

Asian Forum for Human Rights and Development



Statement by

SUNIL PAL, DIRECTOR

**AT THE 13TH SESSION OF THE ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE OF
THE INTERNATIONAL CRIMINAL COURT**

Mr. President, Madame Prosecutor, Distinguished representatives of the ASP and civil society

I have the distinct privilege to address you on behalf of FORUM ASIA, a regional human rights group with 47 member organisations across 16 countries in Asia.

Over 60 percent of the world's population resides in the Asia-Pacific Region - and yet - only 7 percent of her peoples are represented here at the ASP. While many of us in the region continue to strive for greater human rights promotion and protection, we cannot lose sight of the Rome Statute system as a catalyst for strengthening national accountability. This is a long-term goal that requires fostering political will - assuaging the legitimate concerns associated with ratification, while debunking the illegitimate ones. This is also a shared responsibility that involves civil society actors the ASP governments, regional and international organisations - and the Court itself.

The need for stronger human rights protection and accountability mechanisms in the region has never been greater. While the Rome Statute system is not the answer to all our problems, it is a crucially important part of that answer. Nor is the ASP the only forum in which to address justice and accountability.

In Sri Lanka in particular, it is of great concern that five-years after the conclusion of the civil war - there has been little redress for victims and little to no accountability for grave violations of international law committed by both sides to the conflict. While the conflict may have come to an end, human rights violations continue to this day and the north and east of the country remain heavily militarised. Human rights defenders face daily threats and intimidation for seeking accountability and are under constant surveillance. It is in this context that FORUM-ASIA welcomed in March this year, the OHCHR investigation on Sri Lanka - but we remain deeply concerned at the Sri Lankan government's open lack of cooperation with this mechanism. The mechanism has been refused access to the country while victims and witnesses have been prevented from engaging with the body - difficulties that the ICC is no stranger to. In this respect we take note of comments made by the former President of the ASP and the current UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein who last month condemned the Sri Lankan government for its lack of support and cooperation with the investigation.

With the UN Human Rights Council scheduled to consider the outcome of the investigation next March this 13th session comes at an opportune time. We call on states parties who will next year constitute two-thirds of the Council to ensure that the support expressed here in this forum-for justice and accountability is reflected in all fora, including the Council. To this end we urge states to support the findings of the Investigation on Sri Lanka

and reinforce the resulting report of the UN High Commissioner for Human Rights at the March 2015 session of the UN Human Rights Council.

Mr. President – distinguished colleagues, the most significant achievement of the ICC has been the mainstreaming of accountability ideals. When you hear talk of mass crimes in Syria; in Palestine; North Korea; and Sri Lanka for example, the ICC is often mentioned and we are reminded why it was created – Expectations are high and if it is to meet those expectations, if the ICC is to be an institution capable of galvanising national accountability and encouraging membership, it means the ICC has to be an institution that delivers justice in a transparent and timely manner and one that reaffirms that all are equal before the law and none are above it. That means tangible legal and political support from states that translates into action -not just lip service-and above all consistency of approach, universality of the Rome Statute and its application means each and every state has the right to ratify the Rome Statute and should be encouraged to do so.

Thank you