

AMNESTY INTERNATIONAL

PRESS RELEASE

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Security Council: No double standards on international justice

Amnesty International believes that there should be no double standards in international justice and no immunity for anyone, under any circumstances, for crimes such as genocide, war crimes and crimes against humanity. The organization today called on the USA to reconsider its position seeking immunity for its own personnel from the jurisdiction of the International Criminal Court (ICC). The Rome Statute of the ICC enters into force today.

At the Security Council on 30 June, the USA vetoed the extension of the United Nations Mission in Bosnia and Herzegovina (UNMBIH) as it did not get support for such immunity. It then agreed to a 72-hour extension of UNMBIH's mandate to allow for further discussion.

"We welcome the fact that the other members of the Security Council have stood firm. We call on them and on all other countries committed to the struggle against impunity for the worst possible crimes to continue to give full support to the ICC," Amnesty International said.

"The US position threatens the integrity of the international system of justice as a whole and challenges the universal applicability of one of its most fundamental principles: no immunity for crimes such as genocide, war crimes and crimes against humanity," Amnesty International said as it stressed that the issue goes beyond the fate of UNMIBH or even beyond the ICC.

The 1949 Geneva Conventions already require any country to search for perpetrators of the most serious war crimes, regardless of their rank or nationality, and allow states to bring them to justice before their own courts. These Conventions have long enjoyed nearly universal ratification, including by the USA. The 1948 Convention on Genocide also provides no immunity for suspects of such a crime. Amnesty International believes that the same principle applies to crimes against humanity.

"The concerns expressed by the USA are utterly misplaced," Amnesty International stated.

The Rome Statute of the ICC has strong safeguards against politically-motivated, unfounded prosecutions. These include an independent Prosecutor elected by the state parties. The Prosecutor will need authorization from a panel of judges before starting an investigation. The Security Council has the authority to defer of any investigation. The ICC will only act if national courts are unable or unwilling to take action.

Failure to extend UNMIBH's mandate until 31 December 2002, when its police-training functions are due to be taken over by a European Union Police Mission, will create a major disruption in the international efforts to assist the rebuilding of Bosnian police forces. It will also threaten the credibility of

the overall work of the international community in Bosnia after years of considerable investment in personnel and other resources, with the USA itself playing a leading role.

The US opposition to the jurisdiction of the ICC over Bosnia and Herzegovina is also inconsistent with US recognition of the International Criminal Tribunal for the former Yugoslavia, which is already exercising its jurisdiction over the country for similar crimes as those included in the Rome Statute.

So far 74 countries -- including Bosnia and Herzegovina -- have ratified the Rome Statute, and further ratifications are expected in the coming days. Countries that have ratified the Rome Statute will elect the first Prosecutor and 18 judges of the court.

Public Document

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