

STATEMENTS REGARDING US-ICC COOPERATION

August 2, 2002

Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosevic, Osama bin Laden, other members of Al Qaeda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.

Section 2015, American Servicemembers' Protection Act of 2002
<http://www.state.gov/t/pm/rls/othr/misc/23425.htm>

March 31, 2005

Recognizing that non-parties have no obligation under the Rome Statute, the resolution [1593] recognizes and accepts that the ability of some States to cooperate with the ICC investigation will be restricted in connection with applicable domestic law. For the United States, we are restricted by United States statutes that reflect deep concerns about the Court from providing assistance and support to the ICC.

Anne Wood Patterson, US Deputy Permanent Representative to the UN
United Nations Security Council, 5158th meeting
<http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/PV.5158&Lang=E>

July 9, 2005

[T]he ICC process, as you know, is an independent UN process, with the prosecutors. While my country will cooperate as others will with that process, that's a process that has its own course. We believe that there should be accountability for criminal actions taken that rise up to the level of the ICC's jurisdiction.

Robert B. Zoellick, US Deputy Secretary of State
Press Conference in Khartoum, Sudan
<http://www.state.gov/s/d/former/zoellick/rem/49349.htm>

November 1, 2005

Deputy Secretary Zoellick has made very clear that if we were asked by the ICC for our help, we would try to make sure that this gets pursued fully. To use his words, because we don't want to see impunity for any of these actors. So they haven't asked, but if they did, we stand ready to assist.

Jendayi E. Frazer, US Assistant Secretary of State for African Affairs
House Subcommittee on Africa, Global Human Rights and International Operations
International Relations Committee
<http://www.internationalrelations.house.gov/archives/109/24374.pdf>





November 4, 2005

Question: And the other question is like to what extent is the U.S. giving support to the process that might actually end in prosecuting war criminals in the ICC? I mean, I know we've said that, you know, this can happen but what -- how much support?

Assistant Secretary Frazer: They haven't asked us. They haven't asked us for support. What the Deputy Secretary has said is that we obviously want people to held accountable for – and if asked, we would look at ways in which we could assist to make sure that people were held accountable. But as far as I know, we haven't had any concrete requests from the ICC at this point.

Briefing on Deputy Secretary Zoellick's Travel to Sudan and Kenya
<http://www.state.gov/p/af/rls/rm/2005/56518.htm>

December 22, 2005

Jerry Fowler: Obviously, it is well known that the United States government has not been supportive of the International Criminal Court, although it did allow this referral to Darfur to happen. What kind of relations had you had with them on the Darfur investigation? Have you requested assistance? Have you gotten assistance?

Luis Moreno-Ocampo: No, no. We did not request in any nature. In fact, in the Security Council meeting they informed us that they are not ready to cooperate. In any case, we are not requesting any cooperation that would be a problem for the United States. We respect the state decision, we respect those that are willing to cooperate and those that have a different point of view. It is a national decision.

Interview with ICC Prosecutor Luis Moreno-Ocampo, United States Holocaust Memorial Museum
<http://blogs.ushmm.org/index.php/COC2/9/>

April 13, 2006

Please see the sanctions point within a broader context. I didn't mention, but there's a separate process under the International Criminal Court, which is also related to accountability. But as you know, as you probably know, that's an autonomous process. The United States accepted that process and indeed, under our domestic law, if they ask for information and help, we try to provide that help.

[...]

The International Criminal Court, as I mentioned, the International Criminal Court is autonomous. I don't know the state of its investigation. But we will fully cooperate with it and pursue those actions as related to the genocide in Darfur.

Robert B. Zoellick, US Deputy Secretary of State
The Brookings Institution, Washington, D.C.
<http://www.state.gov/s/d/former/zoellick/rem/2006/64622.htm>

June 14, 2006

[W]e do acknowledge that [the ICC] has a role to play in the overall system of international justice.

Interview with US Department of State Legal Adviser John B. Bellinger III, The Wall Street Journal
[http://www.amicc.org/docs/6-14-06 Wall Street Journal.pdf](http://www.amicc.org/docs/6-14-06%20Wall%20Street%20Journal.pdf)





September 8, 2006

In the case of Sudan, where we would have also preferred justice for the genocide that occurred there to be done locally, there was not a local option that could ultimately be worked out quickly. So we supported the use of the ICC for the trials for those responsible for atrocities in Darfur. We worked on UN Security Council Resolution 1593 and did not block it despite our concerns about the ICC.

US Department of State Legal Adviser John B. Bellinger III
29th Round Table on Current Problems of International Humanitarian Law, San Remo, Italy
<http://www.state.gov/s/rls/73077.htm>

December 18, 2006

Wasil Faisal Ali Taha: The U.S. has always been a staunch opponent of the ICC and has fiercely tried to block the referral of the Darfur case to the ICC but after a shift in policy they decided to abstain from voting to enable the resolution to be adopted. However recently there has been mounting signs of the U.S. warming up to the ICC, most notably in urging the Ugandan government to execute the arrest warrants against LRA leaders. Also some U.S. lawmakers have been calling on the Bush Administration to assist the ICC in its Darfur investigations. Did the US offer to share some intelligence information or satellite images on the Darfur conflict with the ICC?

Luis Moreno-Ocampo: No; it's even illegal for the U.S. to come into contact with the ICC.

Interview with ICC Prosecutor Luis Moreno-Ocampo, Sudan Tribune
<http://www.sudantribune.com/spip.php?article19321>

December 21, 2006

Jerry Fowler: When I spoke to you last year, I understood you to say that you had not requested assistance from the United States government in terms of intelligence and information. Has that changed?

Luis Moreno-Ocampo: No.

Jerry Fowler: So, you have not requested assisted from them, and presumably then, have not gotten assistance?

Luis Moreno-Ocampo: No.

Interview with ICC Prosecutor Luis Moreno-Ocampo, United States Holocaust Memorial Museum
<http://blogs.ushmm.org/index.php/COC2/294/>

December 27, 2006

At least as a matter of policy, not only do we not oppose the ICC's investigation and prosecutions in Sudan but we support its investigation and prosecution of those atrocities.

Interview with US Department of State Legal Adviser John B. Bellinger III, Associated Press
http://www.iht.com/articles/ap/2006/12/28/america/NA_GEN_US_International_Criminal_Court.php



February 5, 2007

During today's hearing, we will explore using the law to impose criminal and civil sanctions on individuals who are guilty of genocide. We will discuss the status of the International Criminal Court's Darfur investigation, and whether the federal government is doing everything it can to facilitate that investigation.

Senator Richard J. Durbin (D-Ill.), Chairman
Senate Subcommittee on Human Rights and the Law hearing on "Genocide and the Rule of Law"
http://judiciary.senate.gov/member_statement.cfm?id=2521&wit_id=747

May 3, 2007

We very strongly support accountability for those who are responsible for Darfur, and we expect the government of Sudan to comply with the obligations under United Nations Security 1593 to cooperate with the ICC.

White House Press Briefing by Press Secretary Tony Snow
<http://www.whitehouse.gov/news/releases/2007/05/20070502-5.html>

June 6, 2007

Moreover, over the past couple of years we have worked hard to demonstrate that we share the main goals and values of the Court. We did not oppose the Security Council's referral of the Darfur situation to the ICC, and have expressed our willingness to consider assisting the ICC Prosecutor's Darfur work should we receive an appropriate request. We supported the use of ICC facilities for the trial of Charles Taylor, which began this week here in The Hague. These steps reflect our desire to find practical ways to work with ICC supporters to advance our shared goals of promoting international criminal justice. We believe it important that ICC supporters take a similarly practical approach in working with us on these issues, one that reflects respect for our decision not to become a party to the Rome Statute. It is in our common interest to find a *modus vivendi* on the ICC based on mutual respect for the positions of both sides.

US Department of State Legal Adviser John B. Bellinger III
The Atlantic Commission, The Hague, The Netherlands
<http://www.state.gov/s/l/rls/86123.htm>

April 25, 2008

Now that the United States accepted the decision of the UN Security Council to refer the Darfur situation to the ICC, we want to see the ICC's work succeed. We have said that we would be prepared to consider an appropriate request from the ICC for assistance in its Darfur work consistent with applicable U.S. law. This is not to say that responding to such a request would be straightforward or easy. There are restrictions in U.S. law on assistance to the ICC, including under the American Servicemembers' Protection Act. Caution would also be necessary given that the ICC's procedures for cooperation and the protections they provide for the interests of cooperating states are new and untested. But Darfur is nonetheless a good example of an area where, with respect and goodwill on all sides, there may be opportunities for constructive cooperation.

US Department of State Legal Adviser John B. Bellinger III
Midwest Regional Conference on International Justice, Chicago, Illinois
<http://www.state.gov/s/l/rls/104053.htm>

Updated April 29, 2008

