



VIII Assembly of States Parties of the International Criminal Court

Intervention by **Mr. Kula Segaran**, Member of Parliament of Malaysia

14 December 2011

New York, UN Headquarters

Your Excellencies, Ladies and Gentlemen,

As a **Malaysian Parliamentarian**, it is an honour to address you on behalf of Parliamentarians for Global Action, a global network of individual legislators committed to ensuring the universality of the Rome Statute and its effective implementation.

At the outset, PGA is delighted to pay a tribute to the individuals that participate for the last time as elected officials of the ICC system.

Prosecutor Luis Moreno Ocampo – also on behalf of my colleagues from the PGA DRC Group who could **not** be present this week due to prevailing situation of insecurity in Kinshasa - we deeply appreciate your considerable efforts to maximise the preventative impact of the Court throughout your term in office. Prevention is the ultimate objective of the Rome Statute system and your concerted efforts on this front represent a legacy of which you can be justifiably proud. Allow us to urge **you** and **all States** attending this Assembly to utilise your best capabilities to help prevent an escalation of post-electoral violence in the DRC that might, once again, affect the lives and dignity of the civilian population.

President of the ICC, **Judge Song**, Outgoing President and Vice-President of this Assembly, **Amb. Christian Wenaweser** and **Amb. Jorge Lomonaco** – PGA has greatly appreciated the cooperation received from your offices, which has in turn contributed, at least in part, to the 6 ratifications of the Rome Statute that have taken place this year. The ICC jurisdictional system now protects over 115 million people living in these new States Parties from the scourge of international crimes.

PGA takes this opportunity to pledge to continue our 13 years of work to ensure the universality of the Rome Statute. In particular, I hope that my country, Malaysia, as well as Indonesia, Nepal, Ukraine, Kazakhstan, El Salvador, Jamaica and Bahamas will join this vital system of global justice in the near future.

Pending full attainment of universality, however, we call upon UN Member States to ensure that all the most serious situations where 'Rome Statute' crimes are believed to have occurred are referred to the ICC with appropriate provision to support such cases. Above all else, impunity is a threat to peace – our fight to prevent it must be unceasing and unrelenting. Without true universality, the shadow of selectivity will also always hang over us like a Damoclean sword.

Your Excellencies,

‘Charity begins at home’ is an expression which many of you have heard. But preventing impunity must also begin ‘at home’. Without adequate ICC implementing legislation, *complementarity*, as we understand it, is an empty promise. PGA commends in this regard Greece, Mauritius and the Comoros for the recent adoption of comprehensive legislation implementing the Rome Statute.

In the realm of cooperation, the efficiency of the Court is determined by your compliance with States’ obligations. And the existence of implementing legislation on adequate procedures to incorporate part 9 of the Rome Statute is the best shield against politicization – as a network of individual Legislators, PGA opposes any political filter to cooperation with the Court. We therefore call on you to strengthen your cooperation with the Court, starting with the prompt execution of all pending Arrest Warrants.

Your efforts can and should also be collective, and the creation of an adequate ASP mechanism to deal with judicial findings on non-cooperation will be a major achievement of this 10th Assembly. Monday’s judicial finding of non-cooperation, transmitted by the Court to the UN Security Council and this Assembly, reminds us that States must fulfill their responsibility and be prepared to apply adequate measures to restore international legality when it is breached by their peers.

PGA takes this opportunity to commend all those countries that have ratified the Agreement on Privileges and Immunities of the Court (APIC) this year, Chile, Costa Rica, Tunisia, Malta, the Czech Republic and Brazil, and calls upon the 51 States Parties that have not yet done so to take this crucial step without any further delay.

PGA is deeply committed to supporting your intentions and ongoing efforts to ratify the Kampala Amendments, as well as their implementation into domestic law. We applaud the concrete initiatives that Slovenia, the Czech Republic and Botswana have undertaken in this connection and hope many others will follow shortly in their footsteps.

In 2012, we will hold the 7th session of the Consultative Assembly of Parliamentarians for the ICC to celebrate the 10th Anniversary of the Entry into Force of the Rome Statute with a view to successfully securing further ratifications of the Rome Statute as well as identifying challenges that Parliamentarians can address to enhance the effectiveness of the Rome Statute system.

We thank the leaders and members of this Assembly and of the Court for your continued openness to civil society and parliamentary *partnership*. For our part, we continue to stand shoulder to shoulder with you to ensure that we never lose sight of the paramount responsibility incumbent upon all of us: Accountability, prevention, access to justice for victims, and the eradication of impunity, without which genuine, sustainable Peace for all will forever elude us.

I thank you.