



Ref.: AMR 38/014/2003

The Rt Hon P. J. Patterson, PC, QC, MP,
Prime Minister
Office of the Prime Minister
Jamaica House
1 Devon Road
Kingston 6
Jamaica

17 July 2003

Dear Prime Minister,

Today, International Justice Day, the fifth anniversary of the adoption of the Rome Statute of the International Criminal Court (Rome Statute), Amnesty International is launching a campaign for universal ratification of the Rome Statute. I am writing to urge your government to join in this effort.

As of 1 July 2003, 90 states, almost half of the states of the international community have ratified the Rome Statute. Reaching such a threshold in five years is a testament to the will of the international community to ensure that it will not stand aside and let the fabric of humanity be torn asunder by those who commit genocide, crimes against humanity and war crimes.

Those states that have ratified the Rome Statute have committed themselves to a new system of international justice in which their national courts have the primary obligation to investigate and prosecute people accused of crimes under international law. However, if states are unwilling or unable to genuinely investigate and prosecute these crimes the International Criminal Court (ICC) can do so. Such a system, if universally supported, would ensure an end to the horrific trend repeated throughout the last century where people were allowed to plan and commit these crimes knowing they would not be held accountable for their heinous acts.

Amnesty International is working to ensure that all states ratify the Rome Statute so that it has the widest possible jurisdiction. Universal ratification will ensure that there are no more safe havens for those who commit the worst crimes under international law.

Accordingly, I am writing to urge your government to join the international effort to establish this new system of international justice by ratifying the Rome Statute as soon as possible. Amnesty International's members in Jamaica, are undertaking initiatives to support Jamaica's ratification of the Rome Statute.

Jamaica has played an important role in supporting the establishment of the International Criminal Court, by signing the Rome Statute on 8 September 2000. This signature indicates an intention to ratify the Statute. The CARICOM states also played an active role in the negotiation of the Statute at the Rome Diplomatic Conference. We welcome the statement issued on 4 July 2003 by the Conference of Heads of Government of the Caribbean Community that 'those CARICOM

Member States that had not yet ratified or acceded to the Rome Statute establishing the court would do so expeditiously'. Amnesty International welcomes reports that an Inter-Ministerial Committee has been established in order to advise the government on the necessary changes to the law. We urge the authorities to support the work of this committee, so that it can complete its study promptly. This will enable Jamaica to become a state party to the Rome Statute in the near future.

As you are aware, all states that ratify the Rome Statute will need to enact new legislation or amend existing legislation to ensure that their national courts can effectively investigate and prosecute persons suspected of the crimes defined in the Rome Statute and that they can cooperate fully with the Court. Such legislation should, if possible, be enacted by the time the Rome Statute enters into force for Jamaica (60-90 days following ratification), and Amnesty International welcomes reports that Jamaican authorities are currently considering the requirements for this legislation. The enactment of such legislation prior to ratification of the Rome Statute will allow Jamaica to fulfil its international responsibilities when the Rome Statute enters into force for Jamaica.

To assist states with reviewing their legislation in order to prepare national legislation, Amnesty International has prepared *International Criminal Court: Checklist for effective implementing legislation* (IOR 40/011/2000) May 2000, which I enclose for your information. We urge your government to conduct broad consultation with civil society groups in Jamaica and internationally when preparing your country's implementing legislation. We would be happy to assist by commenting on any draft legislation that is prepared.

Furthermore, in September 2002, the Assembly of States Parties adopted an Agreement on Privileges and Immunities of the Court, which provides important privileges and immunities for Court staff not covered by any other treaty. The Agreement is open for signature until 30 June 2004. We hope that Jamaica will sign the Agreement as soon as possible and to take measures to ensure that it ratifies the Agreement and implements it into national law before the Rome Statute enters into force for Jamaica, so that the International Criminal Court can operate effectively throughout the world.

Finally, as you are aware the Court is the object of a worldwide campaign by the United States of America (USA) to weaken it and to obtain impunity from international justice for United States (US) nationals accused of genocide, crimes against humanity and war crimes. Your government may have been contacted by US authorities to sign an agreement committing not to surrender US nationals to the Court. These agreements violate the Rome Statute and other international law, by seeking to give impunity from international justice to the perpetrators of the worst crimes in the world, instead of seeking to end it. We hope that your government will refuse to enter into any such agreement. In this regard, Amnesty International welcomes the statement recently issued by the Heads of Government of the Caribbean Community on bilateral agreements under Article 98 of the Rome Statute, which reaffirms the Heads' 'strong support for the principles and purposes of the ICC', and also states that Members will not enter into such agreements unless it is consistent with their obligations under the Rome Statute.

Amnesty International, along with the vast majority of members of civil society and states, believe that US fears that the Court could be used to bring politically motivated prosecutions against US nationals are wholly unfounded. The Rome Statute contains extensive safeguards and fair trial guarantees to ensure that such a situation could not arise. Amnesty International is confident that the International Criminal Court will, through its practice, convince the USA to reconsider its position and to eventually ratify the Rome Statute. The more states that ratify the Rome Statute in the coming years, the more likely the USA will reconsider its position in the foreseeable future.

The inauguration of the 18 judges and the Prosecutor of the new International Criminal Court this year, permitting it to become fully operational in the near future, is a momentous step forward in the fight to end impunity for the worst crimes known to humanity. I urge you to take the steps outlined in this letter to further strengthen the Court and contribute to making international justice a reality.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Irene Khan', with a long, sweeping flourish extending to the right.

Irene Khan
Secretary General