

Press Release - International Criminal Court: Step in the right direction, but swift action needed

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Today, 17 July, is commemorated worldwide as International Justice Day. It marks the anniversary of the adoption of the Rome Statute that established the International Criminal Court ("ICC") in 1998.

The ICC is an independent and permanent court to try persons accused of the most serious crimes of international concern, including genocide, crimes against humanity, war crimes and crimes of aggression. It serves a vital role as an enduring international institution constituted to bring the perpetrators of such vicious acts to book.

This year's International Justice Day is especially meaningful to the Malaysian Bar, as the Malaysian Government had announced, in March, its intention to ratify the Rome Statute. The Malaysian Bar reiterates that it applauds this pledge, and urges that the Government play its role in promoting international peace and stability by ratifying the instrument without further hesitation.

Becoming a State Party to the Rome Statute is imperative, in order to send a clear signal that Malaysia shares the international community's commitment to end the impunity of aggressors in conflict-ridden areas of our global village and obtain justice for victims of some of the gravest crimes against humanity. The long-term solution to international conflict must be both a resolute commitment to peace-keeping and a stern resolve to bring to justice those responsible for atrocities.

The Malaysian Bar calls on the Government to urgently join the community of 116 nation states that have thrown their weight behind the ICC and given it the moral and legal authority to deal with blatant human rights and humanitarian abuses worldwide. As a tribunal that receives widespread respect, the ICC will, if fully supported, go a long way towards bringing about lasting peace by punishing all those who perpetrate crimes against their fellow human beings.

Joining the ICC would also be consistent with Malaysia's membership in the UN Human Rights Council, which is responsible for upholding the highest possible standards in the promotion and protection of human rights.

Membership of the ICC would not threaten or compromise Malaysia's sovereignty. The fact that the ICC operates on a principle of complementarity means that the international jurisdiction of the ICC is carefully balanced with the jurisdiction of the Malaysian courts. The ICC is a court of "last resort" and has jurisdiction only if the national legal system of an alleged perpetrator's home country (or the country where a crime took place) is unwilling or unable to act.

We look to the Malaysian Government to expeditiously ratify the Rome Statute and thus demonstrate its commitment to the rule of law and the cause of international criminal justice. As ever, the Malaysian Bar is ready to assist the Government in any way we can in this regard. Lim Chee Wee President Malaysian Bar

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