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Thailand: US impunity agreement should not have been signed

Amnesty International is disappointed by Prime Minister Thaksin Shinawatra's signature on 3 June 2003 of an illegal impunity agreement with the United States, which goes against the country's obligations as a signatory to the Rome Statute of the International Criminal Court.

"No one, regardless of their nationality, should enjoy impunity for the worst crimes known to humanity. This agreement provides that Thailand will refuse to surrender US nationals accused of genocide, crimes against humanity and war crimes to the International Criminal Court if requested to do so," Amnesty International said.

The Thai Premier signed the agreement on 3 June 2003, which commits the government not to surrender US nationals accused of genocide, crimes against humanity and war crimes to the new International Criminal Court (ICC).

"Agreeing to secure immunity for US citizens from prosecution is illegal. It violates both Thailand's legal duty not to take any steps which would undermine the treaty establishing the International Criminal Court, and the obligations of all states to ensure that people responsible for the most serious crimes under international law, are brought to justice," Amnesty International stressed.

"The government should have stepped away from securing impunity for US citizens and allied itself with the vast majority of states who are in favour of upholding international justice," Amnesty International said.

"Thailand should immediately reaffirm its commitment to the international movement to end impunity by ratifying the Rome Statute and by committing to cooperate with the International Criminal Court in all circumstances, regardless of the nationality of the accused person."

Background

The US initiative is part of a worldwide campaign to undermine the International Criminal Court and ensure impunity for US nationals. 38 states are known to have signed impunity agreements. However, parliaments in only two states have approved ratification of impunity 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 of the International Criminal Court.

On 2 October 2000 Thailand became a signatory to the Rome Statute of the International Criminal Court, which has been ratified by 90 states.

The International Criminal Court is in the process of being established and will become operational later this year.

Public Document

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