

International Justice Day-2017: Act To Make Justice Visible

FOHRID Urges Government of Nepal to ratify the Rome Statute of ICC

Every year on 17 July the world celebrates International Justice Day (IJD) to commemorate the historic adoption of the Rome Statute on 17 July 1998, and marks the importance of continuing the fight against impunity and bringing justice for the victims of war crimes, crimes against humanity, and genocide. IJD is a reminder of the urgency for all States committed to ensure continued support for the Rome Statute's international justice system. It demonstrates the crucial role of civil society members in ensuring that ICC member states live up to their obligations. On this occasion, FOHRID urges Nepal to reaffirm its commitment to end impunity and take necessary steps to ratify / accede to the Rome Statute of The International Criminal Court (ICC). The International Criminal Court (ICC) is the first permanent international judicial body capable of trying individuals for genocide, crimes against humanity and war crimes when national courts are unable or unwilling to do so.

On July 24th, 2006 the Nepalese Parliament unanimously issued a commitment resolution directing the government to ratify the Rome Statute. Since then, there was little progress toward Nepali accession to the Statute until 11 February 2009 when the then Minister of Foreign Affairs tabled to the Cabinet an agenda item for ratification of the Rome Statute. Cabinet, however, decided that they would discuss it at a later stage. In April 2010 the Office of the Prime Minister held a discussion on accession to the Rome Statute. However, Nepal has not acceded to the ICC till now. On this occasion, we recall the eagerness and positive commitments demonstrated by the government, political parties and the then HoR towards the ICC.

IJD is an opportunity for the world community to celebrate the historic advances in ending impunity for the worst crimes in international law as 18 years ago on this date; the Rome Statute was adopted by an overwhelming vote of 120 states. Today, 124 states have ratified the Court and 139 countries have signed the ICC treaty as well as the number keeps growing. FOHRID is celebrating this day in solidarity with victims of crimes against humanity, genocide and war crimes.

Out of the 24 countries in Asia, only 9 (Afghanistan, Bangladesh, Cambodia, Maldives, Mongolia, the Philippines, the Republic of Korea and Timor-Leste and Japan) have ratified the Rome Statute. Asia is a region that remains significantly under-represented at the Court, although civil society has been strong in advocating for international justice and the rule of law across the continent. Of these States Parties, only the Republic of Korea has enacted ICC implementing legislation. Afghanistan is taking appropriate steps in coordination with civil society groups to initiate their implementing legislation process and Mongolia set up a working group on the ICC to discuss and follow up on ICC implementation some years ago, but the process has been stalled for some time. Cambodia and Timor-Leste have similarly moved slowly in effectively carrying out their emergent obligations under the Rome Statute. Only the Republic of Korea has ratified the Agreement on the Privileges and Immunities of the Court (APIC) in the region. Although Mongolia is a signatory, it still needs to move forward and ratify this important

instrument that will ensure the independent and effective operation of the ICC in practice.

Australia and New Zealand assumed a leadership role in the region by promptly ratifying the Rome Statute and implementing their obligations under the International Criminal Court's (ICC) treaty into their national law. With 16 States in the Pacific, and only 6 other ratifications or accessions to the Rome Statute in the region (Cook Islands, Fiji, Marshall Islands, Nauru, Samoa and Vanuatu), much work remains to be conducted to propel the ICC issue back into the political agenda of many of these Island States and encourage them to become States Parties to this historic human rights mechanism. Nevertheless, some important strides have been made in relation to implementation. In late 2007 Samoa enacted its ICC implementation Act. Fiji also has a draft ICC implementation bill.

This year, on occasion of the IJD, FOHRID has released the Bill Relating to the Prohibition of Impunity, 2015 as a model for domestication of the Rome Statute once Nepal becomes party to it. The directives of the then HoR in 2006 had created a favorable environment for ratification of the Rome Statute. This made the general Nepali people hopeful that Nepal's commitment towards international criminal justice system would be fulfilled. Due to this encouraging environment, FOHRID forwarded initiative to conduct research and drafting this model bill for domestication of the Rome Statute. It is unfortunate that Nepal has not ratified the Rome Statute till now. Therefore, FOHRID calls on the government of Nepal to recall the directive resolution passed by then HoR and ratify to the Rome Statute.

We would like to recall commitments by the political parties, and the Government for providing guarantee to justice of victim of serious crime under the human rights law, ending impunity, establishing democratic norms and values, and governance based on principles of the rule of law expressed through formal documents like the Comprehensive Peace Accord-2006, Constitution of Nepal-2072. For effective implementation of such commitments, Nepal's involvement in the ICC is a must and for which the HoR restored with the mandate of Popular Uprising had unanimously endorsed the resolution. Immediate implementation of that resolution is the way to establish political stance to those commitments.

Therefore, FOHRID urges the Prime Minister and Ministers to coordinate among ministries, to hold discussion in the meeting of the Council of Ministers and to forward the process for accession to the Rome Statute. Considering that the parliamentary direction to this effect still remains unrealized, we request all the stakeholders to stir and exert more intensive pressure on the executive to accede to the Rome Statute of the ICC. We call on the political parties to prioritize the issue at political level to speed up the accession process.