal Experts at the Round Table Meeting



Group Photograph

