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International Criminal Court: US campaign fails to derail new system of international justice

[Dear Editor,]

Recent history records the murder and suffering of millions of victims of genocide, crimes against humanity and war crimes. Shamefully, the enormous scale of such crimes has been fuelled by impunity, where people are allowed to plan and commit these acts knowing they will not be held accountable.

60 years after the Nazi Holocaust , less than 10 years after the horrific genocide in Rwanda and Bosnia Herzegovina and scores of other crimes against humanity and war crimes in countries around the world, the new International Criminal Court, which starts its second year , offers great hope that crimes committed on such a scale will increasingly be confined to the past and where they do occur, justice will be done.

The Court enjoys enormous support from the international community - less than five years after the Statute's adoption almost half the international community has ratified it and many more are in the process. Despite a continuing worldwide campaign by the United States against the Court, the newly elected 18 judges and Prosecutor - all of whom enjoy international respect and recognition - have begun work in The

Hague .

Today also marks the deadline in the latest US initiative against the Court. In the last year, US Ambassadors around the world have been exerting enormous pressure on governments around the world to enter into impunity agreements which commit them not to surrender any US national accused of genocide, crimes against humanity and war crimes to the Court. The agreements are illegal and the USA does not even undertake that it will investigate and prosecute such persons in their national courts. Indeed, in many cases it would be impossible as the US has not defined these crimes as crimes in US law . Despite threatening to withdraw military, economic and other assistance from states that refused to enter into impunity agreements, only four parliaments of the [43]states that have signed such agreement are known to have ratified such agreements. 43 other governments have signed agreements, however, in many cases they will meet strong resistance from national parliaments and Amnesty International is urging members of parliament to refuse to ratify them.

Undue attention to the failed US campaign to undermine the Court has obscured the fact that the Court is now up and running and reviewing a wide range of complaints about crimes being committed on a horrific scale . These complaints in Colombia, the Central African Republic, the Democratic Republic of Congo and other states that have ratified the Rome Statute. The Prosecutor will decide which situations where he intends to conduct a preliminary investigation with a view to requesting judicial approval for a formal criminal investigation.

The potential for the Court to promote peace and the rule of law is illustrated by ratification by Democratic Republic of Congo at a time when crimes on a huge scale are being committed by all sides in the East of the country. Indeed, the government is reportedly considering asking the Prosecutor to investigate these crimes.

The greatest impact of the Court , however, is that from 1 July 2002, states will have to begin fulfilling their obligations to

investigate or prosecute these crimes or risk having the Court step in.

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