

**Najib confused on 'rule of law' concept, says Kula
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Prime Minister Najib Razak confuses the concept of 'rule of law' with 'rule by law' in the matter of the country's invitation to Sudan President Omar Bashir, who is under indictment by the International Criminal Court.

M Kulasegaran, DAP vice chairperson and MP for Ipoh Barat, pointed this out when commenting on Najib's defence of the Malaysian government's invitation to the Sudanese leader to attend the Langkawi International Dialogue (LID).

Najib was reported to have said that Malaysia was not yet a member of the Rome Statute of the International Criminal Court and therefore was not obliged to comply with its provisions.

In 2008, the ICC issued a warrant of arrest for Bashir on charges of committing crimes against humanity in the troubled Darfur region of Sudan.

Since then the Sudan president has been wary of travel to countries which are ICC members because of the risk of detention and handing over to The Hague where ICC trials are held.

In the event, the ICC-indicted Bashir (above) cited "pressing domestic engagements" for passing up the Malaysian government's invitation to attend the LID. Sudan Foreign Minister Ali Karti attended the LID in Bashir's stead.

M'sia has already decided to join ICC

"Obviously, Prime Minister Najib confused the concept of 'rule of law' with 'rule by law,' " said Kulasegaran.

"Just because we have not yet deposited the instruments of our accession to the Rome Statute of the International Criminal Court does not mean we are not obliged to abide by its provisions," explained the DAP lawmaker.

"The cabinet had already made a decision to join the ICC. Intention to join presupposes intention to abide. How can a country that has already signaled intent to join the ICC then ignore its provisions simply because intention has not been consummated by the deposit of instruments of accession," queried Kulasegaran.

"This is not like a marriage where non-consummation by one of the parties means the marriage is void," said Kulasegaran.

"Here publicly expressed intention to join ipso facto means commitment to abide. The PM is confusing 'rule of law' with 'rule by law.' The concepts are adverse to each other and defeats law's purpose which, mainly, is its deterrent effect," Kulasegaran elaborated.

The DAP leader lobbied for Malaysia to join the Rome Statute of the ICC over a long time.

Last March, he succeeded in getting Minister in the PM's Department Mohd Nazri Abdul Aziz to host an international conference in Kuala Lumpur on the Rome Statute which was attended by the president of the ICC, judge Sang Hyun-Song.

Shortly afterwards, Nazri announced that the cabinet has that Malaysia would join the ICC. The instruments of accession are expected to be deposited with the United Nations in New York next month.

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