

7 May 2003

Open letter to members of the Albanian Parliament urging rejection of the impunity agreement with the United States of America on the International Criminal Court

Dear Member of Parliament,

Amnesty International is concerned that on 2 May 2003 the Government of Albania signed a bilateral agreement with the Government of the United States of America which would oblige the government not to surrender to the new International Criminal Court (ICC) United States (US) nationals accused of genocide, crimes against humanity and war crimes. This agreement violates Albania's obligations under international law, including as a state party to the Rome Statute of the ICC. It goes against the will of the vast majority of the international community to ensure that no one, regardless of nationality or status, can plan and commit these heinous crimes with impunity.

Amnesty International is writing to each member of the Albanian Parliament to urge them not to ratify this agreement.

In recent months, the US government, as part of its worldwide campaign against the ICC, has been asking states to enter into bilateral agreements not to surrender US nationals to the ICC. As of 6 May 2003, as a result of strong lobbying, including threats to withdraw military and other assistance from states which refuse to sign, 28 states have signed such agreements; no agreement, however, has yet been subsequently ratified by any of the parliaments of these states.

More recently, in response to the refusal by many other states to sign bilateral impunity agreements, the USA has imposed a deadline of 1 July 2003 by which date it threatened to withdraw military aid, or other assistance, if states refused to enter into such agreements.

Amnesty International has been working towards the establishment of the ICC for nearly 10 years, believing that it is an essential mechanism to end impunity for the worst crimes known to humanity. No one should have impunity for these crimes. Amnesty International, together with the majority of the international community, believes that the US government's concerns that the ICC will be used to bring politically motivated prosecutions against US nationals are wholly unfounded; the substantial safeguards and fair trial guarantees in the Rome Statute would ensure

that such a situation would never arise. Amnesty International is confident that the ICC, with 18 of the highest qualified and respected judges in the international community and a highly qualified and experienced Prosecutor, will allay the US government's concerns and that the US government will in due course change its position.

In August 2002 Amnesty International issued the enclosed document, *International Criminal Court: US efforts to obtain impunity for genocide, crimes against humanity and war crimes* (AI Index: IOR 40/025/2002), which analyses the agreement which the US government has been asking states to enter into. We believe that any state which enters into such an agreement would violate its obligations under the Rome Statute and other international law.

The European Union's legal experts have also analysed the agreement and have reached the same conclusion: "[e]ntering into US agreements - as presently drafted - would be inconsistent with ICC States Parties' obligations with regard to the ICC Statute and may be inconsistent with other international agreements to which ICC States Parties are Parties." The European Union further issued guiding principles which Amnesty International analyses in *International Criminal Court: The need for the European Union to take more effective steps to prevent members from signing US impunity agreements* (AI Index: IOR 40/030/2002), which is also enclosed.

The agreement that Albania has signed is in violation of its obligations as a state party to the Rome Statute and, furthermore, goes against the will of the vast majority of the international community to ensure that no one, regardless of their nationality or status, can plan and commit these heinous crimes with impunity.

We hope that you and other parliamentarians, will refuse to ratify this agreement or any agreement which seeks to provide impunity to anyone accused of genocide, crimes against humanity and war crimes.

Yours sincerely,

Claudio Cordone
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