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Amnesty International urges the Security Council to ensure that Liberia resolution excludes impunity and effectively protects civilians

Amnesty International welcomes the Security Council's initiative to consider a resolution to set up a multi-national stabilisation force to address the crisis in Liberia where mounting numbers of civilians are subjected to appalling human rights abuses by all sides. However, the Council must reject a paragraph in the current draft that violates international law. The Council must also ensure that the resolution provides for effective protection of civilians.

Amnesty International urges the Security Council to provide the peace-keepers with a clear and unambiguous mandate to protect civilians and humanitarian workers from physical violence at all times and in all parts of the country. The Council must see to it that the multi-national force has the necessary training and logistical support for that purpose. The force must strictly comply with international human rights and humanitarian law at all times.

The gross violations that continue to be committed in Liberia amount to war crimes and crimes against humanity and the international community, which united to create the International Criminal Court, has reinforced the international obligation that the perpetrators of such crimes, whoever they are, must be held accountable. The Security Council has a duty to ensure that the principles of justice and accountability are upheld for all those who commit abuses, including peace-keepers.

Amnesty International is therefore disturbed that the United States of America has introduced a draft resolution that includes a paragraph which would violate international law by preventing justice and accountability for the worst crimes in the world. It effectively provides peace-keepers with permanent impunity for such crimes unless their own country chooses to exercise jurisdiction to try them for crimes under international law they might commit in Liberia. Past experience in Liberia and elsewhere unfortunately shows that national prosecutors have failed to investigate and prosecute such crimes by peace-keepers.

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Not only would the proposed paragraph prevent countries from meeting their legal obligations under the Geneva Conventions of 1949 to exercise universal jurisdiction over grave breaches of those conventions, but it would also bar the International Criminal Court from exercising its lawful jurisdiction over a category of persons - peace-keepers - belonging to countries that are not yet a party to the Rome Statute of the International Criminal Court. The proposed paragraph would also prevent prosecutors in states that may have to exercise jurisdiction over crimes committed against their nationals abroad from investigating and prosecuting these crimes. Most importantly, the clause would contravene key provisions of the Charter of the United Nations. The Charter declares that the United Nations was designed to "establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained" and that one of the purposes of the United Nations is "promoting and encouraging respect for human rights".

Amnesty International therefore calls on the Security Council to reject the proposed paragraph that seeks to provide "exclusive jurisdiction" for troop-contributing countries over their peace-keepers. Amnesty International notes that the draft text concerns a category of persons - peace-keepers - that are already covered by the terms of Security Council Resolution 1487, passed in June this year. This resolution renews for one year a purported request under an article of the Rome Statute for the International Criminal Court which permits the Security Council to request the court to defer investigations and prosecutions of such persons. However, the proposed clause would go well beyond the scope of resolution 1487, a resolution which, as Amnesty International explained in its legal memorandum, is unlawful: it contravenes the UN Charter and international law. (see: [The International Criminal Court: The unlawful attempt by the Security Council to give US citizens permanent impunity from international justice](#), AI Index: IOR 40/006/2003.)

Under the proposed terms of the resolution, the Council would authorize a multi-national stabilisation force to support implementation of the cease-fire agreement of 17 June 2003. The current draft is silent on human rights but Amnesty International hopes that the deployment of this force will alleviate the major human rights and humanitarian crisis affecting vast numbers of the civilian population.

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