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**OPEN LETTER BY AMNESTY INTERNATIONAL'S SECRETARY GENERAL TO ALL GOVERNMENTS TO RATIFY THE STATUTE OF THE INTERNATIONAL CRIMINAL COURT AS SOON AS POSSIBLE**

Amnesty International is calling upon all states to strengthen the rule of law around the world by ratifying the Statute of the International Criminal Court as soon as possible. Starting today, Amnesty International's more than one million members and supporters will be joining me in a worldwide effort to establish the Court at the earliest possible date, to provide the Court with sufficient resources once it is established and to ensure that all states parties cooperate fully and promptly with the Court.

The Statute, which was adopted on 17 July 1998 by a vote of 120 to seven, with 21 abstentions, at the conclusion of a five-week diplomatic conference in Rome, provides for the establishment of a permanent International Criminal Court with jurisdiction over the worst crimes in the world: genocide, other crimes against humanity and war crimes, in both international and non-international conflicts.

The need for the Court is clear. In the half a century since the end of the trials before the International Military Tribunals at Nuremberg and Tokyo, despite millions of victims of genocide, other crimes against humanity and war crimes, states have failed to fulfil their responsibilities to bring those responsible to justice.

The Court would not be a substitute for national courts which were able and willing to fulfil their responsibilities. It would exercise its jurisdiction *only* when states failed to carry out their responsibilities under international law to bring those responsible for these crimes to justice. The very existence of the Court will act as a catalyst to inspire national legal systems to fulfil their duties and will act as a deterrent to such crimes.

In the short term, Amnesty International is requesting all states to:

**1. Ratify the Statute of the International Criminal Court as soon as possible.** The Statute requires 60 ratifications before it can enter into force. It will enter into force on the first day of the month after the 60th instrument of ratification is deposited with the United Nations Secretary-General. If 60 instruments of ratification are deposited by 30 September 2000, the

Statute will enter into force before the end of the 20th century - a century which has seen the worst violations of human rights and humanitarian law in history.

**2. Adopt whatever legislation is necessary to ensure that the International Criminal Court is an effective complement to national jurisdictions.** States will need to enact legislation which provides for full, prompt and effective cooperation with the new Court. Such procedural legislation should be in many respects similar to the legislation which is required to cooperate with the International Criminal Tribunals for the former Yugoslavia and for Rwanda. However, states have the primary responsibility for prosecuting these crimes and, in many cases, additional substantive legislation will be needed to provide that genocide, other crimes against humanity and war crimes, as defined in the Statute, are also crimes under national law; that defences are not inconsistent with those permitted under the Statute; and that there are no periods of limitations for these crimes.

**3. Refuse to make opt-out (“license to kill”) declarations under Article 124 of the Statute.** Article 124 permits states at the time of ratification to make a declaration that they do not accept the Court’s jurisdiction over war crimes for a seven-year period. Such a declaration would undermine the very purpose of the Court by giving states impunity from international justice over war crimes for seven years, from the moment the Statute enters into force for that state. No state should make such a declaration and, once the Statute enters into force, the United Nations should not accept troops for its peace-keeping operations from states which refuse to recognize the Court’s jurisdiction over war crimes. In addition to refusing to accept contributions of forces from states parties while such a declaration is in effect, the United Nations should request non-states parties to agree to make a declaration pursuant to Article 12 (3) that they will surrender their nationals to the Court if requested to do so when their nationals are accused of crimes committed as a member of a United Nations peace-keeping or other operation.

**4. Refuse to enter into agreements with non-states parties prohibiting the surrender of their nationals to the Court.** A number of high-level United States officials have indicated that the United States will seek to reach bilateral agreements with all other states prohibiting the surrender of its nationals who have been charged with genocide, other crimes against humanity or war crimes to the Court. Such agreements would defeat the purpose of the Court to ensure effective international justice when states are unable or unwilling to bring to justice persons responsible for such crimes.

**5. Ensure that the work of the Preparatory Commission is effective.** The Preparatory Commission is likely to meet in at least two sessions at United Nations Headquarters in New York next year (probably March-April and August) to prepare draft rules of procedure and associated documents for consideration by the Assembly of States Parties when it is established. To ensure that the Preparatory Commission itself is effective, the United Nations should continue to assist governments to participate in work to establish the Court and should guarantee that non-governmental organizations, which played such an important role in the work of the Ad Hoc and Preparatory Committees and the diplomatic conference, continue to participate on the same basis as approved by the General Assembly.

Amnesty International is urging that heads of government and foreign ministers support these goals in their statements to this session of the General Assembly and that they ensure that General Assembly resolutions adopted at this session include calls upon all states to implement

these goals. In addition, the resolutions should ask the Secretary-General to provide technical assistance to any state upon request in the drafting of implementing legislation.

In the longer term, Amnesty International will be working to ensure that the Court receives all the resources it needs; that qualified candidates are selected as Prosecutor, Judges and other staff; that a Review Conference is called as soon as possible to strengthen the Statute; that the Statute is ratified as widely as possible after it enters into force, that states cooperate fully and promptly with the Court and that the Assembly of States Parties takes effective action if any state party fails to do so.

I urge you to take these steps to help end impunity for the worst crimes in the world which have plagued this century like no other. I look forward to working with you to achieve these goals.

Yours sincerely,

Pierre Sané  
Secretary General