

PRESS RELEASE

ICC: The United States Threatens the European Union

The FIDH calls for all States to make a strong and principled statement reaffirming their support for the ICC on June 12 during the open meeting of the Security Council

Paris, June 11, 2003 – On the eve of an important Security Council vote, the United States threatened European Union nations of “very damaging” consequences in transatlantic relations should EU nation continue to oppose US actions aiming to guarantee impunity of US nationals before the International Criminal Court.

On June 12, the Security Council will decide on whether to renew a resolution adopted on July 12, 2002. Starting July 1, 2002, Resolution 1422 grants absolute immunity for a one-year period for nationals from non-State Parties to the Statute while conducting UN peacekeeping operations.

The FIDH urges all States, prior to the vote during the open meeting of the Security Council, to seize the unique opportunity to express their views and make a strong and principled statement reaffirming their support for the ICC.

This resolution only illustrates the paranoid defiance regarding the International Criminal Court many times denounced by the FIDH (see FIDH report “No to American Exceptionalism.” <http://www.fidh.org/justice/rapport/2002/cpi345n8a.pdf>).

The United States is threatening those who dare oppose their proposals. As a result, the European Union has become the target of the Bush administration’s strong arm for having, courageously, taken leadership in the campaign against the United States’ version of an “a la carte” International Criminal Court. The FIDH hopes that the EU will know how to resist the diplomatic pressures of its American “ally” and will continue to support the ICC.

Based on 2002 UN collected data, United States’ fears are unfounded. The evidence demonstrates that based on the current ICC configuration, no American blue helmets can be exposed to the jurisdiction of the International Criminal Court.

American blue helmets will only be exposed to possible ICC investigations if (cumulative conditions):

1. the United States has personnel participating in a UN peace keeping mission;
2. the American personnel participating in a UN mission is sent to a country that has ratified the ICC and,
3. no other international tribunal, namely the International Criminal Tribunal for the former Yugoslavia (ICTY) has jurisdiction to hold judgment.

As of date, of all of the UN peacekeeping missions, it appears that the United States either has no personnel in the mission, or State hosts have not been State party to the ICC, or the ICTY has had

jurisdiction. Therefore, the risks of the United States nationals being exposed to prosecutions are nil.

It is clear therefore that United States' intention is not to protect its personnel but to undermine the very existence of the Court.

On the eve of June 12 where a possible renewal Resolution 1422 will take place, the FIDH insistently calls for the 90 State Parties to the Rome Statute to reaffirm their support for the independence of the Court and the integrity of its Statute.

Ironically, the renewal of the Security Council Resolution needs to be validated before July 1, 2003, the first year anniversary of the coming into force of the ICC. The FIDH joins with all those who believe that victims of atrocious crimes for which the ICC exercises its jurisdiction, have the right to a nobler anniversary than the one proposed by George W. Bush.

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