

March 7, 2003

**H.E. Mr. A.N.R. Robinson**

*President*

Republic of Trinidad and Tobago

Your Excellency,

I have the honor of writing to you today in your capacity as a former member of *Parliamentarians for Global Action* (PGA) and former Convenor of PGA's International Law and Human Rights Program to express our organization's concern over recent pressures exerted by the government of the United States of America on member states of the Caribbean Community to sign non-surrender bilateral agreements or so called "Article 98 agreements" with respect to the jurisdiction of the International Criminal Court (ICC).

United States Ambassador to the Bahamas J. Richard Blankeship recently stated during a television interview, "If CARICOM countries don't sign up to Article 98 agreements, they are going to lose military funding." Amb. Blankeship's remarks refer to a provision of the *American Servicemembers' Protection Act* (ASPA) that sets June 30<sup>th</sup> as a deadline for countries to sign these agreements or risk losing military funding.

Initiated by your own leadership, PGA has long been committed to the prompt establishment of a fair, effective and independent international criminal court. I refer you to our "Ottawa Plan of Action on the ICC" (*enclosed*) adopted in November 2002 by the first meeting of the *Consultative Assembly of Parliamentarians for the ICC* that explicitly upholds the principle of equality of all before the law as the only acceptable foundation of the Rome Statute and opposes any type of efforts that would limit the Court's jurisdiction.

Additionally, I refer you to Section 2007 (b, d) of the ASPA concerning waivers and exemptions, which grant the United States President powers to continue military assistance even if the country in question has not signed a bilateral non-surrender agreement with the United States. Thus, the ASPA makes it possible *but not mandatory* for military assistance to such a country to be cut off.

It has been brought to my attention that the matter of the non-surrender bilateral agreements will be reviewed at an upcoming meeting of CARICOM Foreign Ministers on May 5<sup>th</sup>. The CARICOM has been a strong advocate of the ICC and, as someone from the region myself, I hope that the outcome of

these deliberations will reflect the CARICOM's unwavering commitment to the Court, which owes so much to your own personal commitment. I am confident that you will continue to use every possible opportunity to advance understanding of the ICC, especially in the CARICOM, and reaffirm the principle that no third-party effort shall be allowed to dilute the effectiveness of this new institution.

Your Excellency, PGA takes this opportunity to salute you and congratulate Trinidad and Tobago for the recent election and forthcoming swearing-in of Karl T. Hudson-Phillips as ICC judge!

Yours sincerely,

**Sen. Anthony Johnson (Jamaica)**  
*Deputy Convenor, PGA's International Law  
and Human Rights Program*

Enclosures:

- *"Ottawa Plan of Action on the ICC"*
- *Article from The Nassau Guardian, entitled "Bahamas may be 'torn between' CARICOM, US"*
- *PGA publication entitled Project: Justice and Rule of Law; PGA & the ICC*