

Original text: Spanish

DECLARATION ON THE INAPPLICABILITY OF AMNESTY LAWS TO CASES  
BEFORE THE INTERNATIONAL CRIMINAL COURT  
FOR CRIMES UNDER ITS JURISDICTION

The organizations listed below, gathered in Colombia in the context of the Latin America Regional ICC Strategy Workshop aimed at discussing ICC ratification and implementation efforts in the Americas, have received with hope the news regarding the ceasefire in Uganda. Nevertheless, we are concerned about press reports referring to declarations by Ugandan government officials indicating that the government has offered broad amnesties to individuals allegedly responsible for the commission of international crimes and their intention that these amnesties be recognized in the context of the investigations currently being carried out by the ICC's Prosecutor. Amnesties or national political processes should not affect the jurisdiction or the effectiveness of the ICC in the struggle against impunity for war crimes, crimes against humanity and genocide.

For many years our organizations have urged governments to harmonize their domestic legislations with international human rights law and with international humanitarian law, and most recently, to ratify and implement the Rome Statute.

Various judgments and decisions issued by national courts in the region, regional courts such as the Inter-American Court for Human Rights and International Criminal Tribunals; as well as statements made by the UN Secretary General and the UN Human Rights Committee establish that amnesties cannot run counter to victims' rights to seek justice to punish those responsible for crimes against humanity, war crimes and genocide.

We welcome the development of International Human Rights Law and International Criminal Law in relation to the adoption of mechanisms to fight against impunity; many of which have been embraced by Member States of the UN and of the OAS.

States, through the elimination of reservations to human rights treaties, have progressed in terms of justice and in the fight against impunity for grave and systematic human rights violations; in countries such as Chile and Argentina<sup>1</sup>, and in Peru<sup>2</sup>, different rulings have declared the invalidity of amnesty laws previously adopted.

Impunity should not continue to be a by-product of reconciliation processes and transitions to democracy. The reality in our continent has demonstrated that processes to overcome internal armed conflicts and dictatorships can only be

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<sup>1</sup> CSJN S.1767 XXXVIII "Simón, Julio Héctor y otros s/ Privación Ilegítima de la libertad, etc". Sentencia 14/06/2005.

<sup>2</sup> Inter American Court for Human Rights, Sentence dated March 14, 2001.

consolidated on solid ground where justice is a foundation for peace and reconciliation.

The ICC should be an effective judicial remedy for victims of the most serious crimes against humanity in harmony with the highest standards recognized by international human rights law. Victims and their relatives have the right to justice, truth and reparation as an integral component for the recuperation of their dignity and the construction of historical memory.

For these reasons we urge the Office of the Prosecutor of the International Criminal Court to guarantee that the ICC will become an effective remedy for victims and to that end to continue, decisively and without delay, with the investigation of international crimes committed in Uganda and therefore to proceed with their prosecution, without allowing amnesties or national political processes to affect the ICC's jurisdiction.

Signed in Bogotá, Colombia on August 29, 2006.

Signed by:

#### ORGANIZATION - COUNTRY

Centro de Estudios Legales y Sociales (CELS) – Argentina

Corporación Humanas – Chile

Corporación DOMOS – Chile

Coalición Guatemalteca por la Corte Penal Internacional – Guatemala

Corporación Humanas – Ecuador

Asociación Pro Derechos Humanos (APRODEH) – Perú

Comisión Andina de Juristas (CAJ) – Perú

Coalición Mexicana por la Corte Penal Internacional – México

Instituto de Estudios Legales y Sociales del Uruguay (IELSUR) – Uruguay

CIPRODEH – Honduras

Concertación Interamericana de Derechos Humanos de la Mujer (CIMA) – Costa Rica

Coalición Salvadoreña por la Corte Penal Internacional – El Salvador

Colectivo de Abogados José Alvear Restrepo – Colombia

Comisión Colombiana de Juristas – Colombia

Corporación Humanas – Colombia