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Statement of the U.S. Embassy June 12, 2002

The International Criminal Court & Reaction to the American Servicemembers' Protection Act

The American Servicemembers' Protection Act (ASPA) is legislation currently before the U.S. Congress intended to address the possible consequences of a U.S. serviceman involuntarily being taken into custody under the auspices of the International Criminal Court, to which the United States is not a party.

Our policy with regard to the establishment and jurisdiction of the International Criminal Court (ICC) already is well known and has not changed. In May 2002 we formally notified the United Nations, as the treaty depository, that we do not intend to become a party to the Rome Statute.

We believe the ICC treaty has a number of fundamental problems. The United States is concerned that its military and civilian personnel will be exposed to politically motivated investigations and prosecutions. The ASPA provision grants an authority for the President to use all means necessary. It does not require or suggest that any particular means be used to address this issue.

Should matters of legitimate controversy develop with the ICC's host-country, the Netherlands, we would expect to resolve these controversies in a constructive manner, as befitting relations between close allies and NATO partners. Obviously, we cannot envisage circumstances under which the United States would need to resort to military action against the Netherlands or another ally.