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Congress Backs Away from Passing Strong Anti-ICC Legislation

Remaining Language Reveals Softer Yet Continued U.S. Opposition to the ICC

(New York, December 21, 2001) – The United States House and Senate agreed in conference committee yesterday to reject the Senate’s American Servicemembers’ Protection Act (ASPA), a bill introduced by Senator Jesse Helms as an attachment to the Defense Department Appropriations Bill for 2002. In its place, Congress has passed the House’s Hyde Amendment, a weaker yet likewise prohibitive piece of legislation intended to undermine U.S. cooperation with the future International Criminal Court (ICC) by barring use of Defense Department funds for any related activities.

Senator Helms has now made several attempts to pass the ASPA, the most recent version of which passed through the Senate on December 7 by a vote of 78 to 21. Previous versions have included the prohibition of U.S. military aid to countries other than key U.S. allies that have ratified the ICC treaty. All versions have contained a clause granting the President permission to use “all means necessary and appropriate” to release U.S. or allied personnel from detention by the ICC, which will be located in the Hague, the Netherlands. The ASPA, which would have become permanently binding legislation had it been accepted by the House, did allow a broad waiver, at the will of the President, of all of its operative provisions. While the Hyde Amendment does not contain such waivers, it will expire at the end of fiscal year 2002.

“The decision not to accept the Helms version is a major victory for members of the NGO Coalition for the ICC and key U.S. allies who have aggressively lobbied the U.S. Administration and Congress to rethink their strong stance against the ICC,” said William Pace, Convenor of the more than 1000-member international Coalition. “All major US allies, including the United Kingdom and other EU members, see the ICC as an important institution to deal with crimes as serious as genocide, torture, mass rape and terrorist acts such as those committed in the U.S. in September. They have expressed their strong view that it is completely inappropriate for the U.S. to undermine this multilateral forum that has worldwide support, especially at a time when the country is calling for an international coalition in support of its fight against terrorism,” he said. On December 7 the Senate had also voted on an amendment more favorable to the ICC, offered by Senator Dodd, which failed to pass by only three votes.

While the extreme language of the ASPA has been buried in this conference committee meeting, sources close to the issue warn that Senator Helms and other opponents of the ICC are likely to continue to introduce new versions of the ASPA in other legislation. “While we are delighted that Congress rejected the strongest anti-ICC language, we are prepared to fight this battle again,” said John Washburn, Co-Convenor of the Washington Working Group on the ICC, which led the U.S. lobbying effort. The Coalition expects the ICC to receive the remaining ratifications necessary to enter into force in early 2002 and become fully operational by early 2003.

About the Coalition for the International Criminal Court

The Coalition for the International Criminal Court (CICC) is a network of over 1,000 civil society organizations that support the creation of a permanent, fair and independent International Criminal Court (ICC). Established in 1995, the CICC is the leading source of information regarding the ICC and the regional organizations that support its formation.

For more information about the mission of the CICC and its member organizations, please visit http://www.iccnow.org.

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