

**PGA PARLIAMENTARY SOUTH-EAST ASIA SUB-REGIONAL SEMINAR ON THE
INTERNATIONAL RULE OF LAW AND THE PROTECTION OF CIVILIANS**

Hosted by the Parliament of Malaysia
30 July 2015
Kuala Lumpur, Malaysia

**Second Kuala-Lumpur Action Plan
to Promote the Universality
of the Rome Statute System of the ICC in the Asia-Pacific**

We, Parliamentarians from Malaysia, Indonesia and The Maldives, gathered in Kuala-Lumpur, hosted by the Parliament of Malaysia on the occasion of the Parliamentary South-East Asia Sub-Regional Seminar on the International Rule of Law and the Protection of Civilians,

Recognising that the protection of civilians is an obligation under international law, more specifically international humanitarian law during armed conflict and human rights law during peacetime;

Recognising further that the Rome Statute of the International Criminal Court (ICC) has the benefit that it not only protects civilian population during armed conflict but also, through the notion of crimes against humanity, from crimes committed in a widespread or systematic manner during peacetime;

Observing that impunity for perpetrators of atrocities only serves to increase the likelihood of the commission of new, equally horrific crimes and may indeed lead to the re-escalation of violence resulting in the recurrence of internal or international armed conflicts;

Recognising that victims have the right to access to justice, know the truth and have it publicly acknowledged, participate in proceedings, obtain appropriate reparations, be treated with dignity and respect, and receive guarantees from relevant authorities and parties of non-repetition of these atrocities;

Recognising also the vital deterrent effect that the International Criminal Court has, by virtue of its jurisdiction and very existence, on war crimes, crimes against humanity and genocide;

Welcoming the fact that 123 States have, to date, ratified, or acceded to, the Rome Statute;

Acknowledging that countries of the Asia-Pacific are currently under-represented in the Rome Statute system;

Observing that the particular focus of the seminar has been on Malaysia and Indonesia, who both play leading roles in securing stability and peace in the Asia-Pacific region and in the promotion of the fight against impunity, democracy and good governance under the Rule of Law;

We, therefore, hereby resolve and agree on the following result-oriented actions that may be undertaken by Members of Parliament and other concerned stakeholders in order to encourage the countries of Asia-Pacific region to ratify or accede to the Rome Statute:

1. Ensure that there is sustained “political will” in support of the fight against impunity for the most serious crimes of international concern and the accession to, or ratification of, the Rome Statute and its full implementation, including by briefing relevant Parliament Committees, asking pertinent Parliamentary questions and outreach to media sources and other relevant stakeholders;
2. Ensure enhanced cross-party support of the process towards ratification of or accession to the Rome Statute in the countries of the Asia-Pacific region;
3. Ensure that ratification of or accession to the Rome Statute is seen as a tool to strengthen the national legal system, the Rule of Law and the independence of the judiciary;
4. Ensure the widest possible dissemination of the principles and rules of law contained in the Rome Statute for the prevention and punishment of genocide, crimes against humanity, war crimes and the crime of aggression.

In order to achieve the above-listed results the following country-specific actions could be pursued without delay:

In Indonesia:

- To report to the Speaker and the Secretary General of the House of Representatives (DPR) on this event in order to inform all Indonesian Parliamentarians of the content of the Kuala Lumpur Action Plan and to increase their commitment to support the accession to the Rome Statute of the ICC;
- To engage with Fellow Parliamentarians in a constructive and positive manner, given the urgent need and the strategic importance to provide access to justice for victims of mass-atrocity crimes, with the view of achieving the required majority of 281 Members of Parliament that will be necessary once the Government will have transmitted the Rome Statute’s Accession Bill for its adoption by Parliament, as required by the Constitution;
- To engage with Governmental agencies that have been working on the ICC Accession Academic Paper and Cabinet Memorandum (i.e. Ministry of Law and Human Rights, Ministry of Foreign Affairs and Ministry of defense), to ensure that this process is re-launched under the new Administration without delay and towards genuine understanding and support in the best interest of the Indonesian people and its democratic institutions;
- To ensure that the new Criminal Code, which includes all the crimes contained in Articles 6, 7 and 8 of the Rome Statute, is duly and promptly considered and adopted by Parliament, starting with the Commission III (Law, Justice and Human Rights), which will reconvene on August 14, 2015: *Parliamentarians should take this domestic implementation step as a pivotal one towards Indonesia’s membership in the Rome Statute system against impunity.*

In Malaysia:

- To express gratitude for the generous hospitality offered by the Speaker and the Secretary General of the House of Representatives for this event and to report on its outcome, in order to inform all Malaysian Parliamentarians of the content of the Kuala Lumpur Action Plan;
- To continue to engage with Fellow Parliamentarians in a constructive and positive manner, given the urgent need and the strategic importance to provide access to justice for victims of mass-atrocity crimes (including victims of the MH 17 massacre), with the view of achieving the required majority of Members of Parliament once the Government will have transmitted the

Rome Statute's Domestic Implementation Bill, to be drafted by the Attorney General's Chambers, for its adoption by Parliament;

- To engage with the Government of Malaysia, whose Cabinet has adopted a decision pro-ratification that was *not* conditioned to any further legislative step in April 2011, bearing in mind that such a decision is in the best interest of the Malaysian people and its democratic institutions, as recognized by the bipartisan group of PGA Malaysia;
- To ensure that, alongside the ratification of the Rome Statute that may *not* have any retroactive or retrospective application given that it will enter into force only the first day of the third month following the deposit of the instrument of ratification at the UN, Malaysia will also accept the jurisdiction of the ICC for any situation relating to Malaysian national civil-aviation that occurred in the year 2014 under Article 12(3) of the Rome Statute, which allows a Non State Party to extend the jurisdiction of the Court to a specific situation: *Parliamentarians should welcome this decision of the Government as a pivotal step towards giving effect to the bipartisan parliamentary resolution on justice for victims of the MH17 and the Official Statements by H.E. the Prime Minister on the same subject matter – This should be an adequate response to the recently casted veto of the Russian Federation within the UN Security Council against a widely supported proposal tabled by the Government of Malaysia in the national interest of the country.*

In the Maldives:

- To report to the Speaker and the Secretary General of Parliament on this event in order to inform all Maldivian Parliamentarians of the content of the Kuala Lumpur Action Plan and to increase their commitment to support the domestic implementation and full application of the Rome Statute of the ICC, which the Parliament of the Maldives ratified in the months that followed the adoption of the first Kuala Lumpur Plan of Action on the ICC of March 2011;
- To present a draft Bill to Implement the Rome Statute of the ICC in the Maldives, based on the 2011 Revised Commonwealth Model Law, to Parliament and the Attorney General in September 2015.

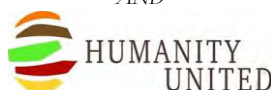
Done in Kuala-Lumpur, this 30th day of July 2015.

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THE PGA ICC CAMPAIGN RECEIVES THE SUPPORT OF
THE EUROPEAN UNION, EUROPEAN INSTRUMENT FOR DEMOCRACY AND HUMAN RIGHTS,



THE GOVERNMENTS OF
SWITZERLAND, LIECHTENSTEIN, ESTONIA AND THE NETHERLANDS
AND



PGA RECEIVES CORE SUPPORT FROM THE GOVERNMENTS OF SWEDEN AND DENMARK

THIS EVENT WAS ORGANIZED IN PARTNERSHIP WITH THE COALITION FOR THE ICC



THIS EVENT RECEIVED VITAL IN-KIND SUPPORT FROM THE PARLIAMENT OF MALAYSIA.

On-line access to PGA ICC Campaign: <http://www.pgaction.org/programmes/ilhr/overview.html>