



Parliamentarians for Global Action
INDONESIA CHAPTER

WORKING MEETING

***The International Criminal Court (ICC):
Towards Indonesia's Accession to the Rome Statute?***

Commission III Meeting Room DPR RI,
Nusantara II Paripurna Building, 1st Floor
Jl. Gatot Subroto, Jakarta, Indonesia

FEBRUARY 17, 2007 (TUESDAY)

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- 12.30 – 13:20 Lunch for all Participants and Guests (Venue” Hall outside Commission III)
- I. 13.20 – 13.50 **Welcome and Opening Addresses**
- Hon. Mr. Theo L. Sambuaga, MP**, Chairperson, Commission I (Defense, Foreign & Political Affairs Committee); Chair, PGA Indonesia National Group
- Sen. (Ms.) Raynell Andreychuk (Canada)**, Chairperson, Human Rights Committee, Senate of Canada; Member, PGA Executive Committee
- II. 13.50 – 14.30 **The contribution of the International Criminal Court to the promotion of Rule of Law and the prospective role of Indonesia**
- H.E. Mr. John Holmes**, Ambassador of Canada to Indonesia, former leading negotiator of the Rome Statute of the ICC (1996-98)
- Hon. Mr. Marzuki Darusman, MP**, former Attorney General (Indonesia); *Designated Member, United Nations Commission of Inquiry into the assassination of former Pakistani Prime Minister Benazir Bhutto*
- Hon. Bpk. F.X. Soekarno, MP**, Chairperson, Legislative Council
- Moderator:* **Hon. Mr. Abdillah Toha, MP**, Chairman of the Committee for Inter-Parliamentary Cooperation
- 14.30 – 15.00 Interventions and Open Discussion
- III. 15:00 – 15.50 **Acceding to the Rome Statute: an overview of future challenges for the ICC and for States Parties**

Prof. Dr. Harkristuti Harkrisnowo, Director-General for Human Rights,
Department of Law and Human Rights, Republic of Indonesia

Hon. Bpk. B.A. Soeritpo, MP, Vice-Chair, Commission III (Law and Human Rights)

Hon. Ms. Melissa Parke, MP (Australia), Chair, Australian Commission for Law Enforcement Integrity; Member, Foreign Affairs, Defense & Trade Committee

Ms. Reny Rawasita Pasaribu (SH, LL.M), PSHK, *on behalf of the* Indonesian Civil Society Coalition for the ICC

Moderator: **Hon. Mr. Aziz Syamsuddin, MP**, Chairperson of Commission III (Law and Human Rights)

15.50 – 16.15 Interventions and Open Discussion

Rapporteurs: *Dr. David Donat Cattin (Italy), Director, Int'l Law & Human Rights Programme, PGA*
Mr. Peter Barcroft (Ireland), Senior Programme Officer, Int'l Law & Human Rights, PGA

IV. 16.15 Conclusions

Hon. Mrs. Nursyahbani Katjasungkana, MP (Indonesia); Vice-Chair, Legislative Council; Secretary, PGA Indonesia National Group

BACKGROUND

The **International Criminal Court (ICC)** is the first permanent international criminal jurisdiction, mandated under its founding treaty, the Rome Statute, to investigate and adjudicate the most serious violations of human rights and international humanitarian law constituting crimes against humanity, genocide and war crimes. The Statute entered into force on 1 July 2002 and is not retroactive. Should Indonesia decide to accede to the Statute at the earliest opportunity, Indonesia will be bound to cooperate with the Court only in the most unlikely scenario of the commission of the most serious crimes committed *after* the date of completion of the accession process by Indonesia. Thus, the ICC should not be confused with other mechanisms aimed at bringing to justice alleged perpetrators of gross human rights crimes of the past. A primary goal of the ICC is to contribute to the prevention of the most serious international crimes. The ICC is “Court of last resort” that is complementary to national criminal jurisdictions and intervenes only when States are unable or unwilling to investigate and prosecute.

The **International Criminal Court** (www.icc-cpi.int) has its seat in The Hague, The Netherlands, and is currently advancing criminal proceedings on four of the most serious mass-crime scenes in the world, namely, the Democratic Republic of the Congo, Northern Uganda, the Sudan’s region of Darfur and the Central African Republic. One week ago, the Court launched its first trial against a military and political commander charged with the war crime of recruitment and use of children in armed conflict, Mr. Thomas Lubanga of the DRC.

Parliamentarians for Global Action (PGA) is a global network of approximately 1300 individual Legislators from 130 democratic countries of all regions of the world. The vision of PGA (www.pgaction.org) is “*to contribute to the creation of a Rules-Based International Order for a more equitable, safe and democratic world.*” Over the past 10 years, PGA Parliamentarians have exercised their leadership in the accession or ratification processes of 63 out of the current 108 ICC States Parties. Indonesian Legislators took leadership on the ICC dossier after having actively contributed to the successful proceedings of the PGA’s *4th* and *5th Consultative Assembly of Parliamentarians for the International Criminal Law (ICC) and the Rule of Law*, held respectively in the Parliament of Japan, Tokyo, on 4-5 Dec. 2006, and in the Congress of the Dominican Republic, Santo Domingo, on 30-31 Oct. 2008.