

Daily Press Briefing
Richard Boucher, Spokesman
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TRANSCRIPT:

(1:40 p.m. EDT)

MR. BOUCHER: Good afternoon, ladies and gentlemen. I don't have any statements or announcements for you right now, but I'd be glad to take your questions.

QUESTION: Would you like to answer what Mr. Cunningham has had to say about the news that the U.S. is dropping the resolution, seeking to renew the exemption for American peacekeepers from that tribunal that the U.S. doesn't really think should be -- have jurisdiction over them?

MR. BOUCHER: We felt the draft renewal that we had presented met the needs of all of the members and was consistent with what the members of the council had stated in passing the resolution before.

At the same time, we found that members didn't agree. So we have decided not to proceed with further consideration of the resolution, the ICC resolution, or action on the draft at this time. We want to avoid a prolonged and divisive debate in the council. We will have to take into account the lack of this resolution, as we look at our various obligations, and the way we proceed overseas. We'll be doing that in the coming days.

QUESTION: It sounds like you came to the conclusion for sake of not taking too much time, occupying too much time. But you haven't changed your position, have you?

MR. BOUCHER: We have not changed our position, and in fact, we believe that the jurisdiction of the International Criminal Court needs to be -- can't be established over nationals of states that are not party to the Rome statute and that, therefore, that Americans and others who are not members of the Rome statute, who participate in UN peacekeeping, need to be protected from some kind of misguided prosecution because of actions they might undertake while participating in those operations.

We have, I think, demonstrated that in the very unfortunate situation, terrible situation that developed at Abu Ghraib, that the United States does stand for justice and will itself impose justice on any members of our services who might undertake things that constitute international crimes.

QUESTION: It's a matter for national --

MR. BOUCHER: But it's a matter for us to take care of and not for some other court with some other jurisdiction that we're not a party to.

We also note, as I think we pointed out before, that some of the ICC states, some of the members of the Rome Treaty have used within that treaty statutes that can get them a delay in the application of the court to their members.

QUESTION: Right.

MR. BOUCHER: So we saw nothing inconsistent with the statute, the Rome Treaty, or with the actions of other members, people who are party to the treaty, in passing this resolution. Obviously, that wasn't the view that was held strong enough in the council to pass this.

QUESTION: Richard, will this make it harder for the United States to vote for or to participate in peacekeeping missions in the future?

MR. BOUCHER: We will have to examine each of these missions case by case, both in terms of the voting for a peacekeeping mission. We do have, I think, 90, now, Article 98 agreements that, with individual nations, that might be a factor when we come to considering particular missions.

We also will have to look at it in terms of staffing and providing Americans to participate in peacekeeping missions, what the risk might be of prosecution by a court to which we're not party.

QUESTION: Two years ago July, I think -- can I just -- two years ago July, I think there were eight missions that the U.S. was considering abandoning. So I don't know if this is a larger reconsideration. And I don't know if it's a matter of principle or you're going to be selective to the -- selective as to which operations U.S. personnel might be most vulnerable to international prosecution.

MR. BOUCHER: I think -- we'll have to -- I'm not even sure that decision has been made, whether we'll have to pull them all or do it selectively. But we're going to have to look at the consequences of not having this resolution --

QUESTION: All right.

MR. BOUCHER: -- in terms of the different operations that we participate in, and we'll make our decisions. I'm not sure if we'll make it as a batch or individually.

QUESTION: Okay. But you're not willing to say now that you not -- you won't participate in any mission where your troops would be at risk of prosecution by the ICC?

MR. BOUCHER: I'm not able to say blanket, one way or the other, what the implications would be for our participation in peacekeeping. We'll have to look at each of these that we have now, and as per your earlier question, each of them is, as they come along, we'll examine the impact on our ability to participate and we'll have to take that into account.

QUESTION: Has it been determined whether there will be any protections from prosecution for American troops serving in Iraq in a multinational force? Is there an Article 98 agreement?

MR. BOUCHER: I believe that the provisions of 14 -- 1546, that have already been passed provide for some sort of protection. I'll have to check on that and find out exactly what it is.

QUESTION: And Iraq is not a party to --

MR. BOUCHER: And Iraq is not a party to the statute, so it doesn't arise in Iraq.

QUESTION: Will you continue with cutting some of the military aid to countries who refuse to sign an Article 98 now? That won't change at all?

MR. BOUCHER: That's a matter of law. We have to withhold certain kind of assistance from countries whom we don't have Article 98 agreements.

QUESTION: Richard, since Under Secretary Grossman opened the door to you guys answering hypothetical questions on the idea of if the Iraqi interim government asked the U.S. troops to leave that you would, of course, leave, if the interim Iraqi government becomes a party to the Rome Treaty, will you pull your troops out --

MR. BOUCHER: Matt --

QUESTION: -- without an Article 98 agreement?

MR. BOUCHER: Matt, the fact that we once made one exception to the answering of hypothetical questions --

QUESTION: No, you guys opened the door on it.

MR. BOUCHER: It is not a precedent; nothing is ever a precedent. There are so many factors involved in trying to answer that question that neither you nor I can calculate at this moment; that it would be a fool's errand to try to answer it.

QUESTION: Richard, if at all, various governments are selectively ignoring Geneva-type agreements, we've had this morning a tit-for-tat in Afghanistan, of all places. It's been denied, but they're saying now that Afghan troops have been beheading Taliban.

MR. BOUCHER: I'm sorry. I didn't see reports like that, and I don't agree that governments have been selectively ignoring the Geneva Conventions. The United States is very committed to the Geneva Conventions and I think the President's policy on that is clear.

QUESTION: But if each government has their own interpretation of those regulations and are selectively ignoring them and --

MR. BOUCHER: Again, I don't agree with the premise. I'm sorry.

QUESTION: Okay.