

Ratification of Rome Statute would signal belief in justice

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Indonesia failed to fulfil its promise to ratify the Rome Statute, the founding treaty of the International Criminal Court (ICC), by the end of 2008, casting doubt over its commitment to deal with human rights violations. The Jakarta Post's Imanuddin Razak and Irawaty Wardany talked to ICC President Song Sang-hyun during his recent visit to Jakarta about the issue. The following is an excerpt.

What's the purpose of your visit to Indonesia and why now?

I've chosen Indonesia as my first destination since I became the president of the ICC because I think this country is the most important, the most influential one in the international community.

I am taking this opportunity to find out why you missed your target on ratifying the Rome Statute by the end of last year and to find out if there is anything we can do to perhaps help your government speed up the ratification of the Rome Statute.

The ICC is purely a traditional institution and it should remain a traditional institution-it cannot interfere with the national ratification process at all. After all, this is a decision of a sovereign state.

What would be the significance of Indonesia's ratification of the Rome Statute?

By ratifying Rome Statute, Indonesia would signal that it believes justice and accountability for the worst human rights violations are indeed central to the rule of law, as well as a stable and just system of government.

I'm sure it will send a clear signal to the international community of Indonesia's commitment to uphold the highest international human rights standard and highest moral commitment.

Once you've become a state party, I'm sure Indonesia can play a leading role in this newly introduced international criminal justice system and its operation. Also, it could perhaps open the pathway for more countries in Asia, especially in this Southeast Asia region.

We have to show the world that not only my country but also your country in this region wants to be part of the global fight against impunity. It is surprisingly to see Asia has only 14 state parties in the ICC, while the African region has 30. What's wrong with Asia?

Even though it has nothing to do with the ICC directly, but in every continent, every region, they have their own regional human rights court. Asia is the only region that doesn't have any regional human rights court.

Are there any sanctions for Indonesia for delaying the ratification?

No. Who would hand down sanctions to your country? As I said, it's ultimately the decision of a sovereign state. The ICC is a traditional institution created by an international treaty called the Rome Statute. So whether or not any country would ratify the treaty is entirely up to the country.

I do not know why your ratification process has been delayed. The government officials I met all indicated their strong commitment to ratifying the Rome Statute, yet there are some technical problems to be further considered by the government.

They all said it is not a matter of whether Indonesia will ratify it or not, but a matter of when Indonesia will ratify and how soon. I've gotten the impression that your government will eventually ratify the Rome Statute.

So there is no room for past human rights violators in Indonesia to be brought to the ICC?

Anything that happened before July 1, 2002 cannot be brought to the ICC at all, but anything that happened after July 1, 2002 can be brought to us depending upon your government's decision.

There is one more condition; normally it is the primary responsibility of your court, your prosecution, your police system, to start investigation or prosecution or indictment and conviction of all this human rights abuses.

Only if your court system does not work, your police system is paralyzed, your prosecution system is broken down and cannot do anything, only then ICC will step in.

So it is your national judicial system that is responsible for cleaning up human right messes that took place in this country. It is your responsibility, not ours. But in case your national legal system breaks down and cannot do anything then we can step in. We don't want to interfere with sovereignty of Indonesia.

How does the ICC determine when it is time to intervene?

Only if your system does not function or breaks down completely and cannot function; then we can jump in. So by ratifying Rome Statute your court system can learn a lot from the ICC or we can rely on your national court system for our work. So this is mutually beneficial.

Your domestic system sometimes runs into some problems then we can help you correct. There are many ways of cooperation between the ICC and your national system by exchanging people, sharing information and so on.