

Int'l criminal court lobbies in Nepal

'Nepal positive on CICC ratification'

By Kamdev Khanal

KATHMANDU, May 15- The International Criminal Court (ICC)-a permanent international tribunal for trying individuals for the most serious violations of international humanitarian and human rights law-will come into force on July 2. Its aim is to put an end to impunity for perpetrators of the most heinous crimes such as genocide, crimes against humanity, war crimes and crimes of aggression that are of paramount concern to the international community.

A four-member Coalition for the International Criminal Court (CICC) delegation was here with the objective of lobbying for the ratification of ICC in Nepal. Sixty six countries have already ratified the ICC Statute. "It was felt over the years that the International Court of Justice (ICJ) was quite political and selective in taking up cases. Therefore, the world community realized the need for a separate court to look into serious cases like genocide, aggression, among others," a press statement said.

CICC is a powerful network of over 1,000 civil society organizations and legal associations working to create a permanent, fair and independent International Criminal Court. Established in 1995, the

coalition is the leading source for information regarding the ICC and regional organizations that support its formation.

Notably, the legal framework of ICC was established at a UN sponsored conference in Rome involving representatives of 160 countries where 120 voted for the Court, 7 stood against it while 21 had abstained. Following intense deliberations, the Rome Statute of the ICC was adopted on 17 July 1998. With USA, Iran and Israel as the last nations to sign the statute, the total number of signatories has reached 139.

The International Law Commission (ILC), formed shortly after the United Nations was founded, was mandated to prepare a draft statute to create the ICC. The delegation met leaders of all major political parties, certain lawmakers, lawyers and high profile government officials and law experts in the country. The team came on their Nepal tour because they perceived that Asian countries have the lowest level of commitment in comparison to what the court can offer them. Bangladesh is the only SAARC signatory to the Rome Statute.

"They (Nepalese officials) need to act quickly to ratify the ICC. Ratification on the part of Nepal was also necessary to obtain foreign help," she added.

When asked whether ICC would

be a replication of International Court of Justice (ICJ) or if the two courts would be adversaries, Joanne Lee said, "ICJ and ICC are not adversaries; they are complementary to each other." She also billed the ICC as the "last pillar for strengthening international justice." Calling their lobbying efforts 'fruitful', David Mattas, an Amnesty International activist, said that government officials, political leaders and civil societies of Nepal were positive about ratifying ICC. "We are quite optimistic that Nepal will be a party to ICC before July 1."

"The Maoist rebels will hardly have any place to hide themselves once Nepal ratifies the ICC provision," Dr Ziauddin said. He also informed that India and Pakistan were also positive about ratifying ICC. Meanwhile, Director of Informal Sector Service Centre (INSEC) Subodh Raj Pyakurel said that ratification of ICC would not impinge upon national sovereignty. Instead, it would promote our legal status in the international arena. "As we are in the process of revising criminal laws in Nepal, ratification would help a lot," he added.

INSEC is a member of the CICC network from Nepal. The CICC delegates observed Nepal was in a position to ratify the statute as its legal system was very much

compatible with the ICC system.

It may also be added that during the two-day national consultation on the establishment of the ICC in Kathmandu from 3 to 4 November 2001, international experts, representatives of the Nepalese government, media and civil society emphasized the need for Nepal to accede to the Rome Statute of the ICC as soon as possible.

Previously, Minister of Foreign Affairs had constituted a ministerial level committee to prepare an analysis of the ICC Statute, but work had been delayed due to the political situation in the country. Although there was also considerable interest for the inclusion of terrorism and drug crimes in the court's mandate, countries could not agree in Rome Statute on a definition of terrorism, and some countries felt investigation of drug offences would be beyond the court's resources.

The statute includes sexual violence such as rape, sexual slavery, enforced prostitution and forced pregnancy as crimes against humanity when they are committed as part of a widespread or systematic attack directed against a civilian population. The court can impose lengthy terms of imprisonment of upto 30 years or life imprisonment depending upon the gravity of the case.