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International Criminal Court: Security Council renewal of unlawful Resolution 1487 providing impunity for peace-keepers would be a further set-back for international justice

Amnesty International is urging governments to oppose any effort to renew Security Council Resolution 1487 (2003), which renewed Resolution 1422 (2002). Resolution 1422, contrary to the Charter of the United Nations and other international law, sought to prevent the International Criminal Court from exercising jurisdiction for a one-year period over nationals of states that had not ratified the Rome Statute of the International Criminal Court, when these nationals were accused of committing genocide, crimes against humanity or war crimes in connection with a United Nations (UN) established or authorized operation.

The unlawfulness of Resolution 1422 is documented in Amnesty International's memorandum *International Criminal Court: The unlawful attempt by the Security Council to give US citizens permanent impunity from international justice*, AI Index: IOR 40/006/2002, May 2003 (available at: <http://www.amnesty.org/icc>). Resolution 1422 also expressed the Security Council's intention to renew that resolution every year on 1 July 2002 for further one-year periods "for as long as may be necessary"-potentially forever.

In an open meeting of the Security Council on 10 July 2002, more than one hundred UN member states made statements opposing the adoption of Resolution 1422 and declaring that it was contrary to international law. Last year, in a similar open meeting, UN member states were virtually unanimous in opposing the renewal of Resolution 1422.

At last year's open meeting, the UN Secretary-General also voiced serious concerns about the resolution stating "allow me to express the hope that this does not become an annual routine. If it did, I fear the world would interpret it as meaning that the Council wished to claim absolute and permanent immunity for people serving in the operations it establishes or authorizes. If that were to happen, it would undermine not only the authority of the ICC but also the authority of the Council and the legitimacy of United Nations peacekeeping."

Legal experts have now overwhelmingly concluded that Resolution 1422 was contrary to the UN Charter and other international law. Although the resolution was renewed by the Security Council (as Resolution 1487), Amnesty International was encouraged that three states abstained (France, Germany and Syria), which is evidence of the growing opposition to this resolution.

Yesterday the United States of America introduced a draft resolution in the Security Council renewing Resolution 1487. An open meeting of the Security Council and UN member states will take place on Friday, 21 May 2004, followed by a vote.

Amnesty International urges all UN member states to participate in the open meeting and to reaffirm their commitment to the UN Charter and human rights by opposing renewal of a resolution that provides impunity from international justice to those accused of the worst crimes known to humanity.