

Press Release: Malaysian Bar commends Malaysian Government's intention to ratify the Rome Statute

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The Malaysian Bar welcomes the comments made last week by the Speaker of the House of Representatives, the Minister in the Prime Minister's Department in charge of Law and Parliamentary Affairs, and the President of the Senate, all of whom have stated that Malaysia should not delay any further in ratifying the Rome Statute of the International Criminal Court ("ICC"). This is an independent and permanent court of last resort to try persons accused of the most serious crimes of international concern – genocide, crimes against humanity, war crimes and crimes of aggression.

In the light of the promise made by Dato' Seri Mohamed Nazri Abdul Aziz at the Kampala meeting of the Parliamentarians for Global Action ("PGA") in May 2010, to submit the accession papers to the Rome Statute to the Malaysian Cabinet upon his return from that meeting, and also the unanimous resolution of the Malaysian Parliament on the issue of the Gaza flotilla, calling on Turkey to refer Israel to the ICC, this consensus by the Executive and Legislative branches of the Malaysian Government to ratify the Rome Statute could not have come any sooner.

The comments were delivered during the two-day Asia-Pacific Regional Consultation on the Universality of the International Criminal Court, which was organised by the PGA and hosted by the Malaysian Parliament. The Consultation brought together Parliamentarians from Bangladesh, Indonesia, the Maldives, New Zealand, the Philippines, Vanuatu and Malaysia, the Speaker of the Parliament of Kiribati, the Attorney-General of the Maldives, and additional participants from Ireland, Italy, South Korea, the Netherlands and Malaysia.

The keynote address was given by the guest of honour, HE Judge Sang-Hyun Song, the President of the International Criminal Court, who hails from South Korea and who is the first Asian President of the ICC. He noted that only two countries in the South East Asian region are currently members of the ICC, namely Cambodia and Timor Leste. He was pleased to inform delegates that the President of the Philippines, HE Benigno Aquino III, had very recently forwarded the Rome Statute for ratification by the Senate of the Philippines. President Song also reported that the new interim government that had recently taken over in Tunisia had also announced its intention to join the ICC.

The Malaysian Bar was pleased to have participated in this Consultation. Since 2006, the Malaysian Bar has been involved in the campaign to persuade the Malaysian Government to ratify the Rome Statute. Joining the ICC would 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.

Following on from these positive developments, the Malaysian Bar strongly urges the Malaysian Government to maintain its focus and resolute direction, and not delay any further its membership of the ICC. The Malaysian Bar wholeheartedly concurs with Dato' Seri Mohamed Nazri Abdul Aziz that joining 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. Malaysia has nothing to fear from membership of the ICC. Indeed, by becoming a party to the Rome Statute, Malaysia will enjoy the right to nominate candidates to all the organs of the ICC, including the offices of the Prosecutor and the Registrar, and judges.

Lim Chee Wee President Malaysian Bar 15 March 2011