

**STATUS OF US BILATERAL IMMUNITY AGREEMENTS (BIAs)**

As of 11 December 2006, the U.S. State Department reports 102 agreements; 100 are listed here.

**OVERVIEW**

TOTAL # of BIAs signed: 100+

Of these agreements, only 21 have been ratified by Parliament (noted by \* below), and only 18 are considered executive agreements, which purportedly do not require ratification (noted by + below).

ICC States Parties that have signed a BIA: 46

Of these agreements, 13 BIAs have been ratified by States Parties and 9 have reportedly entered into executive agreements.

***It is important to note that:***

54 countries have publicly refused signing (please see separate document)

56 of 104 ICC States Parties have not signed (of which, 24 States Parties lost US aid in Fiscal Year 2005)

In capitals around the world, the U.S. government representatives have been seeking bilateral non-surrender agreements, or so-called "Article 98" agreements, in an effort to shield U.S. citizens from the jurisdiction of the International Criminal Court (ICC). Dubbed bilateral immunity agreements (BIAs) by leading experts, these U.S. agreements provide that current or former U.S. government officials, military and other personnel (regardless of whether or not they are nationals of the state concerned, i.e., foreign sub-contractors working for the U.S.) and U.S. nationals would not be transferred to the jurisdiction of the ICC.

Many governments, NGO, and other international law experts argue that the US is misinterpreting Article 98 of the Rome Statute, the provision of the ICC's governing treaty that the US is using to justify seeking these agreements. Legal experts furthermore contend that such agreements constitute a breach of international law if signed by ICC States Parties. ICC advocates condemn the U.S. BIAs as an inexcusable attempt to gain impunity from the crimes defined in the Rome Statute of the ICC, namely: genocide, crimes against humanity and war crimes.

While 102 governments have reportedly signed BIAs, less than 40% of these agreements have been ratified by Parliament or signed as an executive agreement. In fact, many legal experts argue that the executive agreements (which make up 18% of the BIAs) are unconstitutional and require the approval of Parliament, and are thus not valid agreements. Furthermore, more than half of States Parties have resisted signing BIAs – despite large economic penalties imposed by the U.S. – and 54 countries continue to publicly refuse to sign (including Brazil, Croatia, Costa Rica, Ecuador, Kenya, Namibia, Peru, Samoa, South Africa, and Trinidad and Tobago).

**AFRICA – 38 BIAs signed (7 ratified, 9 executive agreements)****States Parties (24)**

Benin  
Botswana +  
Burkina Faso  
Burundi  
Cameroon +  
Central African Rep.  
Chad  
Comoros +  
Congo – Brazzaville  
Democratic Republic of the Congo +  
Djibouti  
Gabon  
Gambia \*  
Ghana \*  
Guinea  
Lesotho (likely executive agreement)  
Liberia

Malawi +  
Mauritius  
Nigeria +  
Senegal  
Sierra Leone \*  
Uganda +  
Zambia

**Non-States Parties (14)**

Angola \*  
Cape Verde \*  
Côte d'Ivoire (Ivory Coast)  
Equatorial Guinea +  
Eritrea  
Ethiopia  
Madagascar  
Mauritania \*  
Mozambique \*  
Rwanda  
Sao Tome and Principe +  
Seychelles  
Swaziland  
Togo

**The Coalition for the International Criminal Court is a global network of over 2,000 civil society organizations supporting a fair, effective and independent International Criminal Court.**

**International Co-Secretariats**

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**Regional Representatives**

Buenos Aires, Argentina • Brussels, Belgium • Cotonou, Benin  
Mexico City, Mexico • Abuja, Nigeria • Quezon City, Philippines • Sana'a, Yemen

**AMERICAS – 14 BIAs signed (4 ratified, 2 executive agreements)**<http://www.iccnw.org> • [cicc@iccnw.org](mailto:cicc@iccnw.org)**States Parties (10)**

Antigua and Barbuda +  
Belize  
Bolivia  
Colombia +  
Dominica

Dominican Republic

Guyana \*  
Honduras \*  
Panama \*  
St. Kitts & Nevis (likely  
executive agreement)

**Non-States Parties (4)**

El Salvador \*  
Grenada (unconfirmed)  
Haiti  
Nicaragua

**ASIA – 16 BIAs signed (3 ratified, 4 executive agreements)****States Parties (4)**

Afghanistan +  
Cambodia \*  
East Timor \*  
Mongolia (unconfirmed)

**Non-States Parties (12)**

Bangladesh  
Bhutan \*  
Brunei (unconfirmed)  
India +  
Laos  
Maldives

Nepal

Pakistan  
Philippines +  
Singapore  
Sri Lanka  
Thailand

**PACIFIC ISLANDS – 10 BIAs signed (0 ratified, 0 executive agreements)****States Parties (3)**

Fiji  
Marshall Islands  
Nauru

**Non-States Parties (7)**

Kiribati  
Micronesia  
Palau  
Papua New Guinea  
Solomon Islands  
Tuvalu  
Tonga

**EUROPE/CIS – 11 BIAs signed (6 ratified, 0 executive agreements)****States Parties (6)**

Albania \*  
Bosnia-Herzegovina \*  
Georgia \*  
Macedonia, FYR \*  
Romania  
Tajikistan \*

**Non-States Parties (5)**

Azerbaijan  
Kazakhstan \*  
Kyrgyzstan  
Turkmenistan +  
Uzbekistan

**MIDDLE EAST / NORTH AFRICA – 11 BIAs signed (1 ratified, 3 executive agreements)****States Parties (1)**

Jordan\*

**Non-States Parties (10)**

Algeria +  
Bahrain  
Egypt (unconfirmed)  
Israel +  
Kuwait (unconfirmed)  
Morocco (unconfirmed)  
Oman (unconfirmed)  
Tunisia (unconfirmed)  
United Arab Emirates +  
Yemen (unconfirmed)

\*indicates ratification of BIA, + indicates signature of executive agreement Source:<http://www.state.gov/s/l/treaty/c3428.htm>

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