

U.S. Department of State Office of the Spokesman Press Statement

Press Statement by James B. Foley, Deputy Spokesman
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U.S. Participation in the Rome Conference on the Establishment of an International Criminal Court

From June 15 to July 17, governments will gather in Rome for the United Nations Diplomatic Conference on the Establishment of an International Criminal Court (ICC). The United States supports the creation of a properly-constituted ICC that will promote justice and deter those who would commit genocide, war crimes, and crimes against humanity. President Clinton, in his address to the United Nations General Assembly last fall, called for the creation of an ICC by the end of this century. Secretary of State Madeleine Albright joins the President in strongly supporting the establishment of a fair and effective Court.

This is a unique moment in history: we can shape and significantly strengthen the pursuit of international justice in the future. A properly-structured and effective International Criminal Court will build on the legacy of the Nuremberg and Tokyo War Crimes Tribunals at the end of World War II, as well as the work of the existing International Criminal Tribunals for the former Yugoslavia and Rwanda. Like those institutions, the ICC would hold individuals accountable for genocide, crimes against humanity, and large-scale commission of war crimes. Unlike those ad-hoc bodies, however, it would be a permanent institution, a mechanism by which the world can quickly bring to justice perpetrators of these heinous crimes.

But creation of the Court will not take place in a vacuum. We must distinguish carefully between the ideal of an ICC and the reality of the world today. Negotiating the Court's establishment should not ignore existing institutions that can support the Court's goals or vexing problems that could cause its politicization. The treaty requires a balanced and realistic approach that will permit both the pursuit of justice and the pursuit of international security. We must be careful to guard against the creation of an ICC that politically-motivated states could manipulate to challenge the actions of responsible governments by targeting their military and civilian personnel for criminal investigation and prosecution.

David Scheffer, U.S. Ambassador-at-Large for War Crime Issues, will head the U.S. delegation to Rome. Other delegation members include experts from the Departments of State, Justice, and Defense and from the Joint Chiefs of Staff. They have been deeply engaged in the UN talks

since their origin in early 1995. They will use their extensive experience to negotiate the creation of a Court that reflects our concerns as well as those of other delegations.

The Clinton Administration supports the creation of a strong, effective, and properly-constituted Court. However, our desire to support the process does not dilute our determination to design a document that reflects a variety of U.S. concerns, including the role of the UN Security Council, deferral to capable national legal systems, jurisdiction, elements of offenses, rules of evidence, and criminal procedure. We remain hopeful that governments will resolve their remaining differences and that the conference will produce a statute for the Court that the international community, including the United States, can embrace.