



**MEDIA ALERT**  
Heather Hamilton  
202-546-3950 x107  
hbhamilton@globalsolutions.org

**DATE November 23, 2004**  
**IMMEDIATE RELEASE**

**Brian Thompson: (202) 546-3950 x113**  
**Cell: (212) 729-9311**

## **Congress to Sanction Key Allies over ICC Participation: Amendment cuts support for over 50 countries, includes anti-terror initiatives**

**WASHINGTON, D.C.** - The omnibus appropriations bill scheduled for final House approval on Wednesday contains a controversial amendment that will impose further sanctions on countries that have ratified the International Criminal Court (ICC) treaty. The amendment, originally included in the House version of the foreign aid spending bill in July, would prohibit 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, said Brian Thompson, Program Manager for International Law and Justice at Citizens for Global Solutions. "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."

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. Many of these allies have standing SOFAs (Status of Forces Agreements) with the U.S. that expand U.S. jurisdiction to include all U.S. personnel within their territory. "This latest sanction undermines the effectiveness of U.S. counter-terrorism efforts and does nothing to protect our soldiers, who are already protected under existing status of forces agreements," continued Thompson. Key programs funded under the ESF include the Irish Peace Process, South African counter-terrorist activities 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 they are not legally permitted to sign the agreements proposed by the U.S. because they are broader and more extreme than what is allowed under Article 98 of the treaty. "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 undermine our diplomatic relations and weaken our ability to cooperate with them in the global effort against terrorism 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." The amendment is expected to permit the President to waive the restriction for certain major non-NATO allies and recipients of the Millennium fund. However, the administration has not exercised a similar waiver authority for military aid restrictions under the 2002 American Servicemembers Protection Act.

###

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](http://www.globalsolutions.org/programs/law_justice/law_justice_home.html)

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

## Background Brief

The 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.

### *Affected countries could 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.

***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.