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United States request violates principles of the International Criminal Court

#### APRODEH REJECTS IMPUNITY FOR AMERICAN SOLDIERS IN IRAQ

Michael Jugo, director of the Pro-Human Rights Association (APRODEH), denounced the United States' request that the UN Security Council adopt a resolution that would exempt US soldiers from International Criminal Court (ICC) jurisdiction.

“This request attempts to grant impunity to those responsible for the horrible crimes against humanity that we have observed in the last few weeks” stated Jugo. He added that “not even the president of the most powerful country in the world can avoid justice, much less when a global accusation is involved.”

The United States and England proposed a resolution to the UN Security Council that would support the political transition in Iraq beginning next June 30. The document proposes the formal recognition of the presence of foreign troops in Iraq, and extension of the immunity that US troops enjoy with regard to the International Criminal Court (ICC).

The US resolution establishes that the ICC will not have jurisdiction over any crime committed on foreign soil during a UN mission by citizens of countries, such as the United States, that have not signed the Rome Statute, which created the International Criminal Court. Under the Rome Statute, the ICC has jurisdiction over crimes such as genocide; crimes against civilians, including murder, torture, kidnapping, deportation; and slavery, in addition to war crimes.

“If the resolution is accepted, the US will obtain legal immunity for its soldiers after the transition of power, just like it did in 2002 and 2003. With this immunity, the soldiers will not be tried in Iraq for the torture and abuse that the committed against prisoners in Iraq, but instead they will be tried in their own countries” stated Jugo.

The director of APRODEH agreed with Sidiki Kaba, president of the International Federation of Human Rights (FIDH), in that the resolution would weaken not only the ICC, but also the authority of the Security Council and the legitimacy of UN peace-making efforts.

Jugo concluded by urging human rights organizations, social movements, and the international community in general to stay vigilant with regard to the situation in Iraq, and to persist in the pursuit of justice and the struggle against impunity.

Lima, May 15, 2004