

# AMNESTY INTERNATIONAL

## Public Statement

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## **Amnesty International urges all states to sign the Agreement on Privileges and Immunities of the International Criminal Court before the deadline expires**

Amnesty International calls upon those states which have not yet signed the Agreement on Privileges and Immunities of the International Criminal Court (Agreement), to do so before the deadline for signatures on 30 June 2004, as a first step towards ratification and implementation of the Agreement.

"This Agreement is essential for the effective and independent functioning of the International Criminal Court (Court)" Amnesty International said. "The progress of the Court's Prosecutor in recent months towards commencing the Court's first investigations makes the entry into force of the Agreement and signature and ratification by all states increasingly urgent."

The Agreement was adopted by the Assembly of States Parties in September 2002. Since the Court is an independent treaty-based organization and not part of the United Nations, the Court and its staff are not covered by the Convention on the Privileges and Immunities of the United Nations. Therefore, the Agreement provides for privileges and immunities for the Court itself, the Court's staff, and to a certain extent others such as defence counsel, victims and witnesses. Without such privileges and immunities it will be difficult, or even impossible, for the Court to function effectively and independently. In particular, the ability of court staff, investigators and witnesses to travel and transport evidence across and within national borders will be compromised.

Widespread ratification and implementation of the Agreement will also ensure the protection of the Court's buildings, communications, files, evidence in its possession and other matters essential to its independent and effective operation.

The Court's Prosecutor has recently announced that he is taking steps to investigate war crimes and crimes against humanity committed in the context of the conflict in northern Uganda. 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 is also conducting a preliminary examination into crimes committed in the Ituri province of the Democratic Republic of Congo, to determine whether to commence a full investigation.

Therefore it is essential that all states sign and ratify the Agreement before such a formal investigation begins.

Signature and ratification of the Agreement is open to all states, not only states parties to the Rome Statute of the International Criminal Court (Rome Statute). As of 16 March 2004, 46 states have signed the Agreement. Amnesty International is calling on all remaining states to sign the Agreement without delay as a way to demonstrate their commitment to the Court and international justice and to encourage others to do so.

States who are already a party to the Rome Statute have accepted the principle, contained in Article 48 of the Statute, that the Court requires such an Agreement in order to function effectively. Indeed, this Agreement was adopted by consensus at the Assembly of States Parties on the understanding that all states parties would ratify and implement this Agreement. Therefore, it is particularly urgent that the remaining 47 states parties to the Rome Statute sign the Agreement as soon as possible, and take steps towards ratifying and implementing the Agreement.

### **Background Information**

The Rome Statute of the International Criminal Court was adopted on 17 July 1998, and entered into force on 11 April 2002. It provides for the establishment of a permanent International Criminal Court with jurisdiction over genocide, crimes against humanity and war crimes. The first bench of judges and the first prosecutor of the Court were elected in 2003, and it is likely that the first formal investigation will commence in the near future.

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