



PRESS RELEASE
Brian Thompson: (202) 546-3950
x113
bthompson@globalsolutions.org

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IMMEDIATE RELEASE

U.S. Sanctions Key Allies over ICC Participation: cuts support for over 50 countries, including anti-terror initiatives

WASHINGTON, D.C. - The omnibus appropriations bill signed by the President last night contains a controversial amendment that imposes further sanctions on countries that have ratified the International Criminal Court (ICC) treaty. It prohibits assistance from the Economic Support Fund (ESF) for countries that have refused to sign a "bilateral immunity agreement" to protect U.S. citizens and certain foreign nationals from transfer to the ICC for investigation or prosecution. The funds affected include support for anti-terrorism activities, peace building, democratization and counter-drug initiatives.

"This new round of sanctions is particularly unnecessary given the fact that the court has been in existence for over two full years now, and not only has the prosecutor taken up some of the most appalling crimes against humanity in the Congo and Uganda, but he's also publicly rejected pursuing allegations against the U.S. and the U.K. in Iraq," said Brian Thompson, Program Manager for International Law and Justice at Citizens for Global Solutions. "This latest sanction shows that the President would rather allow drug trafficking and terrorism than support the prosecution of war crimes and atrocities."

With a budget of over \$2.5 billion, the Economic Support Fund (ESF) promotes the foreign policy interests of the United States by providing assistance to allies. The ESF funds a wide variety of programs including counter-terrorism, democratization, and economic stabilization initiatives. Key programs funded under the ESF include the Irish Peace Process and the Andean Counter-drug Initiative, which would provide \$500,000 to Venezuela, a major route for illegal drugs to the U.S.

Many of the countries affected have already had military assistance withheld under previous legislation, but the latest provision expands funding cuts and includes additional countries. Over fifty nations could be affected, including Ecuador, Paraguay, Bolivia, Peru, Venezuela, and Cyprus. These countries have concluded that their current legal obligations as ratifiers of the Rome Statute (the ICC's treaty) prevent them from signing the agreements proposed by the Administration, which would violate Article 98 of the Rome Statute. But many of these allies have standing SOFAs (Status of Forces Agreements) with the U.S. that extends U.S. jurisdiction to include U.S. personnel within their territory.

"Many of these countries have already lost millions in U.S. military assistance over their position," notes Thompson. "Cutting more aid will not change their minds, but will cripple humanitarian and democratic programs of our allies and weaken our cooperation in the War on Terror and other U.S. priorities."

In speaking out against the amendment in July, Sub-Committee chair Jim Kolbe (R-AZ) said that conditioning economic support "is a very, very heavy hand... At a time when we are fighting the war on terrorism, reducing this tool of diplomatic influence is not a good idea."

Background

Affected countries would include:

* Jordan: The amendment would withhold \$250 million intended to help "promote economic growth and support healthcare, education , and governance reforms" from one of our strongest allies in the Middle East. Jordan, whose UN ambassador is also the President of the ICC's Assembly of States Parties, firmly believes that it cannot sign a bilateral immunity agreement that would put it in breach of the ICC treaty.

* Ecuador, Paraguay, Bolivia, Peru and Venezuela: The amendment would cancel \$32.5 million in support for these countries intended to "pursue justice sector reform, strengthen democratic institutions, and promote the rule of law; facilitate implementation of free trade agreements; improve local governance and promote decentralization; fight corruption; and promote respect for human rights." An additional \$4 million would be withheld from the Peru-Ecuador Peace initiative. These countries have already lost millions in military aid because they have chosen to uphold their legal commitment to the ICC (for FY04 military aid withheld includes \$15.65 million for Ecuador, \$2.7 million for Peru, and hundreds of thousands for Venezuela and Paraguay).

* Caribbean states including Barbados, St. Vincent and the Grenadines, and Trinidad and Tobago would lose funds appropriated for the Third Border Initiative (a \$9 million project), which improves immigration systems and border security and funds "disaster preparedness and coordination exercises." These three countries have also seen their military aid withheld; Trinidad and Tobago, which was instrumental in the creation of the ICC and now has a judge on the Court, has made very clear that its hands are tied legally.

* South Africa: An important strategic U.S. ally in the region, South Africa has already forfeited \$7.6 million in military aid because of its strong support for the ICC. This amendment would withhold millions more from South Africa that is intended to fund anti-terrorism training, as well as "enhance trade and private sector development and promote human rights." South Africa has a judge currently serving on the Court.

* Ireland: This amendment would cancel \$8.5 million to promote peace in Northern Ireland. It also deletes the \$3.5 million Walsh Visa Program. Ireland also has a judge presently serving at the ICC. The European Union concluded that no European Union country could legally sign a bilateral immunity agreement as proposed by the U.S. because it would put them in breach of their legal commitments under the ICC's treaty. No EU country has publicly signed an agreement; all but one EU country (Czech Republic) are full members of the ICC and thus would be ineligible for Economic Support Fund monies under this amendment.

* Cyprus: Cyprus will lose \$13.5 million intended to further its peace process. The former President of the Cypriot Supreme Court is now a judge at the ICC.

This measure targets democracies that uphold the rule of law and work along side the U.S. to further our foreign policy priorities. We should not be punishing them over unnecessary agreements that fail to provide any additional protection for our troops above and beyond what they already have through existing Status of Forces Agreements and Status of Mission Agreements.

Full list of countries barred from receiving funds from the Economic Support Fund under this amendment:

Andorra, Argentina, Austria, Australia, Benin, Belgium, Brazil, Bulgaria, Canada, Republic of Congo, Costa Rica, Croatia, Cyprus, Denmark, Estonia, Ecuador, Finland, France, Germany, Greece, Hungary,

Iceland, Ireland, Italy, Jordan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxemburg, Mali, Malta, Namibia, New Zealand, Netherlands, Norway, Niger, Paraguay, Peru, Poland, Portugal, Republic of Korea, San Marino, Samoa, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tanzania, Trinidad and Tobago, Uruguay, United Kingdom, and Venezuela.

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Notes to Editors:

Citizens for Global Solutions is a nonpartisan U.S. membership organization that works for cooperative U.S. global engagement and supports strong and effective international institutions to solve problems nations cannot solve alone.

For more information about the issue, including the text of previous resolutions, country statements and a Citizens for Global Solutions report on the ICC in the Congo and Uganda:

Citizens for Global Solutions: http://www.globalsolutions.org/programs/law_justice/law_justice_home.html

International NGO Coalition for the ICC: <http://www.iccnw.org>