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International Criminal Court : CARICOM should reject US impunity agreements

On the eve of the meeting of the Ministers of Foreign Affairs from the Caribbean Community(CARICOM) Amnesty International is urging the participants to support a strong common CARICOM position not to enter into impunity agreements with the United States of America.

“No-one, regardless of their nationality, should have impunity for the worst crimes known to humanity,” Amnesty International said.

CARICOM states are reportedly under immense pressure from the USA to enter into agreements committing them not to surrender US nationals accused of genocide, crimes against humanity and war crimes to the new International Criminal Court. In many cases, such as The Bahamas, the United States is threatening to withdraw military assistance unless governments sign.

“These agreements are illegal as they violate the obligations of all states to ensure that people accused of these crimes, as the most serious crimes under international law, are brought to justice,” Amnesty International stressed.

“The US is demanding that any person accused of these crimes should be returned to the US, without any commitment that they will be prosecuted by US courts. In fact, in many cases the US will not be able to do so as US law does not include many of the international crimes,” the organization emphasised.

Welcoming the vital contribution that the CARICOM members have made to the establishment of the International Criminal Court, the organization reminded the Ministers of Foreign Affairs that, in 2009, consideration will be given to giving the Court jurisdiction over the crime of “drug trafficking” and that any impunity agreement entered into now could prevent investigations and prosecutions of drug traffickers in the region in the future

Background

The Ministers of Foreign Affairs of the CARICOM states are meeting in St. Vincent and the Grenadines this week and will consider how to respond to US requests for impunity agreements.

The US initiative is part of a worldwide campaign to undermine the Court and ensure impunity for US nationals. As of 6 May 2003, only 28 states have signed impunity agreements and only one state has ratified one.

In 1989, then Prime Minister of Trinidad and Tobago, Arthur Robinson, restarted the process of establishing the Court after previous initiatives stalled for almost 40 years. CARICOM states were very active in drafting the Rome Statute of the International Criminal Court (Rome Statute) and supported its adoption on 17 July 1998. As of 1 May 2003, Antigua and Barbuda, Barbados, Belize, Dominica, St. Vincent and the Grenadines and Trinidad and Tobago have ratified the Rome Statute and Bahamas, Guyana, Haiti, Jamaica and St. Lucia have signed it, indicating their intention to ratify in the future.

On 23 August 2002, President Robinson of Trinidad and Tobago stated :

"It is astonishing that the United States of America with such a history of promoting human rights, international peace and international order should now be in a determined campaign against an International Criminal Court, which has been adopted by most of the nations of the world, which adhere to principles of democracy and human rights.

Economic and military blackmail must not prevail against progress towards a universal system of justice.

The peoples of the world must resist this utterly negative campaign, contrary to the founding principles of the American nation, contrary to the principles of the United Nations .."

The International Criminal Court is in the process of being established and is expected to become operational later this year.

Public Document

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