

AI INDEX: IOR 40/15/96

**EMBARGOED FOR RELEASE: 0001 HRS GMT, 14 OCTOBER 1996**

AMNESTY INTERNATIONAL CALLS FOR A PERMANENT INTERNATIONAL  
CRIMINAL COURT

Amnesty International today launches a worldwide appeal to establish a permanent International Criminal Court by the year 2,000, a court which could help prevent the next millennium witnessing similar mass human rights violations seen this century.

“In 1945, at the end of the Second World War, humanity said ‘never again’,” said Pierre Sané, Secretary General of Amnesty International. “The Nuremberg and Tokyo war crimes tribunals were set up to show that nobody was above the law, and to ensure that victims would see those responsible brought to justice. The tribunals were temporary but the human rights abuses have continued.”

United Nations (UN) lawyers first studied the feasibility of a permanent International Criminal Court -- to handle cases of genocide, crimes against humanity and war crimes -- in 1948, but their proposal was blocked during the Cold War years. In 1994, a final proposal was presented to the UN General Assembly, but again, governments seem to be blocking the idea and causing delays.

“Since the UN was set up, millions of people have been detained in concentration camps, tortured, raped, bombarded in undefended villages, towns and cities, deported, “disappeared” or been victims of extrajudicial executions or mass exterminations,” Mr Sané said.

Each of these crimes is a crime of universal jurisdiction, under which any state is duty-bound by international law to bring those responsible to justice whenever they are found within their territory or under their control or to transfer them to a state willing to do so. However, states worldwide have been unwilling to live up to their duties.

“Through their lack of will to set up a permanent International Criminal Court the member states of the UN are contributing to a tragedy for the whole of humanity, since as long as the perpetrators remain exempt from punishment, the crimes will continue,” Mr Sané said.

“Horrendous crimes against humanity in Argentina, Cambodia, Iraq, Liberia and other countries have largely gone unpunished. Now, 50 years later, it is time to make sure that justice is a meaningful reality to the millions of victims worldwide. If the world can show that justice can prevail, perhaps we can bring a halt to these abominations.”

The organization welcomed the setting up of the *ad hoc* tribunals for the former Yugoslavia and Rwanda as a significant first step, and is urging all states to fulfill their obligation under international law to cooperate with them by enacting the necessary legislation and arresting those people indicted.

These tribunals demonstrate that an effective system of international justice can work with sufficient political will by the international community, Mr Sané said.

However, they are only a stop-gap measure and do not offer a solution to the long-term global need to bring individual perpetrators to justice regardless of their nationality or location. When states are unable or unwilling to prosecute those responsible for massive abuses of human rights in their own courts, then an international criminal court must be available.

The organization believes that the current draft statute on the International Criminal Court prepared by the International Law Commission goes a long way towards creating a court which will meet the highest standards of justice and fairness. However, the organization believes that in order to be truly effective, the following safeguards should be put in place:

- The court should have inherent (automatic) jurisdiction over genocide, other crimes against humanity and serious violations of humanitarian law covered by its statute;
- the Prosecutor should be independent, not subject to Security Council veto, and should be able to investigate cases and present indictments to the court on her or his own initiative;
- all pre-trial, trial and appeal procedures must be seen to meet the highest internationally-recognized standards;
- the number of signatures required for ratification of treaty containing the statute should not be so high as to delay the establishment of the court;
- the statute should provide for long-term, secure financing by the United Nations.

ENDS.../

**For more information on Amnesty International week 1996, please contact your local Amnesty International office.**