

The Rome Statute – to sign or not to sign

News:

Various political polemics have been triggered by the Malaysian government's signing and ratifying of the International Criminal Court Rome Statute on March 4, 2019. The action received protests from a handful of parties who saw it as a form of threat to the sovereignty of the country and thought to be contrary to the Federal Constitution. The Prime Minister of Malaysia, Tun Dr. Mahathir finally withdrew from joining the Rome Statute "due to confusion sparked by certain parties". The response from various quarters on this issue ranges from worry over the position of the Malay Rulers to the possibility that the statute could be contrary to the Federal Constitution.

Comment:

The Rome Statute is an international treaty that led to the establishment of the International Criminal Court (ICC). This Statute, among others, describes the function, jurisdiction and structure of the ICC. The Statute outlines four core international crimes - genocide, crime against humanity, war crime, and criminal encroachment. This Statute allows the ICC to discuss any individual who commits such crimes provided that 1) the crime is committed in a state party, 2) is committed by a citizen, or 3) the crime referred to the Prosecutor by the United Nations Security Council. As of March 2019, 124 countries have ratified the SR and become member states before Malaysia withdraws in early April. Since its inception in 2002, 44 individuals have been charged before the ICC, and all accused are from African continent. These statistics indirectly show the existence of a blatant justice system that the ICC is trying to bring.

The US National Security Advisor, John Bolton in a statement in September 2018, insisted that the US will not cooperate fully with the ICC in investigating allegations of war crimes committed in Afghanistan. The US is also opposed to any Palestinian attempt to bring charges against human rights violations committed by Israeli abuses in Gaza and the West Bank which clearly demonstrates the hypocrisy of the West who claim to uphold justice and humanity. Clearly, the ICC is merely a tool for Western powers, especially the US when they conveniently exempt themselves from any form of punishment. This is obviously in contrary Islam. Under Islam no one is above the law. In Islam, no man made law is above what Allah (swt) has decided. The Prophet (saw) said, «الإسلام يعطو ولا يعلى عليه» **“Islam is high and nothing is higher than it”** [Baihaqi].

Islam is the perfect rule of life that takes care of all aspects of human life, including matters related to universal political relations. When debating international relations, the primary objective is to elevate the Islamic ideology and disseminate it to all parts of the world. In pursuit of this noble objective, all the resources of the Islamic

state must be deployed to carry out activities involving clashes of ideas and political struggle which include issues related to international relations. In this context, differentiation has to be made between rules existing today, which involves relationships between Muslim nation states and other nations and the relationship between the Islamic Khilafah State and the non-Muslims. Islam does not recognize the existence of small nation states that separate Muslims according to false borders. It is mandatory for all Muslims to be united under a leadership within the framework of Khilafah (Caliphate).

Notwithstanding this, it remains illegal and irrational for Muslims to sign agreements with any entity under the influence of Kufr powers that puts Islam's position and the interests of Muslims under the control of the enemies of Islam. Allah (swt) says, ﴿وَلَنْ يَجْعَلَ اللَّهُ لِلْكَافِرِينَ عَلَى الْمُؤْمِنِينَ سَبِيلًا﴾ “... and Allah will never allow for the non-believers to have ways to control the believers” [TMQ al-Nisaa '(4): 141]. The word لن [never] contained in the verse is a total denial which includes the future and indicates a permanent ban under any circumstances. In other words, Muslims must NEVER allow unbelievers to control them.

The act of signing and ratifying international conventions such as the Rome Statute clearly opens an opportunity for the kuffar to subdue Muslims under man made laws. Muslims must never allow themselves to be submitted under rules which are intended to preserve the authority of the kuffar in the international arena. Muslims, living under the guise of nation states will however, be continuously open to these traps unless we work to re-establish the unifying entity of the Khilafah. This great Islamic political entity holds the great mission of spreading the Islamic ideology and govern the world with the justice of Islam. Muslims must embrace the effort to establish the Khilafah which will bring blessings to the worlds, inshaAllah. May Allah (swt) guide us all.

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