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International Criminal Court: Burundi and Liberia - Ratification is an important commitment towards ending impunity

Amnesty International welcomes the ratifications by Burundi and Liberia of the Rome Statute of the International Criminal Court as a major step towards ensuring that there can be no impunity for the gravest possible crimes under international law.

On 21 September 2004, Burundi became the 95th state to ratify the Rome Statute and, yesterday, Liberia became the 96th state party. In the light of the scale of the crimes under international law that have been committed with impunity in Burundi and Liberia, these ratifications are an important step in helping to deter the commission of such crimes in the future.

"By ratifying the Rome Statute, Burundi and Liberia have committed themselves to investigate and prosecute crimes of genocide, crimes against humanity and war crimes. If either state is unable or unwilling to do so, the Court may step in and exercise jurisdiction over crimes committed in the future," Amnesty International said.

Having ratified the Rome Statute, it is now essential that Burundi and Liberia review and amend their national laws to ensure that these crimes can be investigated and prosecuted by national courts and that both states can cooperate fully with the International Criminal Court.

"Burundi has incorporated some of the crimes covered by the Rome Statute into national law, but must ensure that it has completely covered genocide, crimes against humanity and war crimes. It must also enact implementing legislation covering effective cooperation with the Court," the organization said. "Liberia must likewise enact implementing legislation defining the crimes in the Rome Statute and other crimes under international law and providing for effective cooperation with the Court."

Amnesty International is also concerned that Liberia has signed an unlawful impunity agreement with the USA, agreeing not to surrender US nationals accused of genocide, crimes against humanity or war crimes to the Court. "The National Transitional Legislative Assembly must refuse to ratify or implement any unlawful impunity agreement," Amnesty International added.

Background

The Rome Statute of the International Criminal Court, adopted on 17 July 1998, provides that the Court will have initial jurisdiction over genocide, crimes against humanity and war crimes.

The International Criminal Court relies on states that have ratified the Rome Statute to investigate and prosecute people accused of genocide, crimes against humanity and war crimes in their national courts. The Court will only step in when national courts are unable or unwilling to do so.

On 23 June 2004, the Court's Prosecutor, Luis Moreno Ocampo, announced the opening of an investigation into grave crimes committed in the Democratic Republic of Congo since 1 July 2002 (the date of entry into force of the Rome Statute). On 29 July 2004, he announced the launch of an investigation into crimes committed in northern Uganda. Six other situations around the world are now being studied with a view to determining whether to open investigations.