

# 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

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

Moderator:

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 (<a href="www.icc-cpi.int">www.icc-cpi.int</a>) 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 (<a href="www.pgaction.org">www.pgaction.org</a>) 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, 0n 30-31 Oct. 2008.