

Coalition for the International Criminal Court

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Global Coalition Urges Malaysia to Ratify the Rome Statute Says ICC Accession should be a Priority to Ensure Accountability

New York, USA – The Coalition for the International Criminal Court (CICC)—a global network of more than 2,500 non-governmental and civil society organizations—called on Malaysia to demonstrate its commitment to international justice and the rule of law by acceding to the Rome Statute of the International Criminal Court (ICC). The CICC has chosen Malaysia as the target for its July 2010 Universal Ratification Campaign (URC), a monthly campaign launched to encourage countries to join the Court.

In a letter dated 1 July 2010 to Prime Minister The Hon. Dato' Sri Mohd Najib bin Tun Abdul Razak, the CICC urged Malaysia to accede to the Rome Statute—the founding treaty of the first permanent international court capable of trying perpetrators of genocide, crimes against humanity, and war crimes. With Bangladesh's ratification in March 2010, 111 states have now acceded to or ratified the treaty, and 139 are signatories.

The CICC advised the Prime Minister to continue prioritizing accession of the Rome Statute in order to ensure that progress towards Malaysian accession to the Rome Statute is not lost. William Pace, Convener of the Coalition for the International Criminal Court, encouraged Malaysia to demonstrate its commitment to the rule of law: "Our CICC members in Malaysia have great respect for democracy and the rule of law. We believe the government of Malaysia can advance these principles and continue to set an example nationally and throughout Asia by ratifying the Treaty for the International Criminal Court." The CICC's renewed call for Malaysia's accession follows the conclusion of the first Review Conference of the Rome Statute that took place in Kampala from 31 May to 11 June 2010.

Furthermore, the CICC applauds the remarks of Mr. Mohamed Nazri, Minister of Law and Parliamentary Affairs of Malaysia, during his speech at the Sixth Consultative Assembly of Parliamentarians for Global Action's ICC and the Rule of Law section on 27 – 28 May 2010, as he expressed, "Malaysia cannot fail in its duty to stand with the rest of the world in ending impunity." Mr. Nazri further urged Asian countries to "stand in the forefront of this endeavor to transform the 'culture of impunity' into a 'culture of responsibility.'"

Evelyn Serrano, CICC Asia Regional Coordinator, stressed that “Malaysia's accession to the Rome Statute can have a significant impact on other countries in the region, particularly in the ASEAN and other inter-governmental bodies such as the Organization of the Islamic Conference (OIC), where Malaysia plays an active role.”

Once Malaysia joins the Court, the under-represented Asia/Pacific region will have a much stronger voice at the ICC and can participate in a more meaningful manner. Currently, only seven Asian states—Afghanistan, Bangladesh, Cambodia, Japan, Republic of Korea, Mongolia, and Timor-Leste—are member states of the Court. Malaysia’s accession will spur other states in the region to join the growing global movement for accountability for the most serious crimes.

As a state party, Malaysia would be able to actively participate in the annual Assembly of States Parties (ASP) of the ICC during which states make important decisions in relation to the administration of the Court, including the election of judges and prosecutors.

There are currently 111 ICC States Parties. Central to the Court’s mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unable or unwilling to investigate and prosecute perpetrators of genocide, crimes against humanity, and war crimes. There are currently five active investigations before the Court: the Central African Republic; the Democratic Republic of the Congo; Darfur, the Sudan; Uganda, and Kenya.