

Fact sheet: Indonesia and the International Criminal Court

“Universal participation should be the cornerstone of the International Criminal Court”

Indonesia’s statement to the Sixth Committee of the United Nations General Assembly Sixth Committee, October 1999.

On 17 July 1998, the international community adopted the Rome Statute of the International Criminal Court (Rome Statute). The Rome Statute establishes a new International Criminal Court (ICC) to bring to justice persons accused of the worst crimes known to humanity: genocide, crimes against humanity and war crimes. Amnesty International is calling on all states of the world to commit to the new system of international justice by ratifying the Rome Statute to ensure that when genocide, crimes against humanity and war crimes are committed that those responsible are brought to justice. Already 102 states have ratified. Many others, including Indonesia, are preparing to do so.

Amnesty International believes that with strong international support, the International Criminal Court will act as a successful deterrent to future crimes as persons will never again be able to plan and commit these serious crimes safe in the knowledge that they will not be held accountable. Furthermore, instead of being forgotten, victims will see justice for the crimes they have suffered and will be granted full reparation to help them rebuild their lives.

Since the Court was established on 1 July 2002, it has already made important progress towards upholding the rule of law. The Court is currently conducting investigations in three situations – the Democratic Republic of Congo, Darfur, Sudan and northern Uganda where crimes have been committed on a large scale. The first trial is likely to start early next year.

Amnesty International welcomes the decision by the government of Indonesia to ratify the Rome Statute in 2008. This fact sheet and a series of fact sheets explaining the International Criminal Court and its work (available in Indonesian at: www.amnesty.org/pages/icc-factsheets-eng) are aimed at informing the Indonesian public about the institution and the importance of Indonesia’s support.

Indonesia’s position on the International Criminal Court

Indonesia participated actively in the process of establishing the International Criminal Court. In particular, the government sent a delegation to the Rome Diplomatic Conference in July 1998 where the Rome Statute was adopted. Since that date, Indonesia has stated that it supported the adoption of the Statute and the establishment of the Court and that it intends to ratify the Statute.

In 1999, the government made a positive statement to the United Nations General Assembly’s Sixth Committee setting out its views on the Rome Statute. Indonesia stated that “universal participation should be the cornerstone of the International Criminal Court” and that “the Court should be a product of mutual cooperation among all nations regardless of political, economic, social or cultural differences.” The government announced that it was still in the process of giving meticulous consideration to the Rome Statute, seeking, in particular, an effective mechanism to disseminate its contents to almost 200 million Indonesians across 13,000 islands, believing it was imperative to give an opportunity to all Indonesians to know about the establishment of a new institution aimed at furthering justice. In the same statement, Indonesia stated that it attached

importance to the need to observe scrupulously the precepts embodied in the United Nations Charter, such as consent, impartiality, non-discrimination, state sovereignty and territorial integrity. In particular, it highlighted that the Court was intended to supplement and not supplant national judicial mechanisms.

In 2004, the President of Indonesia adopted a National Plan of Action on Human Rights. Significantly, the Plan states that Indonesia intends to ratify the Rome Statute in 2008. To implement the Plan, the President established a National Committee. The government has also, on a number of occasions, reported that it is studying the Rome Statute and that national legislation would need to be adopted providing for cooperation with the Court before ratifying.

Parliamentarians are also actively supporting ratification. In August 2006, representatives of Indonesia's parliament participated in a regional conference of Asian parliamentarians on the International Criminal Court and committed to working for accession in 2008, if not before.

The importance of Indonesia's ratification

Indonesia's ratification will establish Indonesia as a key supporter of international justice. In doing so, Indonesia will join over half the international community in working to ensure that an effective system of justice will deter the worst crimes known to humanity ensuring protection for people around the world, including Indonesians.

As one of the largest and most populous countries in the world, Indonesia's ratification would also be a significant step towards universal ratification. Furthermore, it would set an important precedent for other Asian and Pacific Island countries that have not yet ratified to do so. Achieving the ultimate goal of universal ratification would mean that the Court would have universal jurisdiction to address crimes committed anywhere in the world. It would mean that the Court would have the support and cooperation of the whole of the international community to investigate and prosecute the crimes.

As a state party to the Rome Statute, Indonesia will be able to play an important role in the International Criminal Court's governing body – the Assembly of States Parties (made up of all governments that have ratified). Indonesia will be able to nominate a candidate for a judge of the Court.

Ratification also provides an important opportunity for Indonesia to review its national laws to ensure that it will combat impunity by effectively investigating and prosecuting crimes of genocide, crimes against humanity and war crimes before its national courts. National legislation should ensure full cooperation to the International Criminal Court. Amnesty International welcomes indications by the government that it intends to conduct such a review.

Amnesty International's call for Indonesia to proceed with ratification as soon as possible

Amnesty International urges the government to proceed with implementing its decision to ratify the Rome Statute in 2008, or, if possible, sooner. Before, or at the same time as ratifying, Amnesty International hopes that the government will adopt legislation implementing the Rome Statute, guaranteeing the ability of national courts to prosecute the crimes and ensuring Indonesia's full cooperation with the International Criminal Court. The organization encourages the government to prepare this important legislation in consultation with civil society.