



Coalition for the International Criminal Court

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Indonesia: Lead Next Wave of Asian States in Joining ICC

*Global Coalition calls on Jakarta to uphold commitment made in
National Plan of Action on Human Rights*

New York/Manila—Indonesia can further its commitment to upholding and respecting human rights, rule of law and international justice by completing the process of its accession to the Rome Statute of the International Criminal Court (ICC), the Coalition for the ICC said today.

In a letter to President Susilo Bambang Yudhoyono, the Coalition reiterated its call for Indonesia to fulfill its commitment join the ICC as stated in its 2011-2014 National Plan of Action on Human Rights. As a leading country in the Association of Southeast Asian Nations (ASEAN) and in the wider Asia-Pacific region, Indonesia's membership to the Court is crucial.

The Indonesian government has stated on several other occasions that it intends to become an ICC state party, including during the 13th session of the Universal Periodic Review at the UN Human Rights Council in 2012. The visit of Deputy Minister for Law and Human Rights Denny Indrayana to The Hague to consult with ICC leaders and experts in March 2013 was widely welcomed as a step closer towards ratifying the Statute.

“Joining the ICC will best serve the interest of the majority of the Indonesian people,” said Bhatara Reza Ibnu of the Indonesian Coalition for the ICC. “Let not the fears of a few derail the process of building consensus to accede to this important treaty; we will continue to work towards this end because we believe in all that the ICC stands for: attaining justice and rule of law, ending impunity and achieving peace.”

The hesitation of the government to ratify the Statute has been caused by misconceptions, including around issues of sovereignty and retroactive application of laws. The ICC does not intend to undermine the sovereignty and jurisdiction of national courts. The Court is a

complementary mechanism and is meant to be a last resort in addressing injustices. A crime committed prior to ratification of a state does not fall under the crimes that can be tried by the Court; the Court can only look into crimes that occurred after ratification by a state, unless that state specifically recognizes the jurisdiction of the Court back to 1 July 2002. The Court aims to protect humanity from future crimes and not to prosecute actions committed prior to its existence.

“The Indonesian government will gain respect and be highly commended by the international community for being consistent with its commitment to human rights and rule of law when it joins the ICC,” said Evelyn Balais-Serrano, coordinator for Asia-Pacific of the Coalition for the ICC. “This commitment will no longer be rhetoric but real.”

Indonesia will be the 18th country in the Asia-Pacific region if it accedes to the Statute. It will join Cambodia, the Philippines and Timor Leste as states parties in the Southeast Asia part of the region.

Background: *The ICC is the world's first permanent international court to prosecute war crimes, crimes against humanity, and genocide. Central to the Court's mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unwilling or unable to investigate and prosecute perpetrators of genocide, crimes against humanity and war crimes. There are currently eight investigations before the Court in the following states: the Central African Republic; Côte d'Ivoire; the Democratic Republic of the Congo; Darfur, the Sudan; Uganda; Kenya; Libya; and Mali. The ICC has publicly issued 22 arrest warrants and nine summonses to appear. The Court issued a judgment in its first trial on 14 March 2012. Two trials are currently ongoing. The ICC Office of the Prosecutor has also made public that it is conducting eight preliminary examinations: Afghanistan, Colombia, the Comoros referral, Georgia, Guinea, Honduras, Republic of Korea and Nigeria.*

The Coalition for the International Criminal Court is a global network of more than 2,500 civil society organizations in 150 countries working in partnership to strengthen international cooperation with the ICC; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide.
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