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## **Justice Now: Time for an effective International Court**

**ROME** -- A minority of governments are threatening to undermine the United Nations conference to establish a permanent international criminal court, effectively blocking justice for victims of crimes against humanity, Amnesty International said today.

The conference, which opens today in Rome, is expected to agree on the text establishing a permanent international criminal court which would have global jurisdiction to try individuals accused of committing genocide, crimes against humanity and serious war crimes.

“In the aftermath of the Second World War, humanity said “never again”, and in 1948 the UN adopted the Universal Declaration of Human Rights -- promising a world without injustice and cruelty. Yet, fifty years on, genocide and crimes against humanity continue unchecked,” said Pierre Sané, Secretary General of Amnesty International.

“When the cold war ended, there was real hope that this would mean the end of governments protecting and covering up for their allies or own nationals accused of the worst crimes in the world. Victims of these violations hoped that finally they would see justice done on their behalf and the killers brought before a court.”

“Instead, certain governments are continuing to obstruct the creation of a fair, just, independent and effective international criminal court. What message does that send about their commitment to ending human rights violations as we enter the 21st century?”

China, Russia, and the US have opposed an independent prosecutor able to initiate criminal investigations based on information from victims, their families and other reliable sources without waiting for politically selective Security Council referrals or state complaints. France and the UK have hinted that they might support an independent prosecutor, but have so far failed to take this essential step.

Moreover, each of the five permanent members of the Security Council still want to be able to stop or delay a criminal investigation of genocide, other crimes against humanity and war crimes. Other states, such as Colombia, Mexico, India, Iran, Japan and Turkey, have advocated positions which would seriously weaken the court's effectiveness.

The continuing crimes against humanity the world has witnessed since 1948 are partly the result of impunity for the perpetrators. Those who have killed, tortured and raped on a massive scale are still likely to escape punishment. Bosnia, Cambodia, Chile, Iraq and Rwanda are just some of the countries to have suffered the horrors of mass human rights abuses. Yet virtually no-one who ordered or carried out those atrocities was ever brought to justice.

Amnesty International believes a permanent international criminal court will have a deterrent effect, prod national prosecutors into fulfilling their responsibilities and give justice to victims and their families.

It will send a clear message that the international community will not tolerate these crimes, and the full weight of the law will be brought to bear on perpetrators. It will help to end the cycle of impunity that has helped fuel continuing violations by making anyone planning to commit these crimes think again, knowing they will be brought to justice. Victims and their families will have the chance to secure justice and truth, and begin the process of reconciliation.

Louise Arbour, Prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda said last year “*I believe that a permanent international criminal court will be the long awaited realization of the goals expressed already in the Genocide Convention of 1948... However, such a court should be strong and well equipped.. Should it be a weak and powerless institution, not only will it lack legitimacy, but it will betray the very human rights ideals that will have inspired its creation.*” Kofi Annan, UN Secretary General has called the court “*the missing link in the international legal system.*”

Finally, after years of intense preparations, the international community is gathering in Rome where the statute establishing a permanent international criminal court is expected to be adopted. Yet still, some states are thwarting efforts to establish a strong, independent court and seriously undermining its effectiveness.

“A minority of governments gathered in Rome who publicly support an international criminal court are shamefully blocking the creation of a court which could prevent another Bosnia or Cambodia,” Mr Sané said. “If they refuse to support an effective international court, they will have future crimes against humanity on their conscience.”

Amnesty International believes that there are certain core principles for the court to be effective and that these should not be watered down. These 16 principles include the belief that the court should have automatic and universal jurisdiction over three core crimes: genocide, war crimes and other crimes against humanity and that no added state consent is needed. The court – not states – should be able to determine when state courts are unwilling to bring perpetrators to justice and then act to do so, and that states should agree to comply fully with the court’s orders.

In order for the court to be fair, it must ensure justice for women, it must ensure that rights of victims are respected and that they receive adequate redress and it must develop effective victim and witness protection programs. At the same time, the accused should also be guaranteed a fair trial in line with the highest international standards.

Finally, the court must be independent and free from political interference – for example political bodies such as the UN Security Council or individual governments should not be able to delay or stop investigations or prosecutions. An independent prosecutor should be able to initiate investigations based on information from victims, their families or any other reliable source, and the court should be funded from the regular UN budget to ensure financial independence and stability.

“Half a century on from the adoption of the Universal Declaration of Human Rights, UN member states have a chance to help bring the rights it contains towards being a reality for the people of the world,” Mr Sané said. “Governments gathered in Rome should seize this momentous anniversary and establish a truly effective permanent international criminal court. Future generations will not forgive failure.”

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**For more information, a copy of the ICC media pack, or an interview, please call:**

**Anita Joshi, Press Officer:      Tel: +39 (0) 6 3735 3263 or mobile: + 39 3 3686 0722**

**Mark Ogle, Press Officer      Tel: + 44 (0) 171 413 5729/5566 or mobile: +44 468 670 247**