

Speech by M. Kula Segaran MP Ipoh Barat and Secretary PGA, Malaysian Chapter, in Parliament Committee Room in Parliament house 11th June 2015

PGA must form a Working Committee to speed up the process of accession to the Rome statute and the ATT immediately

Hon. DS Nazri Chairman of Parliamentary for Global Action (PGA) Malaysian Chapter, Hon. Nancy Minister in PM Department and Deputy Chair of PGA Malaysia Guest of Honour Hon. Mario Marazziti MP (Italy) PGA Secretariat, Ms Maia Trujillo, MP's and fellow members of PGA

Malaysian Parliament organised together with the PGA the second PGA Asia- Pacific Parliamentary Consultation on the Universality of the Rome statue of the International Criminal Court which was held in Malaysia Parliament on the 9 and 10 of March in 2011. The event was attended by regional MP's and elected representatives. Even the AG Tan Sri Pathil attended the consultation process.

Thereafter on 19th March 2011 the Malaysian Cabinet announced that Malaysia will accede to the Rome Statute of the International Court (ICC) (http://en.wikipedia.org/wiki/International_Criminal_Court).

It has to be remembered from the start the AG has been against the accession for one reason or the other.

As regards Arms Trade Treaty Malaysia signed its acceptance on 26th September 2013. The treaty became effective on 24th December 2014 and as at that date 54 countries had ratified the treaty. Unfortunately Malaysia is still dragging its feet on this treaty too.

Many excuses are being dished out by the AG's office which has delayed the accession process of the ICC. Initially the Rome Statute was inconsistent with the special standing of the Malays rulers. But when we explained an absolute Islamic country like Jordan has become a member of the ICC this objections was dropped.

Just two weeks ago 26th May 2015 when a question was posed as to the reasons for the delay in ratifying the ICC and the ATT the official written reply for not ratifying as yet are:

1) the issue of Genocide, Crimes against humanity, Crimes of aggression and War Crimes need to be clarified to be absorbed with our local laws;

2) to get ready the local laws in tandem with the Rome statute;

3) Article 120 of the Rome Statute which states "No reservations may be made to this Statute";

4) The definition of "brokering" in the ATT need to be relooked into as there is a similar term in our local law;

5) There is a need for meetings between competent Government departments at the national level to streamline issues;

6) A guide line need to drawn up to facilitate the treaties implementation;

The above is a further attempt to delay accession to the Rome statute. The reasons rather the latest excuses/ reasons given is most unfortunate and unacceptable.

When the Cabinet is the approving authority on accession who else can derail the High Call of the Malaysian Cabinet?

I suggest the PGA Malaysia to set up a Working Committee (WC) to accelerate the process of accession to the treaties.

The WC could hold consultation meeting with the Foreign Ministry as the Ministry in charge of treaties and the Attorney General to speed up the process of accession without further delay

Death Penalty

There is a strong movement now to bring an end to the death penalty. Malaysia is still has laws on mandatory death penalty. In 2012 Prof Roger Hood, Professor Emeritus of Oxford University published findings on Mandatory death penalty after a lengthy survey. In essence Malaysians were not against abolishment of the mandatory death penalty.

In 2010 then Law Minister DS Nazri the Government is considering abolishing death penalty. Further this was strengthened when the AG asserted in 2012 laws would soon be introduced to abolish death penalty.

Although the above are positive developments real changes into the abolishment has yet to materialize.

Further public pressure and discussions with all stake holders are required to bring real and long term changes to abolish the death penalty

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