

Massacre Probe Concerns U.S.: Role of International Court in U.N. Investigation Is Cited

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UNITED NATIONS, Dec. 1 -- The Bush administration Wednesday sought to head off a European initiative to obtain Security Council support for an International Criminal Court role in investigating war crimes in Burundi. The move came one day after an influential U.N. panel proposed that the 15-nation council take an active role in backing investigations into atrocities by the world's first permanent war crimes court.

The Burundian government appealed to the tribunal to investigate and prosecute individuals responsible for the Aug. 13 massacre of more than 150 Congolese refugees in Gatumba, Burundi. Britain, France, Germany and Spain -- the council's four European members -- sought the inclusion of a provision endorsing Burundi's request in an otherwise routine resolution calling for the extension of the U.N. mission in Burundi until June 2005.

The Bush administration opposes the global court on the grounds that it might conduct frivolous prosecutions against U.S. troops and officials engaged in military operations around the world. European governments insist that the court will target only the world's worst mass murderers.

The United States agreed to support the resolution extending the U.N. mission only after the language was watered down to address American concerns that it would have encouraged and authorized U.N. investigators to cooperate with the international court.

After the vote, John C. Danforth, the U.S. ambassador to the United Nations, insisted that the resolution -- which notes Burundi's efforts to seek "appropriate" international support for investigating war crimes -- does not constitute an endorsement of the international tribunal. He urged the Europeans not to seek to advance the cause of the court in the council.

"Let us put aside our differences on the ICC and focus on the positive result we have achieved here today in the specific context of the ongoing U.N. peacekeeping operation in Burundi," Danforth said. "In this particular case, the U.S. supports this resolution based on the understanding that this resolution in no way directs, encourages or authorizes [the U.N. mission in Burundi] to cooperate with or support the International Criminal Court."

The European governments said that they interpret Wednesday's report as indirectly endorsing Burundi's attempt to enlist the support of the criminal court.

"We also welcome the support voiced by the Security Council in the resolution in favor of the efforts made by U.N. members to put an end to impunity," said France's ambassador, Jean-Marc de la Sablière. "This includes actions carried out by states in cooperation with the relevant international organizations and in particular with the ICC."

"The Burundian justice system . . . desperately needs our political and material support," added Germany's ambassador, Gunter Pleuger. "There are different views within the council on the International Criminal Court. We do not seek to impose our views on others. But the government of Burundi is making a significant effort to investigate the massacre in Gatumba refugee camp, including through its decision to refer the case to the ICC."