

CONGRESSIONAL RECORD -- EXTENSIONS

Thursday, July 18, 2002

HON. DOUG BEREUTER (Nebraska). Mr. Speaker, this Member wishes to commend to his colleagues an editorial from the July 12, 2002, edition of the Omaha World-Herald entitled "Fairness' to be wary of."

As the editorial stresses, the International Criminal Court (ICC) will place U.S. policy-makers and military personnel in a precarious position whereby practically any random nongovernmental organization (NGO) could bring esoteric charges against them. Indeed, the editorial highlights the story of a Croatian advocacy group which has brought charges against former President Clinton for his support for military actions in Croatia. These charges, which were presented in the special tribunal on the Balkans, were not presented due to any specific infraction but because the advocacy group believes that all sides of the issue should be reviewed for the sake of "evenhanded justice."

Mr. Speaker, the ICC is likely to consume vast resources on similar baseless cases and charges rather than focusing on the gross infractions of basic international rules of engagement. It is appropriate for this body and for the Administration to adamantly oppose U.S. participation in the new court.

From the Omaha World-Herald, July 12, 2002

"Fairness" To Be Wary Of

Critics have scoffed at the insistence by the Bush administration and Congress that U.S. military personnel abroad be protected from indictment by international tribunals. Such courts, the critics claim, are intended only for prosecution of major war criminals. The indictment of U.S. policy-makers and soldiers, they say, isn't very likely.

Recent events, however, have shown that U.S. concerns are justified. The Washington Times reported this week that a special tribunal investigating war crimes in the Balkans is examining whether charges are warranted against former President Bill Clinton and his aides for U.S. support of a Croatian military offensive in 1995.

An advocacy group in Croatia sparked the court's action. The activists told the tribunal that if it indicts a former Croatian general accused of slaughtering Serbian civilians during that campaign, it should also indict American officials in the interests of what it called "evenhanded justice."

This isn't the first time U.S. officials have come under scrutiny by that court. Previously, the prosecutor for the tribunal had investigated whether NATO had violated international law during its 1999 bombing campaign in Yugoslavia. The prosecutor filed no indictments, saying she wouldn't have been able to collect sufficient evidence to bring charges against high-level officials.

In light of those facts, the Bush administration has been amply justified in refusing to seek congressional approval for a new entity, the International Criminal Court,

which began operation last week and seeks global jurisdiction. (To keep United Nations peacekeeping on track in the Balkans, the Bush administration compromised this week on the immunity question, while still refusing to endorse the court. The compromise should provide sufficient de facto protection for troops.)

Supporters of the new court say it is a vehicle for trying only the most brutal of international war criminals. But such claims lack credibility when a similar international court is dutifully conducting an investigation_out of "fairness"_of possible war crimes by a former U.S. president.

On balance, we think it's a good idea to have specially appointed courts consider war-crimes matters for individual military conflicts. But the International Criminal Court has been granted too much authority, and the Balkans tribunal has shown a troubling lack of proportion by taking seriously calls for indictments against high U.S. officials.

American leaders are right to be wary about the potential for abuse.