



Parliamentarians for Global Action

For Immediate Release:

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PRESS STATEMENT BY PGA MALAYSIAN MEMBERS

Bipartisan group of Parliamentarians for Global Action welcomes Government of Malaysia's decision to accede to the Rome Statute of the International Criminal Court (ICC)

Kuala Lumpur, Malaysia – 21 March 2011. The Government of Malaysia has reached the historic, unanimous decision to accede to the Rome Statute of the International Criminal Court (ICC), the first permanent institution mandated to put an end to impunity for genocide, crimes against humanity, war crimes and the crime of aggression.

The decision follows the *Asia-Pacific Consultation on the Universality of the Rome Statute of the ICC* held on 9-10 March 2011 in the Parliament of Malaysia and organized by the Parliamentarians for Global Action (PGA), a global network of over 1,300 Legislators in more than 126 countries worldwide, and with 35 Members in the Malaysian Parliament alone. The Consultation was opened by the President of the ICC, Judge Sang-Hyun Song, who also met with the Prime Minister the Hon. Dato' Sri Mohd Najib bin Tun Abdul Razak and the Minister for Law and Parliamentary Affairs in the Prime Minister's office, Mr. Mohammed Nazri. Minister Nazri announced at this Regional event that a Cabinet-decision concerning accession to the ICC Statute would have been shortly forthcoming. A Memorandum of the Ministry for Foreign Affairs was subsequently written for Cabinet endorsing this step and the Cabinet gave its approval at the end of last week.

Malaysia's decision to join the 114 countries that have already become party to the Rome Statute of the ICC to date reflects its strong commitment to the Rule of Law and accountability worldwide and its rejection of impunity for any crimes, in particular those of most concern to the international community, namely war crimes, crimes against humanity and genocide, as set out in the Rome Statute itself. Prior to this important step, Malaysia has always been committed to the principles enshrined in, and the integrity of the Rome Statute of the ICC.

While accession to the treaty is taken place through a decision-making process within the Executive, in accordance with the Malaysian Constitution, the Secretary of the PGA Malaysia group, Mr. Kula-Segaran, MP, underscored the importance of a law-making process in Parliament on implementing legislation: "*Parliamentarians are ready to start to work on legislation to implement the obligations contained in the Rome Statute, including procedures to fully cooperate with the Court and norms to*

incorporate international crimes and general principles of international criminal law into the domestic legal order".

Minister Nazri, MP, chairperson of the PGA Malaysia group, concurred with the view of the representative of Ipoh's constituency and reaffirmed the complementarity character of the ICC jurisdiction: "*The ICC is a Court of last resort. It only intervenes when national prosecutions would be unavailable or ineffective. Malaysia will therefore promptly adapt its laws to ensure full compliance with the complementarity principle that governs the relationship between the ICC and National Courts*", the Minister concluded.

Malaysia shall now call upon all countries that have not already taken this step, in particular its neighbouring countries in the Asian region who have not yet done so, to give serious consideration to becoming a State Party to the Rome Statute without delay.

Background

Mr. Kula-Segaran, MP, joined PGA in November 2004 when he attended the 3rd *Consultative Assembly of Parliamentarians for the ICC & the Rule of Law* organised by PGA in the Parliament of New Zealand in Wellington. In August 2006, he actively participated in the first Asian Parliamentary Consultation on the Universality of the Rome Statute held in Manila, at Congress of The Philippines.

In December 2006, Mr. Kula-Segaran, MP joined the 4th *Consultative Assembly of Parliamentarians for the ICC & the Rule of Law*, organised by PGA in the Parliament of Japan, in Tokyo, an event which was instrumental to the bipartisan, unanimous votes of the Japanese Diet Lower House and Upper House (on 27 February and 27 April 2007 respectively) that allowed the accession of Japan to the Rome Statute.

In April 2010, Mr. Kula-Segaran, MP tabled a set of parliamentary questions to the Government of Malaysia concerning the first Review Conference to the Rome Statute of the ICC, which was held in Kampala, Uganda, on 31 May-11 June 2010. Minister Nazri responded to the questions and accepted the invitation of PGA to attend the pre-Review Conference event hosted by the Parliament of Uganda in Kampala on 27-28 May 2011, namely the 6th *Consultative Assembly of Parliamentarians for the ICC & the Rule of Law*. Minister Nazri delivered a forceful closing statement at the *Consultative Assembly*, announcing that Malaysia would have started the process of accession to the Rome Statute.

Over the past 9 months, PGA has worked with its Members from Government and opposition in the Parliament of Malaysia to support the visit of the President of the ICC to Kuala-Lumpur in the II week of March 2011 and to organise a regional Consultation aimed at maximising the impact of this very important process of Malaysia joining the new system of international criminal justice. More details will be soon available at [www.pgaction.org/ICC Kuala Lumpur.html](http://www.pgaction.org/ICC_Kuala_Lumpur.html) .