

INTERNATIONAL CRIMINAL COURT

Kerry opposes role in tribunal

US concerns not yet met, he says

By Joe Lauria, Globe Correspondent | October 5, 2004

UNITED NATIONS--Senator John F. Kerry has said he opposes US involvement in an international court for war crimes until certain conditions are met, apparently contradicting President Bush's assertion during last week's presidential debate that Kerry favors joining the court.

"My number one priority is to protect the servicemen and women who protect America from harm," Kerry told the Boston Globe in reply to a request to state his position. "Therefore, I don't believe the United States should join the International Criminal Court until our concerns are addressed and the Court develops a solid track record of fair prosecutions of the world's worst criminals."

However, Kerry added in the written statement that "I will not continue the obsessive and self-defeating campaign President Bush has waged against the ICC and the close American allies that support it. . . . All he's done is to alienate our closest allies and diminish his own authority in the world."

Bush raised the issue of the court during the candidates' first debate on Thursday, saying he would never take part, while "my opponent is for joining the International Criminal Court." Kerry did not respond, and the issue was not raised again during the debate. The international court was created in The Hague, Netherlands, in July 2002 to hear charges of war crimes, genocide, and crimes against humanity.

Bush cited Kerry's alleged support for the ICC again yesterday in Clive, Iowa, saying: "I think it would be bad for our troops to have to be, you know, facing an unaccountable prosecutor in a foreign land for decisions that the commander in chief made. Listen, if somebody does something wrong in our country, we've got plenty of justice, and we don't need to be signing up for a federal--international court. My opponent would join the International Criminal Court."

Kerry's statement on the court, e-mailed to a Globe reporter Saturday night, came after repeated inquiries over the past six weeks and two days after another request the morning of the debate.

Mark Kitchens, a foreign affairs spokesman for the Kerry campaign, said in an e-mail to the Globe about Kerry's ICC position: "George W. Bush once again chose to mislead the American people about John Kerry's position."

The Bush campaign yesterday referred reporters to Kerry's past statements on the ICC, some of which could be read as supporting participation, but which increasingly emphasized the need for safeguards for US citizens.

Kerry replied in early 2004 to a group called Peace Action: "I support US participation in the International Criminal Court, but also believe that US officials, including soldiers, should be provided some protection from political motivated prosecutions."

In a September statement to the American Bar Association, however, Kerry did not say whether he supported or opposed participation. He said Bush had alienated allies with his handling of the ICC, and that "[m]y administration will carefully consider the full range of US interests at stake with respect to the court as we review our policy and fashion a more constructive approach."

The issue is a delicate one for the Democratic nominee, who has faced criticism from Bush supporters for his multilateralist positions. ICC supporters said Kerry apparently wants to avoid alienating undecided voters who may be suspicious of international organizations having jurisdiction over US citizens.

"It's disappointing that he is unwilling to endorse it, but given that the popular concern about the court is based less on reality and more on the right-wing misinterpretation, maybe it's politically the safest position to take," said Stephen Zunes, a professor at the University of San Francisco.

William Pace, of the Coalition for the International Criminal Court, said Kerry's position departs from the Bush administration. "Just taking what is a war against the ICC and reducing it to a wait-and-see is already an enormous step . . . forward," he said. President Bill Clinton signed the treaty, but Bush revoked that approval in May 2002.

Bush made it clear during the debate that his administration would never back the court. "I wouldn't join the International Criminal Court. It's a body based in The Hague where unaccountable judges and prosecutors can pull our troops or diplomats up for trial," he said.

In his statement to the Globe, Kerry criticized Bush's attempts to pressure countries, many of which have ratified the treaty, into bilateral arrangements that would prevent them from turning over US citizens to the court. The administration has so far signed such pacts with 94 nations.

Kerry also said he would ensure that "status of forces agreements" granting immunity from prosecution for US troops deployed abroad would be upheld.

Rick Klein and Patrick Healy of the Globe staff contributed to this report. ■