

COMMENTS BY US OFFICIALS ON SITUATIONS BEFORE THE ICC AND COOPERATION WITH ICC INVESTIGATIONS

With the International Criminal Court's (ICC) first investigation in the Democratic Republic of Congo (DRC), Uganda, and Sudan, several U.S. officials have made comments with regards to the U.S. position on these situations and their relation to the ICC investigations.

I. GENERAL REMARKS ON U.S. POSITION

Senator Patrick Leahy (D-VT)

The Washington Post, "A Shift in the Debate On International Court; Some U.S. Officials Seem to Ease Disfavor," 7 November 2006

<http://www.washingtonpost.com/wp-dyn/content/article/2006/11/06/AR2006110601269.html>

"The ICC has refuted its critics, who confidently and wrongly predicted that it would be politicized and manipulated by our enemies to prosecute U.S. soldiers."

John Bellinger, U.S. Department of State Legal Adviser

29th Roundtable on Current Problems of International Humanitarian Law, 8 September 2006

<http://www.usmission.ch/Press2006/0908BellingerSanRemo.html>

"But even with respect to the ICC, we have been pragmatic. Our concerns about the ICC are well known and don't need to be rehashed here. Obviously we share the goals of the International Criminal Court for international criminal justice and accountability. We have concern only about how the Rome Statute was ultimately set up."

John Bellinger, U.S. Department of State Legal Adviser

The Wall Street Journal, "U.S. Warms to Hague Tribunal: New Stance Reflects Desire to Use Court to Prosecute Darfur Crimes," 14 June 2006

[Wall Street Journal Site \(not free\)](http://www.wallstreetjournal.com)

<http://www.globalpolicy.org/intljustice/icc/2006/0614warm.htm>

While insisting the Bush administration will never allow Americans to be tried by the court, "we do acknowledge that it has a role to play in the overall system of international justice," John Bellinger, the State Department's chief lawyer, said in an interview [...]. In a May speech, Mr. Bellinger said "divisiveness over the ICC distracts from our ability to pursue these common goals" of fighting genocide and crimes against humanity.

II. DARFUR (SUDAN)

John McCain, Republic Senator, and Bob Dole, former Senator and presidential candidate

The Washington Post, Op-Ed, "Rescue Darfur Now", 10 September 2006

<http://www.washingtonpost.com/wp-dyn/content/article/2006/09/08/AR2006090801664.html>

"U.S. and allied intelligence assets, including satellite technology, should be dedicated to record any atrocities that occur in Darfur so that future prosecutions can take place. We should publicly remind

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

The Hague, Netherlands, Tel: +31-70-363-4484

New York City, U.S.A., Tel: +1-212-687-2863

Regional Representatives

Buenos Aires, Argentina • Brussels, Belgium • Cotonou, Benin

Mexico City, Mexico • Abuja, Nigeria • Quezon City, Philippines • Sana'a, Yemen

Khartoum that the International Criminal Court has jurisdiction to prosecute war crimes in Darfur and that Sudanese leaders will be held personally accountable for attacks on civilians.”

Jendayi Frazer, Assistant Secretary for the Bureau of African Affairs

Hearing of the House International Relations Committee, "Prospects for Peace in Darfur", 18 May 2006

<http://www.internationalrelations.house.gov/109/27647.pdf>

“On the ongoing investigations for the International Criminal Court, as you know, the United States has said that we would provide assistance to the International Criminal Court if they asked for it. They haven't asked the United States for assistance. [...] But we stand ready to assist them.”

Robert Zoellick, Deputy Secretary of State

Remarks at the Brookings Institution Forum on the Situation in Darfur, "Current Policy Options for Darfur", 13 April 2006

<http://www.state.gov/s/d/former/zoellick/rem/2006/64622.htm>

“[...] And indeed, under our domestic law, if they [the ICC] ask for information and help we try to provide that help. [...] As I mentioned, the International Criminal Court is autonomous. I don't know the state of its investigation, but we will fully cooperate with it and pursue those actions as related to the genocide in Darfur. [...] It's important to demonstrate that there won't be "impunity," that there will be accountability. [...]”

Robert Zoellick, Deputy Secretary of State

Press Briefing on Sudan, 27 May 2005

<http://www.state.gov/s/d/former/zoellick/rem/46922.htm>

"[The referral] hangs over people, as a sense of the United Nations, countries around the world, were sending a signal about accountability for these actions. And so in a way, even though it hasn't proceeded to the investigation or sort of trial stage, it's a useful deterrence against others and allows us to emphasize [...] the need to stop the violence [...]."

Robert Zoellick, Deputy Secretary of State

Agence France Presse, "US's Zoellick - Situation in Darfur still 'terrible'", 11 July 2005

<http://www.state.gov/s/d/former/zoellick/rem/49349.htm>

"We believe that there should be accountability for criminal actions that rise up to the level of the ICC jurisdiction."

III. UGANDA

Steven Browning, U.S. Ambassador to Uganda

Agence France Presse, "ICC-phobic US offers court rare praise for Uganda rebel charges," 16 Nov 2006

http://news.yahoo.com/s/afp/20061116/pl_afp/ugandasudanunrest_061116163626

“The ICC is not a hurdle to the talks, instead it is the reason why we have peace talks today,” US ambassador to Uganda Steven Browning told reporters. “All earlier efforts failed,” he said. “What is new that this current process is somehow succeeding? The ICC is the new thing in the process.”

Jendayi Frazer, Assistant Secretary for the Bureau of African Affairs

The Washington Foreign Press Center, 27 October 2006

<http://www.state.gov/p/af/rls/rm/2006/75326.htm>

“I don't think that you can just put on the ICC and take off the ICC. [...] You know, the United States position [...]. But that's really going to be between Uganda and the ICC and we don't have a position pushing one way or the other. We think that there needs to be -- the priority has to be to bring about peace, but there also

has to be some system of accountability. Whether that system is the ICC or not is between the Government of Uganda and the ICC."

Jendayi Frazer, Assistant Secretary for the Bureau of African Affairs

The East African (Nairobi), Transcript of Interview, 26 June 2006

<http://www.state.gov/p/af/rls/rm/2006/68759.htm>

"Clearly, accountability is extremely important in situations such as that we have in northern Uganda. [...] So the ICC indictment is extremely important and it is part of the process of accountability, and ending impunity. Yet the priority has to be on getting him out of the bush - however one does it - whether they capture him or they talk him out through a negotiation. We had a similar case with Charles Taylor, whereby to end the war in Liberia, there had to be a point at which you could get him out of Monrovia and he took asylum in Nigeria. But today he is on his way to The Hague. So I think that you can achieve peace and accountability."

US Embassy in Kampala (Uganda),

IRIN, "Uganda: U.S. Gov't Demands Trial for Rebel Leaders", 6 July 2006

<http://www.irinnews.org/report.asp?ReportID=54442>

A statement issued by the US embassy in Kampala stated: "President Museveni announced that he is willing to extend amnesty to the LRA leader Joseph Kony - and potentially the rest of the LRA leadership as well. The United States respects Uganda's decision on this matter, but we believe those who have committed atrocities in this long-standing insurgency should be held accountable for their deeds." [...] "Countries that are signatories to the Rome Statute establishing the ICC are expected to cooperate in arresting ICC-indicted individuals; Uganda is a signatory to the Rome Statute but the United States is not."

Jeffrey Krilla, Deputy Assistant Secretary for the Bureau of Democracy, Human Rights and Labor

House International Relations Committee, Africa Subcommittee, "The Endangered Children of Northern Uganda", 23 April 2006

http://commdocs.house.gov/committees/intlrel/hfa27231.000/hfa27231_of.htm

"So I would say the ICC effort has been part of the Ugandan government's effort to bring a solution. I think they were very keen on getting these indictments of these five individuals. And I think we should support them in trying to bring them to justice through the levers that we've already explained."