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PUBLIC STATEMENT
Alleged Nazi war criminal Konrad Kalejs

Amnesty International calls upon states to fulfil their obligations under international law to conduct prompt, impartial, thorough and independent investigations whenever there are reasonable grounds to believe that someone has committed one of these crimes and, if there is sufficient admissible evidence, to conduct a prosecution. More than a quarter of a century ago, the United Nations General Assembly declared in the *Principles of International Co-operation in the Detection, Arrest, Extradition and Punishment of Persons Guilty of War Crimes and Crimes against Humanity*, adopted in Resolution 3074 (XXVIII) on 3 December 1973:

“War crimes and crimes against humanity, wherever they are committed, shall be subject to investigation and the persons against whom there is evidence that they have committed such crimes shall be subject to tracing, arrest, trial and, if found guilty, to punishment.” (Principle 1)

These *Principles* set forth a detailed list of requirements for states to exercise jurisdiction over such persons and to cooperate with each other in bringing such persons to justice. In particular, Principle 4 provides that states shall assist each other in bringing persons responsible for such crimes to justice and Principle 6 provides that “[s]tates shall co-operate with each other in the collection of information and evidence which would help to bring to trial [such persons] and shall exchange such information”.

On 17 July 1998, 120 states reaffirmed these duties when they adopted the Rome Statute of the International Criminal Court. The Preamble declares that the parties to the Statute affirm that “the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation”, determine “to put an end to impunity for the perpetrators of these crimes” and recall that “it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes”.

As Amnesty International has explained in its paper, *Universal jurisdiction: 14 principles on the effective exercise of universal jurisdiction*, May 1999 (AI Index: IOR 53/01/99), under international law, every state may - and, in some cases, must - exercise universal jurisdiction over such crimes. Thus, even if a state in whose territory a person suspected of such crimes is located is unable after conducting a prompt, impartial, thorough and independent investigation to discover sufficient admissible evidence for a prosecution, it remains under a duty to extradite that suspect to a state which has sufficient evidence (and to cooperate with any state in helping it to obtain sufficient admissible evidence) or to surrender that person to an international criminal court which has jurisdiction over the suspect and the crimes.

In the case of Konrad Kalejs, Amnesty International does not have any evidence concerning his innocence or guilt concerning the crimes he has been alleged to have committed during the Second World War. The London Metropolitan Police has reportedly concluded there is insufficient evidence to commence a prosecution in the United Kingdom. The United Kingdom remains under a duty to cooperate fully with any state conducting an investigation of these allegations and extradite any

individual charged with such crimes to any state able and willing to conduct a fair trial without the possibility of the death penalty. It should not deport a person suspected of such crimes to a state which is unable or unwilling to conduct a proper investigation and, if warranted, a prosecution.

Australia's Immigration Minister Philip Ruddock, has reportedly stated that Australia is able and willing to conduct a proper investigation and, if warranted, a prosecution. However, it recently disbanded its war crimes unit which conducted investigations of war crimes committed during the Second World War and its legislation concerning war crimes would not permit prosecutions of many crimes against humanity.

All other states, including Latvia, on whose territory the crimes are alleged to have occurred, may exercise jurisdiction over the crimes. To the extent that states have not yet enacted legislation permitting their courts to exercise such jurisdiction, they should do so; to the extent that they have legislation which is inadequate, they should amend it.

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