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Benin: Government must repudiate illegal impunity agreement with the USA

Amnesty International today called on the government of Benin to repudiate an illegal impunity agreement it has signed with the USA and to reaffirm its commitment to international justice.

For more than two years, the USA has demanded that Benin sign the agreement committing the Benin government not to surrender US nationals accused of genocide, crimes against humanity and war crimes to the new International Criminal Court.

Amnesty International is dismayed to learn that the Benin government has given into US pressure. The agreement is contrary to international law, which provides that those responsible for the worst crimes known to humanity must be brought to justice. No one should have impunity for these crimes.

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.

The result threatens to breach Benin's obligations to the International Criminal Court and under international law. Furthermore, if crimes were committed by US nationals on Benin territory, the agreement could preclude Benin from ensuring those responsible are brought to justice.

Benin is an important supporter of the International Criminal Court and until signing this agreement has actively defended of the integrity of the Court's statute and the new system of international justice from the US campaign to undermine the new Court.

Amnesty International, and the majority of states, believe US concerns about the Court are unfounded. The US campaign for all states to sign impunity agreements is part of an effort to weaken a system of international justice which the international community has sought to establish over the past decade to act as an effective deterrent to these horrific crimes.

It is important that Benin joins over 50 other of the strongest supporters of the International Criminal Court who have refused to sign such an agreement, by repudiating its signature.

Background

Benin ratified the Rome Statute on 29 January 2002.

Amnesty International analysed impunity agreements in *The International Criminal Court: US efforts to obtain impunity for genocide, crimes against humanity and war crimes* (AI Index: IOR

40/025/2002). It concluded that the agreements violate the Rome Statute of the International Criminal Court and other international law, including the Genocide Convention, the Geneva Conventions and the Convention against Torture. The European Union has also analysed the agreements and concluded that they are not consistent with the Rome Statute.

Over 50 states have refused to enter into impunity agreements with the USA, including, the members of the EU, Argentina, Brazil, Canada, Japan, Mali, Mexico, New Zealand, Paraguay, Peru, Samoa, Slovenia, South Africa, St. Lucia, Switzerland, Tanzania, Trinidad and Tobago and Venezuela.