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Bolivia: The Chamber of Deputies must reject US impunity agreement

No one should enjoy impunity for the worst crimes known to humanity, Amnesty International said today, in the wake of the Senate's approval of an impunity agreement with the USA on the International Criminal Court. It is now up to the Chamber of Deputies to ensure that this agreement is stopped.

In a letter sent to the Chamber, Amnesty International urged the Bolivian authorities to uphold Bolivia's obligations as a state party to the Rome Statute of the International Criminal Court by opposing the ratification of this unlawful agreement.

Bolivia signed an impunity agreement with the USA in May 2003. Last Wednesday, the Senate approved this agreement, which would commit the government of Bolivia 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 Bolivia's duty to cooperate with the International Criminal Court and 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.

The USA also claims that the ICC would hinder the process of investigations, such as those it is conducting into abuse of prisoners in the Abu Ghraib prison in Iraq. However, Amnesty International emphasised that an impunity agreement could lead to US nationals escaping justice for crimes committed in Bolivia in the future.

"If Bolivia ratifies this agreement, it will be unable to ensure that US nationals are held accountable for their actions. If genocide, war crimes or crimes against humanity were committed by US nationals in Bolivia, and the USA is unable or unwilling to investigate these crimes, Bolivia will have no way to ensure that those responsible are brought to justice," Amnesty International said.

Bolivia should refuse to ratify the agreement proposed by the USA. Argentina, Brazil, Paraguay and Peru have all refused to ratify such agreements, which violate the Rome Statute and other conventions under international law, including the Geneva Conventions.

Background information

The International Criminal Court has been established to investigate and prosecute crimes of genocide, crimes against humanity and war crimes when national courts are unable or unwilling to do so.

Investigations have already been announced into crimes committed in Uganda and the Democratic Republic of Congo, at the request of these countries.

As the ICC begins its important work with the support of the vast majority of states, the USA is conducting a worldwide campaign to undermine it by pressuring states parties to sign and ratify impunity agreements. Amnesty International and many states believe that US fears that the ICC could be used to bring politically motivated prosecutions against US nationals are unfounded given the comprehensive fair trial guarantees and safeguards included in the Rome Statute.

Public Document

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