

“Daily Press Briefing,” Transcript, U.S. Department of State, Sean McCormack, Spokesman, 14 July 2008
<http://www.state.gov/r/pa/prs/dpb/2008/july/106986.htm>

“QUESTION: Can you address the Sudan situation and the ICC? What – I think you mentioned something this morning about looking at your own – that the U.S. is looking at its own laws in relation to this. Can you elaborate a little bit on that?

MR. MCCORMACK: Well, I talked a little bit about the fact that the United States is – has been at the forefront of holding those responsible for genocide accountable, whether that’s from the – whether those individuals are from the Government or from rebel groups or other groups.

In terms of the ICC, we are not part of the ICC. We’re – we are not the signatories of the Treaty of Rome that created the ICC. In terms of the specific charges that were put before the ICC judges today by the prosecutor, we’ll examine them closely to glean any information that we might from those. We are constantly looking at what information we have on our own that might help hold accountable those individuals responsible for genocide or other atrocities.

There have been – there has been a request for information from the ICC and we had pledged that we would look at that request. That request is not related to the request for warrants against President Bashir today.

Yeah.

QUESTION: But you said previously that you didn’t know of a request. Now you know of a request, is what you’re saying?

MR. MCCORMACK: No. I talked about on Friday the fact that there was a request. Yes.

QUESTION: A request for what?

MR. MCCORMACK: For information. Information.

QUESTION: No. I don’t believe you did.

MR. MCCORMACK: Yes, I did.

QUESTION: This morning you said that you were –

QUESTION: No, this morning you said no.

MR. MCCORMACK: No. I said with respect to President Bashir.

QUESTION: I see. Oh, I see.

MR. MCCORMACK: Yeah.

QUESTION: So what is the request for, then?

MR. MCCORMACK: I'm not going to get into it.

QUESTION: But it's to do with Darfur?

MR. MCCORMACK: Yes.

QUESTION: It's not to do with the LRA or –

MR. MCCORMACK: No.

QUESTION: No?

MR. MCCORMACK: No.

QUESTION: When was that request?

MR. MCCORMACK: I – you know, I don't know. I don't know exactly when it was.

QUESTION: I'm sorry. And what is the position on how to respond to the request?

MR. MCCORMACK: We review each request as it would come in. We made a commitment when this issue came up. And the issue came up in the Security Council debate related to Sudan and whether or not the Security Council would vote in favor of the ICC and ICC prosecutors dealing with this issue, holding to account those responsible for genocide in Sudan. We abstained from that resolution. But we stated at the time that if there were a request for information from the ICC, that we would consider each of those requests in turn, not necessarily with – trying to signal which way – in which way we would respond. But of course, the basis of a response probably would be what information we had, whether or not there was a match between a request and information we had.

QUESTION: Do you know if there has been a response?

MR. MCCORMACK: No, there has not.

QUESTION: There has not been a response?

MR. MCCORMACK: No.

QUESTION: You mean from the U.S.? The U.S. has not responded yet to the request?

MR. MCCORMACK: Correct. Correct.

QUESTION: My understanding was, Sean, that actually, you guys had made available –

after Secretary Powell made the determination or announced the determination that it was a genocide, that you had, in fact, already forwarded on information that led to that determination – I don't know to the ICC, but certainly to the UN.

MR. MCCORMACK: You know, Matt, I can't speak to former Secretary Powell's tenure here.
Yeah.

QUESTION: So the fact that you're considering, you know, this request, does that mean that you're opening the door a little bit to joining the ICC – that you've opened the door?

MR. MCCORMACK: Not at all.

QUESTION: Oh, okay.

MR. MCCORMACK: Not at all.

QUESTION: Just thought I'd check.

MR. MCCORMACK: No. I mean, what it is, it's a fulfillment of our obligations as we see them.

QUESTION: And you received that request when?

MR. MCCORMACK: I don't know exactly when it was. It was recently.

QUESTION: What obligations are those?

QUESTION: Recently as in?

MR. MCCORMACK: As I've stated before, that if there were a request from the ICC for information, that we would consider it.

QUESTION: Just to flip around, have you asked the ICC for more information about the Bashir case?

MR. MCCORMACK: Well, we, of course, have access to what has been publicly released in terms of the request by the prosecutor to the ICC judges. I don't believe we have anything beyond that.

QUESTION: But you haven't – could you just check whether your – whether the legal counsel's office is asking for more specific details?

MR. MCCORMACK: I'll ask, but I don't expect that we are.

QUESTION: Because if they're asking you, it would stand to reason that you'd ask them?

MR. MCCORMACK: Well, it would stand to reason that the prosecutor would probably put his best case forward.

QUESTION: Sean, on Friday, you got back – there was a TQ on Americans in – official Americans in Darfur.

MR. MCCORMACK: Mm-hmm.

QUESTION: It said that a small number of people who were on TDY from the Embassy had gone back to Khartoum. But I'm just wondering were you – are there any support staff for UNAMID, who are Americans who are there that you're aware of?

MR. MCCORMACK: Not that I'm aware of, no.

QUESTION: Can you give any reason why the – or explain why the request has not been responded to yet?

MR. MCCORMACK: We're looking at it.

QUESTION: Okay.

MR. MCCORMACK: Samir.

QUESTION: Are you having any talks with Bashir or his people about this development?

MR. MCCORMACK: With whom?

QUESTION: President al-Bashir of Sudan and his people? Are you having any (inaudible) talks recently?

MR. MCCORMACK: No, not that I'm aware of, Samir. We, of course, have an embassy in Khartoum and we are in contact with Sudanese officials. I'm not aware of any recent contacts with President Bashir.

QUESTION: So the fact that you haven't responded to it yet, is that – that must mean that it was a fairly recent request or are you just taking your time over it?

MR. MCCORMACK: No, it's fairly recent. Yeah.”