

Ref.: AMR 38/001/2004

The Rt. Hon. P. J. Patterson
Prime Minister
Office of the Prime Minister
Jamaica House
1 Devon House
Kingston 6
Jamaica
West Indies

1 March 2004

Dear Prime Minister,

On 17 July 2003, I wrote to you announcing the launch of Amnesty International's Universal Ratification of the Rome Statute of the International Criminal Court Campaign and urged your government to complete its ratification process as soon as possible. In partnership with the Coalition for the International Criminal Court, Amnesty International is writing to reiterate the importance of this ratification and to encourage Jamaica to fulfill the pledge it made when signing the Rome Statute.

We very much welcome that Jamaica is a key supporter of the International Criminal Court and were very pleased when the government signed the Rome Statute on 8 September 2000. We recognize that in July 2003, during the CARICOM Heads of Government meeting, Jamaica committed to ratifying the Rome Statute expeditiously. We urge you to complete this process to illustrate your full support for the Court's work as it becomes fully operational.

We understand that Jamaica has decided to enact legislation implementing the Rome Statute before it ratifies to ensure that Jamaican courts can exercise their primary responsibility to investigate and prosecute crimes of genocide, crimes against humanity and war crimes and to provide for full cooperation between Jamaica and the International Criminal Court. We welcome this decision as such legislation is essential for the Court to function effectively. However, Amnesty International is concerned that the process of preparing such legislation has reportedly not yet started. To assist the government in the drafting process I am enclosing Amnesty International's *International Criminal Court: Checklist for Effective Implementation* (AI Index: IOR 40/011/2000). I urge you to ensure that the process of drafting effective implementing legislation begins without delay, and that such a process is transparent from the start and involves broad consultation with civil society, including Amnesty International.

The International Criminal Court's success is dependent on the support and cooperation of as many states as possible to ensure that it has as much backing as possible in investigating and prosecuting crimes that are so serious that they are considered crimes against the whole of the international community. Accordingly, Amnesty International is calling on all states to ratify the Rome Statute. To date 92 states have ratified it and 49 others have indicated their intention to do so by signing it. As an initiative that was set in motion by Trinidad and Tobago with the strong support of other Caribbean states, we hope Jamaica will promptly join other the Caribbean states and the international community in ratifying the Rome Statute.

The conduct of the International Criminal Court Prosecutor in his first year of office illustrates the need for the Court. Already, the Prosecutor has announced that he is conducting a preliminary examination into crimes committed in the Ituri province of the Democratic Republic of Congo in order to determine whether to commence a full investigation. It is reported that over three million people have been killed during the long conflict in the Democratic Republic of Congo but recently Marie-Madeleine Kalala, the Human Rights Minister, has stated that the Court's focus on the region has had "a pronounced deterrent effect on the action of armed groups in Ituri."

The Prosecutor also announced in January that he is taking steps to investigate war crimes and crimes against humanity committed in the context of the conflict in northern Uganda involving the Government of Uganda and the Lord's Resistance Army armed group. The conflict has resulted in the massive displacement of the population, arbitrary killings, maimings, abductions and forced recruitment, in particular of child soldiers. The Prosecutor has stated that the investigation will include the murder of over 190 people in the Barlonya Camp on Saturday 21 February 2004.

We hope that you will proceed with enacting effective implementing legislation and ratifying the Rome Statute as soon as possible to demonstrate Jamaica's commitment towards ending impunity for the worst crimes known to humanity.

Thank you for your time in this matter and I look forward to hearing from you.

Yours sincerely,

Irene Khan
Secretary General

Cc: The Honourable AJ Nicholson, Attorney General and Minister of Justice