

Does international justice matter for Indonesia?

Rully Sandra, Jakarta | Opinion | Tue, December 11 2012, 11:04 AM

Paper Edition | Page: 7

<http://www.thejakartapost.com/news/2012/12/11/does-international-justice-matter-indonesia.html>

The year 2012 is an auspicious time indeed. No, we are not talking about the prophetic end of the world according to the Mayans, but the many important landmarks in human rights and international relations that have taken place this year.

We witnessed recently how Palestine obtained its observer state status from the United Nations and ASEAN finally adopted its ASEAN Human Rights Declaration, albeit to widespread criticism. We also marked the 10th anniversary of international justice this year.

Given the calamities in human history, including World War II, the Balkan conflict and atrocities in Africa, the notion of international justice calls for humanity to take action to address the most serious crimes of common concern, i.e. genocide, crimes against humanity, war crimes and crimes of aggression. It demands that people say no to impunity and ensure justice is delivered to victims.

The International Criminal Court (ICC) was established in 1998 with this vision in mind.

In fact, the commemoration of the 10th anniversary of international justice is based on the entering into force of the Rome Statute of the ICC in 2002.

To date, 121 countries in the world have ratified the statute, including three countries from Southeast Asia, namely Cambodia, the Philippines and Timor Leste. Sadly, Indonesia remains in the group that is not a party to this statute.

Indonesia was involved in the adoption stage of the Rome Statute, where Indonesia's delegation was led by the then law and human rights minister Muladi.

At that time, Indonesia supported the establishment of the ICC and stated that its participation was to fulfill its constitutional obligation to contribute to the establishment of a world order based on freedom, genuine peace and social justice.

The plan to accede to the Rome Statute has been included twice in the National Action Plan on Human Rights (Ranham), first in 2004 and second in 2011.

Last month in the Assembly of States Parties to the ICC, the office of the ICC presidency informed us that President Susilo Bambang Yudhoyono had sent a letter in April 2012 stating that Indonesia was still committed to its pledge, although this has yet to be proven.

Indonesia's hesitation is mostly based upon an unfounded fear of prosecution for past crimes, despite the fact that the Rome Statute clearly states that its applicability is non-retroactive.

On the other hand, the court is about to begin trial proceedings on a case concerning the killing of African Union peacekeepers in Sudan.

This signifies the importance of the court in protecting those assigned to help civilians in times of conflict and post conflict.

We should reflect on the fact that Indonesia has been actively participating in UN peacekeeping missions since 1957 and thousands of Indonesian military and police personnel are now deployed in a number of locations. Indonesia has even established a new state-of-the-art Peace and Security Training Center as part of its preparations to become one of the top-10 troop-contributing countries.

Thus, the lacunae of legal protection for our peacekeepers should at least be considered by our policymakers to accelerate the accession process.

Another reason is that Indonesia has always claimed to be a strong supporter of Palestine. One possibility that has now opened for Palestine after the gaining of its observer status at the UN is to accept the jurisdiction of the ICC and to continue its efforts to pursue war crimes charges in the court.

How can Indonesia support this if it can only applaud from outside the fence?

The UN General Assembly has just adopted a Declaration of the High-Level Meeting of the General Assembly on the rule of law at the national and international levels.

One of the paragraphs recognizes the role of the ICC and emphasizes the importance of cooperating with the court.

As a country that endeavors to uphold the rule of law as stated in the Constitution and legislation, the national long-term and medium-term development plans as well as the national access to justice strategy, Indonesia should also look at its participation in fighting impunity at the international level as a manifestation of its own vision.

Last but not least, by acceding to the statute, Indonesia will have an opportunity to shape the development of international criminal law and, further, international justice that will be advantageous to advance legal discourses in the country.

Have we even wondered why a country as large and influential as Indonesia has only a few notable experts that appear at international legal forums?

Nevertheless, we should not lose faith that Indonesia will eventually meet its promise and see that the significance of international justice is not only to strengthen its international role but also to strengthen

human rights protection in the country. Not too far in the future, one would hope.

The writer is program coordinator at the Human Rights Resource Center (HRRC) and a member of the Indonesian Civil Society Coalition for the International Criminal Court (Indonesian CICC).