

AMNESTY NEWS

www.amnesty-volunteer.org/uk/southampton-city

February 2005



AI's VISION

is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international standards.

AI's MISSION

is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.

AI's CORE VALUES

remain those of : international solidarity, effective action for the individual victim, global coverage, the universality and indivisibility of human rights, impartiality and independence, and democracy and mutual respect.

International Criminal Court (ICC)

Prof Howard Davies of Bournemouth Uni. Spoke to the January Meeting about the International Criminal Court.

Introduction: The idea is to have a permanent, independent court with jurisdiction to prosecute, try, convict and punish individuals suspected of the gravest international crimes. Offences often committed by governments themselves.

Earlier attempts: Include the Nuremberg and Tokyo Tribunals in the aftermath of World War 11 did not develop into a permanent court. During the Cold War period there were no developments. In the 1990s the position was transformed. Ad hoc tribunals under the control of the UN were established eg in relation to former Yugoslavia and Rwanda. The ICC came into force on the July 1st 2002 after ratification by the required minimum of 60 nations. It sits in the Hague. The essential argument is that perpetrators should be brought to justice, convicted and punished not merely by the victors. There can clearly be tension with other peace keeping process and truth and reconciliation.

Role of USA: They obstructed the creation of the ICC, many compromises were made to accommodate US concerns, they refused to join. Recently more positive noises have emerged.

Need for independence from UN: The ICC is independent from the UN.

**Group Meeting
Monday February 14th 2005**

**“The Use of Armed Force”
A discussion of
Amnesty’s position,
Becky John
(Soton Group)
Avenue St Andrew’s
United Reformed Church
The Avenue, Southampton
(Use main Church entrance)
7.30pm
ALL WELCOME**

Otherwise all states, however ghastly they may have behaved would have a veto through the Security Council.

Authority: based on international treaty found in the “Rome Statute (RS)”, produced by a process of diplomatic negotiation. The RS created the Assembly of States Parties, to provide management and oversight of the Court, including the appointment of judges and prosecutor. All states parties have a representative on the Assembly. By signing and ratifying the state parties accept the jurisdiction of the Court. Important non-signatories include USA, China, India, Iraq, Iran, Israel, Rwanda, Somalia, Saudi Arabia and Indonesia.

The Court: The Registry, concerned with administration and servicing the Court. (continued page 3).

Monthly Action: Guantanamo Bay

The 10th December marked the 56th anniversary of the Universal Declaration of Human Rights (UDHR). For the past three years, around this time, President Bush has issued a statement on the USA's continued commitment to fundamental human rights principles.

Amnesty International believes that the USA has violated and undermined basic principles of human rights. AI seeks to hold the USA accountable to its international legal obligations. AI is increasingly concerned at the fact that the USA continues to reject human rights resolutions and findings of international human rights regional bodies and experts. The USA is the only state that is actively opposed to the International Criminal Court (ICC).

In addition to these concerns, AI continues to work towards:
* The revocation of the Military Order of 13th November 2001 and an end to any attempts to bring detainees at Guantanamo Bay to trial by



**US proclamations are
not enough, double
standards must end**

military commission. * An end to the power of military commissions to sentence individuals to death. * Trial of Guantanamo detainees must be in accordance with international standards.

*An end to the USA's use of secret and incommunicado detentions in the "war on terror", clarification on the identity, fate and whereabouts of all individuals in US custody and a full com-

mission on enquiry into all of the USA's "war on terror" detention policy and practices. * That the USA work to ensure that all US agents implicated in war crimes, "disappearances", secret detention, torture or other cruel, inhuman or degrading treatment are brought to justice. * That President Bush works towards the USA's immediate ratification of the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman and degrading treatment or punishment.

Write to:

President George W Bush,
The White House
1600 Pennsylvania Avenue
NW
Washington DC 20500
USA

Raising the above issues and calling for him to put respect for human rights and international law at the heart of government.

Letter writing guide

- *Always be polite. This rule is essential and invariable. Your aim is to help, not to relieve your own feelings. Governments don't respond to abusive or condemnatory letters (however well deserved!)
- *Always write your letters on the basis that the Government concerned is open to reason and discussion.
- *It is important where possible to stress a country's reputation for moderation and justice, to show respect for its constitution and judicial procedures, and to demonstrate an understanding of current difficulties. This will give you more scope to point out ways in which the human rights situation can be improved.
- *Follow strictly the instructions given by AI.
- *Never use political jargon. Don't give the impression that you are writing because you are ideologically or politically opposed to the government in question. It is far more effective to stress that your concern for human rights is not politically based in any way, but in keeping with basic principles of international law.
- *If appropriate, explain who you are and what you do. It shows your letter is genuine, and that people from varying walks of life are following events in the country concerned.

Group News: January Group Meeting

Jenny McConnell, Chair, welcomed everyone to the meeting.

1 **Tin Rattle:** Frank circulated the rota for collection at Morrisons/Safeway 4th 5th Feb.

2 **Finances:** Giampaolo reported that £250 been sent to AIUK, £50 to urgent action scheme and £20 to Southern Region Group.

3 **China:** Noted a conference on 5th Feb, "Culture, History and Human Rights in the Xinjiang Uighur Autonomous Region", Friend's House, 173 Euston Road, London.

4 **CASA:** recent meeting considered disappeared

children in El Salvador and Guatemala. Update on killings of women in Mexico.

5 **Greeting Cards:** Update Oscar Manuel Espinosa Chepe of Cuba and Hafnaoui Ghoul, of Algeria; have both been released.

6 **Guantanamo Bay:** Third anniversary, a monthly action was available (see page 2)

7 **Groups Planning Pack:** Available from Mary Brown (see Who's Who).

8 **Burma:** Richard informed the meeting that a number of people had been released by the Burmese junta.

Continued from page 1, the International Criminal Court

The Presidency, which is involved with the Judicial work. This includes the Pre-trial chamber. This acts as a check, provides warrants for arrests, gives permission to the Prosecutor to prosecute, guarantees the rights of suspects, and secures the interests of witnesses and victims. The Trial Division, there is 1 Trial Chamber with 5 judges and the Appeals Division.

The Judges: 18 elected by the Assembly of States Parties representative of legal expertise from all the major legal systems around the world. The judges serve for nine year terms, they can only be removed for misconduct on the basis of a recommendation by two thirds of the judges and accepted by two thirds of the Assembly of State Parties.

The Office of the Prosecutor: Acts independently and is not under control of Presidency. The current chief-prosecutor is Luis Moreno-Ocampo.

The Prosecutor can receive communications from individuals, NGOs, UN offices; referrals from State Parties; and referrals from UNSC. By 2004 they had received over 1000 communications from individuals and NGOs.

Crimes: the crimes covered are:

Genocide: Defined by international law and Genocide Convention. In essence it refers to killings which are done with the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group"

Crimes Against Humanity: A very long list of actions eg murder, torture and other inhuman acts. The acts have to be committed as part of a "widespread or systematic attack directed against civilian population".

War Crimes; Defined by reference to Geneva Conventions; and laws and customs developed by international law in respect of armed conflict. Also includes various forms of civil war and regional insurrection.

Crime of Aggression: To be defined by international

agreement.

All the above have been defined in the light of the 20th century experiences and include sex crimes, removal of children, disappearances etc. The use of nuclear weapons is not a "war crime".

Jurisdiction: Cases referred by UNSC; by State Parties; by communications from NGOs etc. No jurisdiction where a matter is being properly investigated by the state responsible. Not retrospective.

Liability: No state or corporate liability, includes persons who "orders, solicits or induces" as well as perpetrators. Those contributing to a crime and those inciting genocide. NB extends to Heads of States and military commanders.

Mental Element: There has to be "intent and knowledge" ie the accused meant to engage in the act.

Defence: Superior orders, it is a defence that the person was under legal obligations to obey orders, or did not know the order was unlawful. In addition defence are mental illness, intoxication, self-defence, necessity (eg survival of others) and duress. There is a presumption of innocence.

Rights of Victims: Victims have the right to present their views to the Court, payment of compensation, with arrangements for protection of victims.

Evaluation: Voluntary jurisdiction, some big states not signatories; role of UN and superpowers ; not retrospective.

Further reading: www.icc-cpi.int

G Robertson: "Crimes Against Humanity" (1999); Penguin Books.

K Roth "The court the US doesn't want" (1998) New York review of Books.

Southampton Group Who's Who:

Group Officers:

Chair:

Jenny McConnell

Vice-Chair:

Becky John

Secretary:

Mary Brown

Treasurer:

Giampaolo D'Alessandro

Membership Secretary:

Jenny McConnell

Outreach:

Veronica Tippets

Press Officer:

Mary Brown

Parliamentary Officer:

Frank Capocci

News Letter Editor:

John Williams

Subgroups:

CASA/Victor Pineda Henestrosa:

Frank Capocci

CHIRAN:

Judy Horton

Death Penalty:

Giampaolo D'Alessandro

John Williams

Refugees:

Jilly Cooke

Korea:

Avenue St Andrew's Church Group

Southampton University Link:

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Now Due Please
Contact Jenny or Giampaolo,
see Who's Who above

THIS IS THE FINAL REMINDER

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Contact: Alan Scammell for all your printing needs:

023 8063 5808

Diary:

◆ **4th 5th** Collection at Morrisons/Safeway
Portswood. From 2.00pm 4th and all day
5th.

◆ **Monday 14th February:** Group Meeting:
"The use of Armed Force" A discussion
of AI's position. Becky John . 7.30pm
Avenue St Andrews United Reformed
Church, The Avenue. All Welcome

◆ **Tuesday 8th March:** SEGALULA Con-
cert at Avenue St Andrews.

International Women's Day

SEGALULA

Tuesday 8th March 7.30pm

Avenue St Andrews

Highlights from AI's Web Page

**If you are interested in any of these
topics and have access to the inter-
net, dial up to:**

www.amnesty.org.uk/news/

**Kenny Richey; Appeal victory wel-
comed and speedy release urged
death row Scot.**

**Lethal arms vanishing "without a
trace".**

**UK: Home Secretary's proposal fails
to provide justice.**

**India: Demand for justice for the
women who were raped and mur-
dered in Gujarat.**

**UK/Iraq: Abuse courts-martial-
justice must be done.**

**Guatemala: Attackers try to burn
anti-corruption campaigner alive as
attacks on human rights defenders
spiral.**

**European Convention Against Traf-
ficking in People: Call for victims'
rights to be put at heart of new law.**