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Liberia: Peacekeepers Should Not Be Shielded from Justice

(New York, August 1, 2003) -- International peacekeepers in Liberia should not be granted immunity for the crimes they are trying to prevent, Human Rights Watch said today.

The United Nations Security Council today authorized a peacekeeping force for Liberia, but the U.S. government insisted on including a paragraph in the resolution that provides far-reaching immunity for peacekeepers serving in the country.

“The United States has played a game of high-stakes poker with the lives of the Liberians,” said Richard Dicker, Director of the International Justice Program at Human Rights Watch. “It has hijacked the good intentions of the international community to serve a narrow and ideologically driven crusade against international justice.”

The operative draft of the resolution provided “exclusive jurisdiction” over persons who commit a crime as part of the Liberia peacekeeping mission to the state that sent him or her. This provision undermines three critical facets of international law: the International Criminal Court Treaty; domestic laws allowing for universal jurisdiction over the most serious international crimes; and domestic laws allowing for jurisdiction where a state’s national is a victim of a crime (“passive personality jurisdiction”).

The domestic laws of a number of states, including some Security Council members, allow for passive personality jurisdiction. The U.S. delegation insisted on the paragraph to insulate its officials and personnel from being held accountable for the commission of serious crimes in Liberia.

The U.S. action unnecessarily forced Security Council members to choose between the immediate deployment of peacekeepers to Liberia and upholding established principles of law. France, Germany and Mexico abstained in the vote on the resolution in apparent protest over the impunity issue.

“The people of Liberia should not have been held hostage to the perverse U.S. position on the rule of law,” said Richard Dicker.

The passage of the resolution seeks to create a dangerous precedent in the struggle against impunity for human rights crimes, Human Rights Watch said. The resolution also failed to include operative language mandating the peacekeeping force to protect civilians and humanitarian workers.