

**FOR IMMEDIATE RELEASE**

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**Global Coalition Welcomes Malaysia's Accession to the Rome Statute**

*Malaysia paves the way for a stronger representation from the Asia-Pacific region at the International Criminal Court*

**The Hague/Kuala Lumpur** – The Coalition for the International Criminal Court – a global network of more than 2,500 civil society organizations in 150 countries – welcomes Monday's accession to the Rome Statute by Malaysia, following a long and meticulous process that has included contributions from a number of actors, including civil society legal experts. The Rome Statute is the founding treaty of the International Criminal Court (ICC), the first permanent international court capable of trying perpetrators of genocide, crimes against humanity, and war crimes. Malaysia's accession demonstrates its commitment to international justice and the rule of law, the Coalition said today.

The decision to accede had been announced in early 2011 by the Malaysian government, following support from both the Executive and the Parliament. However, further analysis by inter-governmental agencies on a number of technical issues, delayed the process for several years, particularly the issue on whether the adoption of domestic legislation implementing the ICC was required internally prior to accession.

**Mr. Andrew Khoo, Co-Chair of the Constitutional Law Committee of the Malaysian Bar Council** noted that, "The Malaysian Bar warmly welcomes the accession by the Malaysian Government to the Rome Statute of the International Criminal Court on 4 March 2019. It is an actualization of the strong affirmation of and adherence to the rule of law, both at a national and international level that the new Malaysian Government, formed in the aftermath of groundbreaking general elections held on 9 May 2018, has announced as a key pillar of policy."

Malaysia's accession reflects the growing global impetus toward ending impunity for the gravest crimes through the Rome Statute system. Furthermore, by becoming a state party, Malaysia will strengthen the voice at the ICC of the underrepresented Asian region. Previously, only eighteen states in the Asia-Pacific region were members of the Court. However, with The Philippines' withdrawal from the Rome Statute taking effect on 17 March 2019 – following President Duterte's decision of last year to leave the Court in the face of an ongoing preliminary examination – Malaysia's accession is both timely and sends a message to fellow states in the region that it supports accountability for international crimes.

**Mr. William Pace, Convenor of the Coalition for the ICC**, congratulated Malaysia on its accession to the Rome Statute and highlighted the impact this decision will have on strengthening the international justice system: "A major issue in the recent election of the Prime Minister of Malaysia was support for the rule of law. Indeed, the accession to the Rome Statute of the International Criminal Court represents a major commitment to the rule of law in national and

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international affairs. We hope Malaysia's example will encourage other Asia-Pacific governments to commit to ending impunity for the worst crimes in international law."

For many years, civil society has been actively urging states in the Asian region, including Malaysia, to accede to the Rome Statute. The Coalition's *Campaign for Global Justice (CGJ)* has focused on Malaysia on many occasions over the past two decades. The Malaysian Bar Council, the coordinating NGO for the Malaysian national coalition for the ICC, has carried out a number of actions over the past years, aimed at garnering support for accession - as noted by **Mr. Khoo**: "This accession is the culmination of many years of patient public and private advocacy by the Malaysian Bar, working together with like-minded international and national organizations. We thank them, and look forward to continued cooperation with them as we assist the Malaysian Government in the important post-accession work of implementing legislation and cooperation arrangements. We also look forward to playing an active role in supporting universality through encouraging further accessions by countries in the Southeast Asian and Asia Pacific regions."

More recently, in December 2018, members of the Malaysian Bar Council travelled to the Assembly of States Parties (ASP) and participated in a number of side events where they reaffirmed the importance of working towards a prompt accession of the Rome Statute by Malaysia. Renewed efforts by civil society were also made in the context of treaty's 20<sup>th</sup> anniversary commemorations during 2018, including participation of the Malaysian Bar Council at the Singapore Management University's 20<sup>th</sup> anniversary event in October 2018 in Singapore. Members of the Malaysian National Coalition for the ICC have participated at previous sessions of the Assembly of States Parties over the past decade.

**Ms. Usha Kulasegaran of the Malaysian national Coalition for the ICC** said, "We are delighted that Malaysia has become the 124th member of the International Criminal Court, and as the Malaysian National Coalition, we are all the more honored to have been part of the process that led to this, as we had worked very hard over several years to ensure that the Government's accession become a reality. And our hard work has now yielded results, in a very positive way! We will continue to work hard to maintain the momentum and successful contributions by Malaysia as the newest State Party to the Rome Statute of the International Criminal Court."

The Malaysian Bar Council has also taken important steps in Kuala Lumpur, including holding national dialogues on accession and meetings with key government officials – such as a forum held in August 2013 with government officials and civil society, and other efforts held annually around International Justice Day. Furthermore, in July 2015, the Coalition for the ICC and Parliamentarians for Global Action co-organized an event entitled *Parliamentary South-East Asia Sub-Regional Seminar on the International Rule of Law and the Protection of Civilians* in Kuala Lumpur, at the Parliament of Malaysia, where parliamentarians, international experts, ICC officials and civil society representatives addressed the Malaysian accession process. Moreover, Coalition Steering Committee member Parliamentarians for Global Action (PGA), has spearheaded efforts with Malaysian Members of Parliament, including in their annual Consultative Assemblies of Parliamentarians for the ICC. Lastly, the ICC has also been a strong driver in the



accession process, with former President Judge Sang-Hyun Song conducting an official visit to Southeast Asia in 2011, among other relevant actions by high-level ICC officials.

“As a state party, Malaysia will be able to actively participate in the annual Assembly of States Parties (ASP) - the ICC’s governing body - during which states make important decisions in relation to the administration of the Court, including the election of the next prosecutor,” said **Ms. Kirsten Meersschaert, the Coalition for the ICC’s Director of Programs**. “The Coalition is now looking forward to Malaysia’s next steps to fulfill its obligations under the Rome Statute, including full implementation of the Statute in national law, cooperation with and support for the Court, and accession to the Agreement on Privileges and Immunities of the Court (APIC),” Meersschaert added.

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### ***About the ICC***

*The ICC is the world’s first permanent international court to have jurisdiction over war crimes, crimes against humanity, and genocide. 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 eleven active investigations before the ICC: Burundi; the Central African Republic I & II; Democratic Republic of Congo; Darfur, Sudan; Kenya; Libya; Uganda; Côte d’Ivoire; Mali and Georgia. The ICC has publicly issued 34 arrest warrants and nine summonses to appear. Three trials are ongoing. There have been three convictions and three acquittals. Ten preliminary examinations currently ongoing, including into situations in Afghanistan, Bangladesh/Myanmar, Colombia, Gabon, Guinea, Iraq/UK, Palestine, Nigeria, Ukraine, and Venezuela. The OTP has concluded preliminary examinations relating to Honduras, the Republic of Korea and the Comoros referral, declining in each case to open an investigation.*

### ***About us***

*The Coalition for the International Criminal Court is a global network of civil society organizations in 150 countries fighting for justice for victims of genocide, war crimes, crimes against humanity, and the crime of aggression through national courts and the International Criminal Court. [www.coalitionfortheicc.org](http://www.coalitionfortheicc.org)*