

SENATE FOREIGN RELATIONS COMMITTEE
HEARING ON U.S. SECURITY INTERESTS IN EUROPE
June 20, 2001

Excerpts:

SEN. DODD: I appreciate it. Which brings me to the issue of the criminal court issue, and I know you're in the process of thinking this through. And I know my colleague from North Carolina has some very strong reservations to put it mildly, about what the implications could be for an international criminal court.

DODD: But I would hope, given our long history in involvement in these issues, as we enter this 21st century, and given the problems that emerge around the globe, there may be a way for us to be an active proponent of the creation of an international criminal court.

There have been legitimate concerns that need to be -- I'm not satisfied that the present document is any one that we ought to ratify or support. But I'd had to see us walk away from it entirely and sort of relinquish the ground to others, given the leadership we've shown over the years.

My father used to say, and I don't know if he's right or wrong, but he always felt that had there been an international court in the 1920s and '30s after World War I, there might have been a way to stop the horrors that occurred during the Nazi regime. If there'd been a place where the issues could have been raised about the genocidal behavior of a Hitler, it just might have avoided it. We can argue that as to whether or not it would have occurred.

But the idea in the 21st century that somehow we're going to relegate a decision to others on something so fundamental, something we're so associated with, as a nation, worries me a great deal. And I wonder if you might just comment on where we are and whether or not there's still an opportunity for some discussion about how we might frame this debate and discussion, other than, with all due respect, the Servicemen's Protection Act, which I worry about the implications of that.

COLIN L. POWELL, U.S. SECRETARY OF STATE: Well, as you know, President Clinton signed...

DODD: Yes.

POWELL: ... and then, just before he left office, but even in the process of signing it, indicated that it was not something that he would send up for ratification at that time. And the Bush administration also does not believe this is an agreement that should be sent up for ratification because of the impact it would have on, in our judgment, on U.S. servicepersons serving overseas who might get caught up in this court.

And I felt the same way as chairman of the joint chiefs of staff, sharing all the values that you've just discussed, Senator Dodd. But there is a fundamental constitutional right that our youngsters have, with respect to how they should be held accountable for their actions under our laws. And I

was never able to quite square what the ICC might cause to happen with respect to the rights that our youngsters should enjoy under our constitutional system.

I'm always willing to listen to new ideas and new thoughts, but I had difficulty with the ICC as chairman of the joint chiefs of staff when it was emerging, when it was being talked about. And I still have problems with it, as does the Department of Defense.

And so, at this point, we've signed it so we can participate in some of the work that goes on with respect to the development of such a concept, but the administration will not be sending it up for ratification.

DODD: Well, again, I would hope we might to work at it, and I appreciate -- I would worry as well about our servicemen and women.

But I happen to believe what the court did with Mr. Milosevic and others, for instance, played a tremendous valuable role. And I'm fearful we're going to see more of these types, the Osama bin Ladens and others around the world. And to the extent that we can play a leadership role in providing international forum where these thugs are brought to justice is something that I'd like to see my country associated with.

POWELL: And when we do, Senator, with the specific tribunals for specific issues and areas, such as the International Criminal Tribunal for Yugoslavia.

DODD: I thank you.

Thank you, Mr. Chairman.