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## U.S. Should Stop Sanctioning Allies Over ICC *High Political Price Tag for Anti-Court Policy*

(New York, December 10, 2003) – The administration of U.S. President George W. Bush is penalizing more than 20 friendly nations for supporting the International Criminal Court (ICC), Human Rights Watch said today.

In a letter to U.S. Secretary of State Colin Powell, Human Rights Watch urged the Bush administration to grant broad waivers for all states that are currently being penalized. The United States has been pressuring governments that have ratified the ICC treaty to sign bilateral agreements exempting U.S. citizens from the court's authority. Many governments have resisted signing because it would violate obligations under the ICC treaty.

The American Servicemembers Protection Act prohibits military assistance for ICC states that do not sign these agreements, but President Bush can waive the prohibition on national interest grounds. President Bush recently waived some sanctions against six prospective NATO members. More than 20 ICC states still have military assistance being withheld, totaling more than 20 million dollars. Those states include, among others, Benin, Croatia, Ecuador and Mali.

“It makes no sense for the United States to continue penalizing emerging democracies trying hard to support the rule of law,” said Richard Dicker, director of the International Justice Program. “Why waive sanctions for NATO members but punish states like Mali, Benin, and Ecuador that urgently need support?”

One third of ICC states parties have signed bilateral immunity agreements with the United States, while another two-thirds have refused to sign, many even after being sanctioned. In addition, of all the agreements signed with states parties, only nine are now legally binding. Others require parliamentary approval before coming into effect.

“After a year and a half of strong-arming states, all the U.S. government has to show for its efforts is a lot of ill will and a few binding agreements,” said Dicker. The United States is protecting itself from a phantom threat, with a cure that's worse than the imagined illness.”

Dicker said the administration has an easy way out: waivers for all ICC states parties.

The Bush administration has long been hostile to the creation of the ICC. Most U.S. allies support the court. Eighteen judges and a prosecutor have been elected. The first case will likely begin in 2004 and involve the atrocities committed in the Democratic Republic of the Congo.

To read Human Rights Watch's letter to Secretary of State Powell, go to:

<http://hrw.org/press/2003/12/us120903-ltr.htm>

To view the full list of Article 98 bilateral immunity agreements, go to:

<http://www.iccnw.org/documents/otherissues/impunityart98/BIAWaiversWICC24Nov03.pdf>