

**SENATE FOREIGN RELATIONS COMMITTEE
HEARING ON THE
INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST
BOMBINGS AND THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF
THE FINANCING OF TERRORISM
October 23, 2001**

Excerpts

HELMS: Thank you, Mr. Chairman. In 1941, and I may be one of the few people in this room who will remember that, the accepted an effected policy of the United States was to identify and if, and when necessary, destroy forces resorting to violence against the American people.

Now that's how and why the United States and our allies won World War II. And that kind of resolve will soon help us defeat this new enemy, global terrorism. On September 12, I mentioned that I would do everything in my power to encourage and supplement the revival of the policy that once protected innocent Americans. And that's why I asked the distinguished chairman to schedule this meeting.

So members of the committee, the question for us today is simple. Will these United Nations treaties today help us find, and when necessary, defeat the new enemy? Overall, I think the answer is yes. The worldwide effort is needed to stop the conduct covered by these treaties and if the United Nations can help put that worldwide effort together than the United States, obviously, should not withhold our support.

The Bush administration has expressed great interests in these two treaties but the treaties are not without their flaws that I feel that I must acknowledge that. Neither of them removes barriers to expedition of terrorists murders. Neither of these treaties addresses the obvious fact that many nations have not even specified that terrorism is a crime, let alone the financing of terrorism or terrorist bombing itself.

So, I'm supporting these treaties but will ensure in the resolution of ratification that the treaties do not establish links to the so-called international criminal court established by their own statutes and that they will not impede U.S. law enforcement or our national security efforts.

Now, Mr. Chairman, I'll end on a note of caution with regard to UN efforts to negotiate further international terrorism treatments and agreements. Incredibly there are significant disagreements within the United Nations as to what constitutes terrorism. Now this should cause all of us to pause and consider whether the more than 180 countries comprising the United Nations may be incapable of ever agreeing on a suitable definition.

We should not waste time negotiating a lowest common denominator or in terms of a definition of terrorism for the sake of universal agreement, because such an effort would, instead, undermine the president's campaign to eliminate the global terrorists organizations. And I look forward to hearing from our distinguished witnesses.

...

HELMS: If the willing statute to create a so-called an international criminal courts enters into force, will that court assert jurisdiction over the offenses created by these two treaties?

TAFT: Mr. Chairman, I think that the answer to that is no. The jurisdiction of that court does not include terrorist acts. It is limited to, as I understand it, to war crimes, to genocide and to crimes against humanity.

The terrorist acts are criminal offenses, but, as I understand it, not subject to the jurisdiction of that court in theory. And of course that court is not with us at this moment and it does not apply to anything until it comes into existence.

HELMS: As long as it stays with us, I don't think that--.

(CROSSTALK).

HELMS: If you have any further thoughts about that, would you let me know, please, sir.

TAFT: I will do that, sir.

HELMS: Will the United States then, how to put it, end up competing with the court for jurisdiction over terrorists trying to avoid the death penalty or life imprisonment in the United States.

TAFT: I don't think--.

HELMS: (INAUDIBLE) penalty that is.

TAFT: I don't think, Mr. Chairman, they'll be a competition with the court, because, as I mentioned, the terrorists' activities are not actually subject to the court's jurisdiction. They would be subject to our jurisdiction, and in fact to universal jurisdiction under these treaties. And we will have our own penalties in place for these offenses under our criminal law passed pursuant to the treaties.

HELMS: You have any further thoughts on that; I wish you'd let me know because it's a matter of some importance to a lot of us, and certainly to me.