



Fédération Internationale des Ligues des Droits de l'Homme

ORGANISATION INTERNATIONALE NON GOUVERNEMENTALE AYANT STATUT CONSULTATIF AUPRES DES NATIONS UNIES, DE L'UNESCO,
ET DU CONSEIL DE L'EUROPE ET D'OBSERVATEUR AUPRES DE LA COMMISSION AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

INTERNATIONAL FEDERATION
OF HUMAN RIGHTS

FEDERACION INTERNACIONAL
DE LOS DERECHOS HUMANOS

الفدرالية الدولية لحقوق الانسان

Press Release

BUSH NEGOCIATES FUTURE IMPUNITY FOR AMERICAN SOLDIERS

The United States urges to renew a resolution that would exempt American forces from the jurisdiction of the International Criminal Court

Paris, 21 may 2004 – Next Monday, the United States will ask the members of the UN Security Council to adopt a resolution that exempts American soldiers from the jurisdiction of the International Criminal Court (ICC).

This resolution, which is one of the mechanisms used by the United States to oppose the ICC, would extend the immunity already granted for the years 2002 and 2003. According to the resolution the International Criminal Court “*would not be able to commence or proceed with investigation or prosecution if a case arises involving current or former officials or personnel from a contributing State not a Party to the Rome Statute over acts or omissions relating to a United Nations established or authorized operation*”. In short, the ICC would not be allowed to process a case involving an alleged perpetrator of war crime, crime against humanity or genocide committed in connection with a United Nations (UN) established or authorized operation.

“How can the US government dare, while the whole world expects justice for the victims of the crimes committed by the Coalition forces in Iraq, to negotiate in this way the future impunity of their soldiers? - Sidiki Kaba, the president of FIDH, has declared. - Last year, France, Germany and Syria abstained from voting the resolution. This year, seven abstentions would be enough to make this resolution fail.”

While the very principle of the renewal of the resolution was to be discussed at the end of June, last Wednesday the American delegation announced that they wanted the text to be voted within 48 hours.

Last year the General Secretary of the UN Kofi Annan expressed “*the hope that this [automatic renewal] does not become an annual routine. If it did so, I fear the world would interpret it as meaning that this Council wished to claim absolute and permanent immunity for people serving in the operations it establishes or authorizes. And if that were to happen, it would undermine not only the authority of the ICC but also the authority of this Council, and the legitimacy of United Nations peacekeeping*”

For the FIDH it seems that the eagerness applied in the adoption of this resolution goes hand in hand with the Iraqi political agenda. The consequence of the adoption of this resolution would be to organize the impunity of

American soldiers in Iraq once the increased role of the UN after the upcoming transfer of sovereignty is confirmed.

With this resolution, the message sent by the Bush administration is contrary to the International Community's expectations in favor of Justice and the Fight against Impunity.

In today's world, it is more and more obvious that the International Criminal Court has an essential role to play to ensure that the right to a fair trial and the right of victims to an effective remedy are guaranteed.

FIDH urges:

- **Member States of the Security Council to vote against or to abstain from voting for the American resolution**
- **all States to take the opportunity of the public debate in the Security Council to publicly oppose itself to the "American exception"**

For more information on the United States opposition to the ICC please visit the FIDH website <http://www.fidh.org/justice/news.htm#rep>

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