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International Criminal Court: "No" to US campaign against international justice

The international community must reject the US campaign against international justice, Amnesty International said in a new report released today.

The USA has approached many governments requesting them to sign agreements not to surrender or transfer US nationals to the new International Criminal Court (ICC). It has already signed such bilateral agreements with Israel, East Timor, Romania and Tajikistan. The USA is exerting extreme pressure on states to meet their demands, in many situations threatening to withdraw US military assistance.

Governments should refuse to sign agreements which would give impunity to US nationals should they be accused of genocide, crimes against humanity and war crimes. The USA is demanding an exemption for its nationals should they commit these crimes on the territory of states that have ratified the ICC.

"These agreements seek to undermine and weaken the ICC which was created to end impunity for the worst crimes known to humanity," Amnesty International said.

"When legal advisers from the 15 European Union members meet tomorrow, they should take the lead in stopping this campaign by asking its member states to refuse bilateral agreements."

Amnesty International's report concludes that any state that enters into an impunity agreement with the USA will violate its obligations under international law. The USA claim that the impunity agreements are in accordance with international law is wholly without merit. In fact, the agreements seek to manipulate provision included to ensure that people accused of these crimes are brought to justice.

Background

The Rome Statute of the ICC entered into force on 1 July 2002. As of 30 August 2002, 78 states had ratified it; 139 states have signed it. The ICC is in the process of being established to investigate and prosecute people accused of genocide, crimes against humanity and war crimes, when national courts are unable or unwilling to do so. It is expected that it will become fully operational in the first half of 2003.

The USA has been the only state actively to oppose the establishment of the ICC. Since the

adoption of the Rome Statute in July 1998, the USA has sought an exemption for US nationals from the jurisdiction of the Court.

Amnesty International, other NGOs and governments have repeatedly demonstrated that USA fears that the Court could be used for politically motivated prosecutions against USA nationals have no basis since the Rome Statute contains substantial safeguards and fair trial guarantees.

Countries that have ratified the Rome Statute are obliged to comply with requests by the International Criminal Court to arrest and surrender persons accused of genocide, crimes against humanity and war crimes. Signing an impunity agreement with the USA is contrary to a state's obligations under the Statute and goes against the very purpose of the Statute which is to end impunity for the worst crimes under international law.

States that have signed the Rome Statute are obliged by international law not to take any steps that would undermine the Rome Statute. Signing an impunity agreement with the USA is clearly against the object and purpose of the Statute which is to end impunity for the worst crimes under international law.

All states -- regardless of whether they have ratified, signed or not signed the Rome Statute -- that enter into impunity agreements with the USA or refuse to arrest and surrender persons accused by the ICC may violate their obligations under international law to bring to justice those responsible for genocide, crimes against humanity and war crimes.

For a copy of the report "*International Criminal Court: The US efforts to obtain impunity for genocide, crimes against humanity and war crimes*", visit: www.amnesty.org/icc

Public Document

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