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Jordan's parliamentarians must reject the illegal impunity agreement with the USA

Few states contributed more to the establishment of the new International Criminal Court than Jordan. The Hashemite Kingdom has played a major role in drafting the Rome Statute of the International Criminal Court (ICC). It then became one of the ICC's founding states by ratifying the Statute in April 2002. Prince Zeid Ra'ad Zeid Al-Husseini serves as the President of the Assembly of States Parties to the ICC. Queen Rania Al-Abdullah is a member of a highly distinguished Board of Directors of the Court's Victims Trust Fund which has been established for the benefit of victims and their families. Ever since this date, Jordan has been resolute in calling on the United Nations Security Council to defend the Court against the efforts of the USA to undermine it.

Jordan had repeatedly stated its unwavering support for the Court and its strong conviction that, with the full support of the international community, this new system of justice can end impunity and act as a deterrent for the most serious crimes of genocide, crimes against humanity and war crimes. This is a view that Amnesty International firmly shares.

Together with other supporters of the Court, Amnesty International is, therefore, very disappointed by reports that Jordan has recently signed an illegal impunity agreement with the USA. This agreement commits Jordan not to surrender any US national accused of genocide, crimes against humanity or war crimes to the Court, if the Court requests Jordan to do so. It also fails to provide any guarantees that the USA will itself investigate and prosecute such crimes if a US national is returned to the USA. In fact, this would be impossible in most cases as the USA does not have laws which criminalize many of the crimes listed in the Rome Statute.

Amnesty International has analysed the agreement proposed by the USA and concluded that it is not consistent with the Rome Statute or other international law, including the Genocide Convention, the Geneva Conventions and the Convention against Torture. These conclusions are shared by the European Union and many other states. In particular, this agreement illegally seeks to provide impunity to US nationals for crimes which are considered so serious that they are deemed crimes against the whole international community and which, under international law, all states have a duty to investigate and prosecute. There can be no impunity for these crimes, commitments to grant impunity are illegal.

It is important that members of Jordan's parliament when asked to ratify the agreement should consider both its illegality and the far-reaching implications of ratifying such an agreement. If genocide, war crimes or crimes against humanity were committed by US nationals anywhere in the world who later came to Jordan and the USA was unable or unwilling to investigate these crimes, Jordan would have no way of ensuring that those responsible would be held accountable for their crimes and brought to justice.

Unfortunately, Jordan is not alone in signing such an agreement. More than 80 states have signed similar agreements. In most of these cases, agreements have been signed following threats that the USA will withdraw aid and other assistance to the countries. In many cases, however, as a result of opposition by parliaments to the potential undermining of the ICC, many of the agreements have not come into force. Approximately 17 states have ratified the agreements. Over 40 states have, however, publicly refused to sign agreements, including Argentina, Brazil, Canada, Japan, Mali, Norway, Peru, Paraguay, Samoa, South Africa, Switzerland, Trinidad and Tobago and most European Union states.

The Jordanian Parliament should stand firm in its support for international justice by refusing to be a party to the illegal attempts of the USA to exempt its nationals from international justice.

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