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Item: General Debate
Speaker: MD. Ashrafuzzaman

An Oral Statement to the 18th Session of the Assembly of State Parties to the Rome Statute of International Criminal Court by the Asian Legal Resource Centre (ALRC)

WORLD: Competent judicial professionals needed to administer justice to victims of international crimes

Mr. President, distinguished colleagues, and Excellencies:

First of all, please allow me to tell you all in a loud and clear voice that the Asian Legal Resource Centre (ALRC) stand by the International Criminal Court (ICC) and is committed to extend the best possible cooperations as a human rights organisation.

In Asia, with few exceptions, we observe coercive criminal justice mechanisms particularly the policing system, crime investigation units, forensic medicine facilities, prosecutorial system, and the adjudication process. These highly important components of criminal justice mechanisms often fail to maintain the principles of guaranteeing the right to fair trials to all parties regardless of their socio-political, cultural, economic or ethnic background.

The given dysfunctional and unjust justice mechanisms routinely contribute to gross violations of human rights accommodating impunity. The 'ethnic cleansing' and 'genocide' perpetrated against the Rohingya people in Myanmar is just one of the despicable examples.¹ Such grave crimes remind us that the ICC is a unique judicial institution to afford justice to the victims of international crimes.

We welcome the decision of the Pre-Trial Chamber III of the ICC, pronounced on 14 November 2019, authorising the Office of the Prosecutor (OTP) to open an investigation into the crimes under the mandate of the Rome Statute involving Myanmar and Bangladesh.² And, we have valid concerns that require unified actions from the Assembly of State Parties (ASP).

Considering the complex situation the State Parties, and non-State Parties, to the Rome Statute need to invest their collective and coordinated diplomatic, financial, and political resources so that all the organs of the ICC are granted unfettered access to the victims in both territories of Myanmar and Bangladesh to investigate the crimes committed against the Rohingya people.

The Rome Statute defines 'enforced disappearance' as a 'crime against humanity'. Enforced disappearance is adopted as a tactic of law-enforcement as it consistently happens in Bangladesh, which is a State Party to the Rome Statute. Hundreds of victims in that country

¹ Oral Update on the situation of human rights of Rohingya people Statement by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein in the 38th Regular Session of the Human Rights Council, 4 July 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23324&LangID=E>

² Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar: <https://www.icc-cpi.int/Pages/record.aspx?docNo=ICC-01/19-27>

cry for justice expecting the ICC's intervention. We strongly recommend the ASP to extend its fullest cooperation to the OTP for examining the ongoing enforced disappearances consistently being committed by the law-enforcement agencies and security forces of Bangladesh with blanket impunity.

The ICC's ability to administer justice to the victims, and the perpetrators, is impossible without sincere cooperations from the ASP ensuring objectivity for strengthening the Court. While exercising its mandate to facilitate the process to appoint the judges, prosecutors and relevant professionals to the principals of the ICC maintaining fairness, and transparency is essential; priorities must be given to merits, honesty, and professional skills of handling criminal cases. Failing to do so would create further crisis in the life of numerous victims that would ultimately affect the image of the Court and the ASP, in particular. Full respect the independence and non-interference into the judicial affairs of the ICC must be affirmed.

Thank you, Mr. President

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The Asian Legal Resource Centre (ALRC) works towards the radical rethinking & fundamental redesigning of justice institutions in Asia, to ensure relief and redress for victims of human rights violations, as per Common Article 2 of the International Conventions. Sister organisation to the Asian Human Rights Commission, the ALRC is based in Hong Kong & holds general consultative status with the Economic & Social Council of the United Nations.