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GLOBAL ACTION: Indonesian House of Representatives Speaker Agung Laksono (left) and Parliamentarians for Global Action (PGA) of Indonesia chapter head Theo L. Sambuaga (right) welcome PGA (JP/Ricky Yudhistira)

RI to join global criminal court

Abdul Khalik, The Jakarta Post, Jakarta

The government and members of the House of Representatives united Friday on the need to ratify the Rome Statute, which serves as the basis for the establishment and operation of the International Criminal Court (ICC).

"We have agreed to ratify it by 2008 and become party to the ICC as scheduled in our national action plan on human rights," said Theo L. Sambuaga, the head of the House of Representatives' Commission I on security and international affairs. He spoke with reporters on the sidelines of a roundtable discussion on the accession to the ICC held by Parliamentarians for Global Action (PGA) in the House of Representatives building Friday.

Speaking before members of PGA, an organization that includes parliament members worldwide, Foreign Minister Hassan Wirayuda underlined the importance of the ICC to human security.

"There is no denying that in recent times, as in the past, rulers, governments or high-ranking officials in

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command of forces commit crimes against their own citizens, often on a massive scale," he said.

"There is therefore a great need for an avenue of justice ... that is beyond the state itself. Without such recourse to justice, states could simply threaten the human security of their own citizens with impunity," Hassan added.

The only way to prevent such impunity, he said, was a court of justice at the international level, which is provided by the ICC.

International law expert Hikmahanto Juwana of the University of Indonesia, who was also a speaker at the discussion, said the crimes that can be brought before the court fall into four categories: war crimes, crimes against humanity, genocide and crimes of aggression.

Hikmahanto, however, stressed that ratification would not resolve current human rights cases, such as the 1991 Timor Leste massacre or the 1984 killings in Tanjung Priok, because the law is not retroactive.

"So, this will be for crimes after 2008 if we ratify it that year," he said.

Hikmahanto added that a case could be brought to the court if the state in which the crime occurred refused or failed to try the case. The international community could also appeal to the court to try a certain case, he added.

The Rome Statute was adopted and led to the establishment of ICC in July 1998. The court is based in The Hague, the Netherlands. At present, 139 countries have signed the Rome Statute and 104 have become parties to it. However, several major powers, including the U.S., have refused to be a party to the statute.

"Of course, the U.S. rejection undermines the credibility of the ICC, but we can understand it because the U.S. has projected its power to other countries, such as in Iraq, claiming many lives," Hikmahanto said.

Another lawmaker, Djoko Susilo, said Indonesia should ratify the statute and become subject to the ICC to increase its credibility and add pressure on the U.S. to follow suit.

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