

AMNESTY INTERNATIONAL
PRESS RELEASE

AI Index: IOR 30/008/2002 (Public)

News Service No: 181

11 October 2002

International Criminal Court: Foreign ministers of France, Italy, Spain
and the UK should say no to impunity agreements

Amnesty International today urged the foreign ministers of France, Italy, Spain and the United Kingdom not to sign agreements granting impunity to US nationals accused of genocide, crimes against humanity and war crimes.

Only days after the EU ministers of foreign affairs adopted a weak position on US impunity agreements, US Ambassador Marissa Lino has reportedly arrived in Europe to negotiate agreements with France, Italy, Spain and the UK.

"No one, regardless of their nationality should be granted impunity for the worst crimes known to humanity," Amnesty International said.

"Securing impunity agreements with EU member states is a key objective for the USA to advance its worldwide campaign against the International Criminal Court," the organization added.

To date the USA has signed 13 impunity agreements, in most cases with foreign ministers of states that are vulnerable to extreme US pressure. Reportedly, many of those that signed were threatened with withdrawal of US military and other assistance. However, not a single one of these agreements has been ratified by parliament.

"The foreign ministers of France, Italy, Spain and the UK should not rush into such agreements. Instead, they should ask the International Criminal Court, when it is established early next year, to provide an advisory opinion on the legality of these agreements. Failure to do so will very likely result in these states having signed agreements that are subsequently ruled illegal," Amnesty International said.

Amnesty International is asking parliaments to urge their foreign ministers not to sign any agreement with the USA that would prevent the

arrest and surrender of a person accused of genocide, crimes against humanity or war crimes to the International Criminal Court and to refuse to ratify any such impunity agreement.

Background

In recent months, the USA has approached governments all over the world asking them to enter into agreements not to surrender US nationals accused of genocide, crimes against humanity and war crimes to the new International Criminal Court.

Amnesty International in its document International Criminal Court: US efforts to obtain impunity for genocide, crimes against humanity and war crimes (AI Index: IOR 40/025/2002), concludes that any such agreements would violate the Rome Statute of the International Criminal Court, the Geneva Conventions, the Genocide Convention, and international law.

On 30 September 2002, the European Union (EU) foreign ministers met in Brussels where they adopted a decision on the agreements. Amnesty International has published its analysis of this decision in International Criminal Court: The need for the European Union to take more effective steps to prevent members from signing US impunity agreements (AI Index: IOR 40/030/2002), issued yesterday.

While Amnesty International welcomes the EU decision that the agreements as proposed by the USA are contrary to the Rome Statute and the treaty commitments of the EU member states, the organization expresses disappointment and concern that the decision does not prohibit any such agreement and sets vague and ambiguous conditions that could be misused by states as an excuse to enter into agreements with the USA that effectively provide for impunity.

For example, the commentary on the no impunity conditions provides that such agreements must include a requirement that the USA will investigate and prosecute people accused of the crimes, but only where "appropriate". As US national law does not include many of the crimes listed in the Rome Statute this may be interpreted as a situation where investigation and prosecution is not appropriate.

Furthermore, the EU has failed to include any obligation on the USA to surrender people accused of these crimes to the International Criminal Court, or to return them to the state that transferred them to the USA, if US national courts are unable or unwilling to investigate and prosecute them.

Foreign ministers of 13 states have so far signed impunity agreements with the USA: Afghanistan, the Dominican Republic, East Timor, Gambia, Honduras, Israel, the Marshall Islands, Mauritania, the Federal States of Micronesia, Palau, Romania, Tajikistan and Uzbekistan. None of the parliaments of these countries have ratified such agreements.

Amnesty International's worldwide petition

On 17 September, Amnesty International launched a worldwide petition on its website - www.amnesty.org - calling on all governments not to enter into impunity agreements with the USA. In the first two weeks the petition has received over 65,000 signatures.