

AMNESTY INTERNATIONAL

Public Statement

AI Index: MDE 31/003/2007 (Public)
News Service No: 057
21 March 2007

Yemen: Amnesty International appeals to President to support ratification of the Rome Statute

Against the backdrop of recent discussions in the Council of Representatives (Majlis al-Nuwab), the lower chamber of the Yemeni Parliament, Amnesty International has appealed to President 'Ali 'Abdullah Saleh to support Yemen's ratification of the Rome Statute of the International Criminal Court (Rome Statute).

A public expression of support by the President would facilitate the ratification by the parliament, highlighted the organization. It urged the President to take the important chance Yemen has to contribute to strengthening the jurisdiction of the ICC and universalising the new system of international justice by ratifying the Rome Statute and ensuring that it is promptly implemented into national law. Amnesty International also urged that Yemen should accede to the Agreement on Privileges and Immunities of the ICC, which is essential to ensuring full cooperation with the ICC.

Yemen now has the opportunity to become the first State in the Gulf and Arabian peninsula to demonstrate its commitment to the new system of international justice and to lead in the fight against the crimes of genocide, crimes against humanity and war crimes. Ratification of the Rome Statute would give Yemen an important role as a state party since it would then be able to participate in the ICC's oversight and governing body (the Assembly of States Parties) and to nominate candidates for judges of the ICC.

Amnesty International and partner organizations have been engaged in a campaign for the ratification of the Rome Statute. The organization wrote last year to Yemeni Parliamentarians to provide them with information on the International Criminal Court (ICC).

Yemen has played an important role in supporting the development of the ICC. In January 2004, the Third Inter-Governmental Regional Conference on Democracy, Human Rights and the International Criminal Court took place in Sana'a. Following the Sana'a Declaration, in which regional governments declared that they had reached a consensus on the establishment of the ICC, several Yemeni parliamentarians and officials declared their support for the ICC, including the Speaker of the Parliament, the Secretary-General of the People's Congress Party and the Foreign Minister. Yemen has also demonstrated its interest in the development of the ICC by sending delegations in its capacity as an observer state to the Assembly of States Parties, which is the decision-making and governance body of the ICC.

Amnesty International also urges the government of Yemen to denounce the agreement signed with the United States of America (USA) committing Yemen not to surrender US nationals to the ICC. The agreement, an exchange of notes of 10 and 18 December 2003 between the US Secretary of State Colin Powell and the Yemeni Minister of Foreign Affairs Abu Bakr al-Qirbi "regarding the surrender of persons to

International Tribunals”, has been made public under the US Freedom of Information Act (FOIA) and is available on the Internet. Such an agreement, which amounts to granting impunity, is unlawful and it violates Yemen’s obligations under international law as a signatory to the Rome Statute: under the Vienna Convention on the Law of Treaties, signatories to a treaty are bound to refrain from any act that would defeat its object and purpose. These agreements are also unnecessary since the Rome Statute contains extensive safeguards and fair trial guarantees to ensure that politically motivated prosecutions against US or other nationals could not occur.

Background:

As of 21 March 2007, 104 States have ratified the Rome Statute – over half of the international community.

The entry into force of the Rome Statute in 2002 established a new permanent, independent ICC charged with investigating and prosecuting the worst crimes known to humanity – genocide, crimes against humanity and war crimes.

Nearly all states, with the notable exception of the USA, have strongly supported the establishment of the ICC as an essential mechanism to end impunity for these crimes and to establish an effective deterrent against such crimes being committed in the future. The ICC operates on the principle of complementarity, meaning that national justice systems continue to bear the primary responsibility for prosecuting these crimes. Only when the national system is unwilling or unable genuinely to investigate or prosecute, will the ICC be able to act.

The Middle East and North African region has been among the strongest supporters of the establishment of the ICC. Most countries from the region were actively involved in drafting the Rome Statute and supported its adoption. Many of those countries have since signed the Statute. In addition to Yemen, these countries include Algeria, Bahrain, Egypt, the Islamic Republic of Iran, Kuwait, Oman, the Syrian Arab Republic and the United Arab Emirates. Jordan became the first country from the region to ratify on 11 April 2002. Djibouti ratified on 5 November 2002.

The exchange of notes of 10 and 18 December 2003 between the US Secretary of State Colin Powell and the Yemeni Minister of Foreign Affairs Abu Bakr al-Qirbi is available at the following web address: <http://foia.state.gov/documents/IntAgreements/0000BA1E.pdf>.