



## **PRESS RELEASE**

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IMMEDIATE RELEASE

### **House Votes to Cut Funds to Key Allies in International Court Over 50 Countries Sanctioned; Funds Include Anti-Terror Initiatives**

WASHINGTON, D.C. – Yesterday the House of Representatives voted to impose further sanctions on countries that have ratified the International Criminal Court treaty. An amendment to the foreign aid spending bill would prohibit certain kinds of economic support, including some counter-terrorism funds, to US allies such as Ireland, South Africa, and Jordan. No funds would be granted to these nations unless they signed a “bilateral immunity agreement” to guarantee they would not turn over to the court U.S. citizens and foreign nationals who work for the U.S.

Executive Vice President Don Kraus commented on the bill, “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 agreements that are not necessary and do not provide any additional protection for our troops than they already have through existing Status of Forces Agreements and Status of Mission Agreements.”

Many of the countries affected have already had had military assistance withheld under previous legislation, but the latest provision cuts more funds to more countries because it does not contain waivers for NATO members and other close allies. Over fifty nations could be affected including Ecuador, Paraguay, Bolivia, Peru, Venezuela, and Cyprus. Most of these nations have not signed the immunity agreements because they have concluded that doing so would put them in breach of their legal obligations under a treaty they have fully ratified and accepted.

“The House’s action is particularly ludicrous given the fact that the court has been in existence for 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 allegations against the U.S. and the U.K. in Iraq,” said Heather B. Hamilton, Vice President for Programs. “This latest sanction stands to re-ignite transatlantic tensions that are only just healing after the Iraq war, undermines the effectiveness of U.S. counter-terrorism measures, and serves no real purpose.”

In speaking out against the amendment 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 Administration also objected to the inclusion of the provision in the bill. The bill has not yet reached the Senate.

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#### **Notes to Editors:**

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

More information may be found on bilateral immunity agreements on our website at:  
[http://www.globalsolutions.org/programs/law\\_justice/icc/bias/bias\\_home.html](http://www.globalsolutions.org/programs/law_justice/icc/bias/bias_home.html)

## Background:

The Nethercutt amendment sanctions some of our most loyal allies because they legally cannot sign the bilateral immunity agreements as requested by the administration. The more than 50 countries that belong to the International Criminal Court (ICC) but have not signed these agreements have concluded that doing so would put them in breach of their legal obligations under a treaty they have fully ratified and accepted. Withholding ESF assistance undermines U.S. interests. These funds will be used to increase cooperation in international security and terrorism, as well as promote economic and democratic development, strengthen human rights, and further peace processes.

This measure is extreme and further erodes alliances at a time when we need them most. This amendment could negatively impact ongoing negotiations related to the War on Terror as ESF funds are used to help alleviate the conditions – poverty, government corruption, and hopelessness – that help create breeding grounds for terrorists.

Countries that would be affected include:

\* Jordan: The amendment would withhold \$250 million from Jordan intended to help "promote economic growth and support healthcare, education, and governance reforms" in 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 out \$32.5 million 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 out \$8.5 million for Ireland to promote peace in the North. 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.

The full list of countries that would be unable to receive funds from the Economic Support Fund under this amendment:

Andorra, Argentina, Austria, Australia, Benin, Belgium, Bolivia, 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.

