

AMNESTY INTERNATIONAL

Public Statement

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Jordan: Amnesty International urges the Senate to reject the agreement giving United States nationals impunity from the International Criminal Court

Amnesty International welcomes the decision of the Chamber of Deputies of 14 July 2005, rejecting the bilateral impunity agreement between Jordan and the United States of America (USA), and urges the Senate likewise to oppose this unlawful agreement.

"No one, regardless of their nationality, should enjoy impunity for the worst crimes known to humanity. This agreement grants absolute impunity from international prosecution to US nationals who are accused by the International Criminal Court of committing genocide, crimes against humanity or war crimes," Amnesty International said.

The agreement was signed by the Jordanian Government on 16 December 2004 and requires Jordan to refuse to surrender US nationals accused of such crimes to the International Criminal Court. Having been rejected by the Chamber of Deputies last Thursday, it will now be referred to the Senate.

"Agreements securing impunity for US nationals from prosecution are unlawful. They violate both Jordan's legal duty to cooperate with the International Criminal Court, and the obligations of all states under international law to ensure that those responsible for genocide, crimes against humanity and war crimes are brought to justice," Amnesty International stressed.

Amnesty International emphasized that the agreement would guarantee impunity to US nationals who committed genocide, war crimes or crimes against humanity in Jordanian territory. "If this agreement is ratified, Jordan will be unable to ensure that US nationals are held individually criminally responsible for their actions and required to provide reparations to victims and their families. If such crimes are committed by US nationals in Jordan, and the USA is unable or unwilling to investigate these crimes, Jordan will have no way to ensure that those responsible are brought to justice," Amnesty International said.

The EU, Argentina, Brazil, Canada, Japan, Mali, Mexico, New Zealand, Paraguay, Peru, Samoa, Slovenia, South Africa, St. Lucia, Switzerland, Tanzania, Trinidad and Tobago and Venezuela have all refused to enter into impunity agreements.

Amnesty International calls on the Senate to affirm Jordan's commitment to international justice by rejecting this agreement, which violates the Rome Statute of the International Criminal Court (Rome Statute) and other international law, including the Geneva Conventions.

Background

The US initiative is part of a worldwide campaign to undermine the International Criminal Court and ensure impunity for US nationals. Although the USA claims that 100 states have signed impunity agreements, parliaments in only 19 states have approved ratification of such agreements.

The USA is demanding that any US national accused of crimes under the jurisdiction of the International Criminal Court should be returned to the USA, without any commitment that they be prosecuted by US courts and without any recourse if US courts fail to fulfil their responsibilities. In fact, in many cases US courts will not be able to do so as US law does not recognize many of the crimes under international law as defined in the Rome Statute.

Although the USA has claimed that such impunity agreements are permitted under Article 98 of the Rome Statute, as Amnesty International has explained, that article was designed for the limited purpose of permitting states parties to the Rome Statute to honour existing Status of Forces Agreements (SOFAs), which allocate jurisdiction to investigate and prosecute crimes committed by members of armed forces of the sending state stationed in another state (the receiving state). They were not designed to permit states that have not ratified the Rome Statute to exempt their nationals from any investigation or prosecution for genocide, crimes against humanity or war crimes. See: *The International Criminal Court: US efforts to obtain impunity for genocide, crimes against humanity and war crimes*, AI Index: IOR 40/025/2002, 2 September 2002, and *The International Criminal Court: The need for the European Union to take more effective steps to prevent members from signing impunity agreements*, AI Index: IOR 40/030/2002, 1 October 2002.

On 11 April 2002, Jordan ratified the Rome Statute of the International Criminal Court, which has now been ratified by 99 states.