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Bulgaria: The government should reject US impunity agreement

As the government of Bulgaria considers entering into a bilateral impunity agreement with the United States of America (USA), Amnesty International urges the authorities to reject such an agreement.

"No one, regardless of their nationality, should enjoy impunity for the worst crimes known to humanity," Amnesty International said.

Bulgaria is reportedly under pressure from the USA to enter into an agreement committing it not to surrender US nationals accused of genocide, crimes against humanity and war crimes to the new International Criminal Court (ICC).

"These agreements are illegal as they violate the obligations of all states to ensure that people responsible for these crimes, as the most serious crimes under international law, are brought to justice," Amnesty International stressed.

Welcoming the position of the Bulgarian Foreign Minister that any agreement must not go against the guiding principles of the European Union, Amnesty International reminds the Bulgarian authorities that these principles state "[e]ntering into US agreements - as presently drafted - would be inconsistent with ICC States Parties' obligations with regard to the ICC Statute ..."

"The USA is demanding that any person accused of these crimes should be returned to the USA, without any commitment that they will 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 include many of the crimes under international law as defined in the Rome Statute of the International Criminal Court. This goes against the EU guiding principles, which state that there should be "no impunity" from international justice.

Background

The US initiative is part of a worldwide campaign to undermine the International Criminal Court and ensure impunity for US nationals. In many cases, the USA is threatening to withdraw military assistance unless governments sign such agreements. As of 13 May 2003, only 28 states have signed impunity agreements and parliaments in only two states have approved ratification of impunity agreements.

Bulgaria became a state party to the Rome Statute of the International Criminal Court, which has been ratified by 89 states, on 11 April 2002.

The International Criminal Court is in the process of being established and will become

operational later this year.

Public Document

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