

**A LEGAL ANALYSIS ON THE RELEVANCY OF THE INTERNATIONAL  
CRIMINAL COURT (ICC): MALAYSIA'S PERSPECTIVE**

By:

Abdul Latiff Idham bin Mohd Suhaimi (2012637264)

Arifah binti Mohd Khairudin (2012639996)

Muhammad Fiqree Syamim bin Md Aminrol (2012645798)

Muhammad Salihin bin Muhammad Shukri (2012644694)

Submitted in Partial Fulfillment of the Requirements for the Bachelor of Laws (Hons)

**Universiti Teknologi MARA**

**Faculty of Law**

December 2014

The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

## ACKNOWLEDGEMENT

First and foremost, we would like to extend our upmost appreciation to our supervisor for this research paper, Dr. Tunku Intan Mainura Tunku Makmar Nizamuddin for the guidance and advice on this research paper. We would like to thank her for share of knowledge and experience which had helped us tremendously in conducting and completing the research. She had also inspired us to complete the work at hand and ensuring us gaining extra knowledge from the research done.

Our deepest gratitude is to be extended to the International Criminal Court and the Coalition for the International Criminal Court which allowed us to complete the research though their websites which had helped us by providing materials for our research.

Additionally, we would like to express our gratitude toward our batchmates who had shared their experiences gained through their research and also for their assistance in providing additional information with regards to proper research paper format and suchlike.

This research project had been conducted by a team of four who are Muhammad Salihin bin Muhammad Shukri, Muhammad Fiqree Syamim bin Md Aminrol, Arifah binti Mohd Khairudin and Abdul Latiff Idham bin Mohd Suhaimi. We have worked together in order to complete the research project successfully which thus, earned an appreciation as well.

## ABSTRACT

This research paper is for the purpose of analyzing the relevancy of the International Criminal Court (ICC), primarily from Malaysia's point of view. Furthermore, this research paper will delve into the substantive and procedural parts of the ICC, and later to identify the advantages and the disadvantages of the ICC. This research paper also discusses the relationship of the ICC with selected countries that had ratified the Rome Statute and those that had not ratified the Rome Statute. As Malaysia is currently not a State Party to the Rome Statute, this research paper aims to assist Malaysia on deciding whether to ratify or not to ratify the Rome Statute. This research paper is a compendium of various ideas and concise data that had been gathered from various sources such as books, journals, articles and other sources. By laying down the problems that are identified in the ICC together with the situations faced by countries that had ratified the Rome Statute, it will hopefully give an intelligible idea to the Government of Malaysia on the effects of ratifying the Rome Statute.

## TABLE OF CONTENTS

Acknowledgement	i
Abstract	ii
Table of Contents	iii
List of Statutes	vi

### CHAPTER ONE: INTRODUCTION

1.1. Introduction	1
1.2. Research Background	1
1.3. Problem Statement	3
1.4. Research Questions	5
1.5. Research Objectives	5
1.6. Research Methodology	5
1.7. Scope and Limitation of Research	7
1.8. Significance of the Research	7
1.9. Structure of Study	8

### CHAPTER TWO: LITERATURE REVIEW

2.1. Introduction	9
2.2. Literature Review	9
2.3. Conclusion	16

### CHAPTER THREE: THE ADVANTAGES AND DISADVANTAGES OF THE INTERNATIONAL CRIMINAL COURT (ICC)

3.1. Introduction	17
-------------------	----

3.2. The Advantages of the ICC	17
3.2.1. ICC would respond to any crimes within its jurisdiction	17
3.2.2. ICC would be a safeguard against executive interference	18
3.2.3. ICC confirms the right of individuals in achieving justice	18
3.2.4. ICC only takes over case when there is impartiality in proceeding by the state	19
3.2.5. ICC as a self defence mechanism	19
3.3. The Disadvantages of the ICC	19
3.3.1. The Legitimacy of the ICC	20
3.3.1.1. The Limited Jurisdiction of the ICC and Cooperation of States Parties	20
3.3.1.1.1. The Limited Jurisdiction of the ICC	20
3.3.1.1.2. Cooperation of State Parties with the ICC	21
3.3.1.2. Select Practice within the ICC	22
3.3.1.2.1. The Office of the Prosecutor	22
3.4. Conclusion	23

## **CHAPTER FOUR: THE RELATIONSHIP BETWEEN THE INTERNATIONAL CRIMINAL COURT (ICC) AND SELECTED STATES**

4.1. Introduction	24
4.2. The ICC and Malaysia	24
4.3. The ICC and other Asian countries	26
4.4. The ICC and African countries	28
4.5. The ICC and the United States	30
4.6. Conclusion	31