

## 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 Queda, 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://www.un.org/Depts/dhl/resguide/scact2005.htm>

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://2001-2009.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://2001-2009.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://2001-2009.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/6-14-06WallStreetJournal.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.

John B. Bellinger III, US Department of State Legal Adviser  
29th Round Table on Current Problems of International Humanitarian Law, San Remo, Italy  
<http://geneva.usmission.gov/Press2006/0908BellingerSanRemo.html>

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](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/hearings/testimony.cfm?id=2521&wit\\_id=747](http://judiciary.senate.gov/hearings/testimony.cfm?id=2521&wit_id=747)





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.

John B. Bellinger III, US Department of State Legal Adviser  
The Atlantic Commission, The Hague, The Netherlands  
<http://2001-2009.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.

John B. Bellinger III, US Department of State Legal Adviser  
Midwest Regional Conference on International Justice, Chicago, Illinois  
<http://2001-2009.state.gov/s/l/rls/104053.htm>

June 5, 2008

The United States strongly believes that those responsible for the acts of genocide, war crimes and crimes against humanity committed in Darfur must be held accountable and be brought to justice. We look forward to continuing to work with other members of the Council on necessary steps, including working with Costa Rica on a draft presidential statement to achieve that important objective.

Zalmay Khalilzad, US Permanent Representative to the UN  
United Nations Security Council, 5905th meeting  
<http://www.un.org/Depts/dhl/resguide/scact2008.htm>

June 6, 2008

We accept the reality [of the ICC]. It is the only game in town for bringing accountability for the atrocities in Darfur.

Interview with US Department of State Legal Adviser John B. Bellinger III, The New York Times  
<http://www.nytimes.com/2008/06/06/world/africa/06nations.html>





July 14, 2008

QUESTION: Can you address the Sudan situation and the ICC? What – I think you mentioned something this morning about looking at your own – that the U.S. is looking at its own laws in relation to this. Can you elaborate a little bit on that?

MR. MCCORMACK: Well, I talked a little bit about the fact that the United States is – has been at the forefront of holding those responsible for genocide accountable, whether that's from the – whether those individuals are from the Government or from rebel groups or other groups.

In terms of the ICC, we are not part of the ICC. We're – we are not the signatories of the Treaty of Rome that created the ICC. In terms of the specific charges that were put before the ICC judges today by the prosecutor, we'll examine them closely to glean any information that we might from those. We are constantly looking at what information we have on our own that might help hold accountable those individuals responsible for genocide or other atrocities.

There have been – there has been a request for information from the ICC and we had pledged that we would look at that request. That request is not related to the request for warrants against President Bashir today.

Yeah.

QUESTION: But you said previously that you didn't know of a request. Now you know of a request, is what you're saying?

MR. MCCORMACK: No. I talked about on Friday the fact that there was a request.

Yes.

QUESTION: A request for what?

MR. MCCORMACK: For information. Information.

QUESTION: No. I don't believe you did.

MR. MCCORMACK: Yes, I did.

QUESTION: This morning you said that you were –

QUESTION: No, this morning you said no.

MR. MCCORMACK: No. I said with respect to President Bashir.

QUESTION: I see. Oh, I see.

MR. MCCORMACK: Yeah.

QUESTION: So what is the request for, then?

MR. MCCORMACK: I'm not going to get into it.

QUESTION: But it's to do with Darfur?

MR. MCCORMACK: Yes.

QUESTION: It's not to do with the LRA or –

MR. MCCORMACK: No.

QUESTION: No?

MR. MCCORMACK: No.

QUESTION: When was that request?

MR. MCCORMACK: I – you know, I don't know. I don't know exactly when it was.

QUESTION: I'm sorry. And what is the position on how to respond to the request?

MR. MCCORMACK: We review each request as it would come in. We made a commitment when this issue came up. And the issue came up in the Security Council debate related to Sudan and whether or not the Security Council would vote in favor of the ICC and ICC prosecutors dealing with this issue, holding to account those responsible for genocide in Sudan. We abstained from that resolution. But we stated at the time that if there





were a request for information from the ICC, that we would consider each of those requests in turn, not necessarily with – trying to signal which way – in which way we would respond. But of course, the basis of a response probably would be what information we had, whether or not there was a match between a request and information we had.

QUESTION: Do you know if there has been a response?

MR. MCCORMACK: No, there has not.

QUESTION: There has not been a response?

MR. MCCORMACK: No.

QUESTION: You mean from the U.S.? The U.S. has not responded yet to the request?

MR. MCCORMACK: Correct. Correct.

QUESTION: My understanding was, Sean, that actually, you guys had made available – after Secretary Powell made the determination or announced the determination that it was a genocide, that you had, in fact, already forwarded on information that led to that determination – I don't know to the ICC, but certainly to the UN.

MR. MCCORMACK: You know, Matt, I can't speak to former Secretary Powell's tenure here.

Yeah.

QUESTION: So the fact that you're considering, you know, this request, does that mean that you're opening the door a little bit to joining the ICC – that you've opened the door?

MR. MCCORMACK: Not at all.

QUESTION: Oh, okay.

MR. MCCORMACK: Not at all.

QUESTION: Just thought I'd check.

MR. MCCORMACK: No. I mean, what it is, it's a fulfillment of our obligations as we see them.

QUESTION: And you received that request when?

MR. MCCORMACK: I don't know exactly when it was. It was recently.

QUESTION: What obligations are those?

QUESTION: Recently as in?

MR. MCCORMACK: As I've stated before, that if there were a request from the ICC for information, that we would consider it.

QUESTION: Just to flip around, have you asked the ICC for more information about the Bashir case?

MR. MCCORMACK: Well, we, of course, have access to what has been publicly released in terms of the request by the prosecutor to the ICC judges. I don't believe we have anything beyond that.

QUESTION: But you haven't – could you just check whether your – whether the legal counsel's office is asking for more specific details?

MR. MCCORMACK: I'll ask, but I don't expect that we are.

QUESTION: Because if they're asking you, it would stand to reason that you'd ask them?

MR. MCCORMACK: Well, it would stand to reason that the prosecutor would probably put his best case forward.

US Department of State Daily Press Briefing by Spokesman Sean McCormack

<http://2001-2009.state.gov/r/pa/prs/dpb/2008/july/106986.htm>





December 21, 2008

The United States has, by the way, imposed unilateral sanctions in Sudan. We have been the country that's been the most active in resisting calls to interfere with the international criminal court investigation of the leadership there, despite the fact that we're not members of the international court.

Interview with US Secretary of State Condoleezza Rice, NBC's Meet the Press  
<http://www.cqpolitics.com/wmspage.cfm?parm1=5&docID=news-000003000033>

February 5, 2009

We support the ICC in its pursuit of those who've perpetrated war crimes. We see no reason to support deferral [of the indictment of President Al-Bashir] at this time.

Ben Chang, Spokesman for National Security Adviser James L. Jones  
<http://washingtontimes.com/news/2009/feb/05/obama-backs-indictment-of-sudan-leader/>

February 9, 2009

It is our view that we support the ICC investigation and the prosecution of war crimes in Sudan, and we see no reason for an Article 16 deferral.

Susan E. Rice, US Permanent Representative to the UN  
<http://www.washingtonpost.com/wp-dyn/content/article/2009/02/08/AR2009020802191.html>

October 2, 2009

QUESTION: Yeah. So why is the ICC not the – why is that not the right venue for this kind of thing to be done? And are you at all – you, meaning the United States – at all hamstrung by your non-membership in the ICC, at least in terms of influence?

AMBASSADOR RAPP: We are beginning – certainly, in the second term of President Bush, the United States began to take, I think, an approach of greater cooperation with the ICC. As you recall, we didn't oppose the referral of the Darfur situation. And both the last administration and this have said that the Darfur situation to the ICC have opposed any effort to defer the prosecutor's investigation and indictment there that does involve allegations of sexual violence against individuals in Darfur. We'll see in the future, whether it's possible, as we develop our policy, that we can work constructively with the ICC on cases in other places where it has jurisdiction.

[...]

QUESTION: You mentioned Sudan and Darfur, but didn't the Bush Administration also cooperate with the ICC and the LRA?

AMBASSADOR RAPP: Well, obviously the situation – as you know, the American law, the American Servicemen's [Service-Members] Protection Act, permits cooperation with the ICC in cases involving the specific individuals – there are, of course, people listed there like Milosevic and Usama bin Ladin – but anyone that's been alleged to have committed war crimes, crimes against humanity and genocide, and it is possible for us to collaborate in those cases.

I can't speak to exactly what the Bush Administration did in regard to the LRA, the Kony case. But I do know that, obviously, when we're talking about the people that have been indicted by the ICC in Uganda, the LRA, and we're talking about those that – indicted in the DRC, we want to see those people brought to justice, and we want to see a fair trial. But we want to see, if they're guilty of these defenses, that they're imprisoned. And





so it's very much our policy that the ICC succeed in those cases. To the extent of how much we can cooperate to bring that about, that's the matter that's presently under review.

Special Briefing by US Ambassador-at-Large for Global Women's Issues Melanne Verbeke and  
US Ambassador-at-Large for War Crimes Issues Stephen Rapp  
<http://www.state.gov/s/gwi/rls/rem/2009/130211.htm>

## October 26, 2009

[The] US has lots of information, and if we are asked to co-operate we will certainly do that. [...] [W]e do feel strongly that those who were involved in the post election violence [in Kenya] must be held accountable.

Michael Rannaberger, US Ambassador to Kenya  
<http://www.kbc.co.ke/story.asp?ID=60579> [link no longer available]

## February 3, 2010

[T]he United States strongly supports international efforts to bring those responsible for genocide and war crimes in Darfur to justice and believes firmly that there cannot be a lasting peace in Darfur without accountability and justice. And we will continue to encourage the Government of Sudan and all parties to the conflict to cooperate fully with the International Criminal Court and its prosecutor, as required by UN Security Council 1593, passed in 2005.

US Department of State Daily Press Briefing by Assistant Secretary of State for Public Affairs Philip Crowley  
<http://www.state.gov/r/pa/prs/dpb/2010/02/136462.htm>

We think that President Bashir should present himself to the court to face charges. [...] If their own court won't do it and the international court is available, he should present himself to it.

Johnnie Carson, US Assistant Secretary of State for African Affairs  
Press Conference in Accra, Ghana  
[http://www.rferl.org/content/US\\_Urges\\_Sudans\\_Bashir\\_To\\_Face\\_ICC\\_Charges/1947621.html](http://www.rferl.org/content/US_Urges_Sudans_Bashir_To_Face_ICC_Charges/1947621.html)

## February 11, 2010

If there is not accountability for the violence of 2007, 2008, when the election cycle returns in 2012 it could happen again, and it could be worse. [...] The blood of Kenyans would be spilled, the hopes for the future would be dashed, and it would affect the entire region. [...] I'm here to convey the message that the level of cooperation has to dramatically improve.

US Ambassador-at-Large for War Crimes Issues Stephen Rapp  
Press Conference in Nairobi, Kenya  
<http://www1.voanews.com/english/news/africa/east/US-to-Help-Protect-Kenyan-Violence-Witnesses-84133462.html>

## March 23, 2010

My own government, which has provided strong and steadfast support for ad hoc tribunals established since the 1990s, hopes that our experience could be of some value to the ICC, for example, in identifying ways to enhance effective cooperation, particularly when it comes to ensuring that those who are now the subject of an arrest warrant are brought before the bar of justice.

But we also recognize that it is the Court officials themselves who know what assistance is needed. The Obama Administration would therefore like to meet with the Prosecutor and other officials at the International





Criminal Court to examine ways that the United States might be able to support the efforts of the ICC that are already underway in the Democratic Republic of Congo, Sudan, Central African Republic, and Uganda. We believe that the ICC must successfully conclude the cases it has launched, that it must keep faith with the victims for whom it must achieve justice.

Stephen Rapp, US Ambassador-at-Large for War Crimes Issues  
Resumed Eighth Session of the Assembly of States Parties of the International Criminal Court, New York  
<http://usun.state.gov/briefing/statements/2010/138999.htm>

## May 24, 2010

The Lord's Resistance Army preys on civilians – killing, raping, and mutilating the people of central Africa; stealing and brutalizing their children; and displacing hundreds of thousands of people. Its leadership, indicted by the International Criminal Court for crimes against humanity, has no agenda and no purpose other than its own survival. It fills its ranks of fighters with the young boys and girls it abducts. By any measure, its actions are an affront to human dignity.

[...]

I signed this bill today recognizing that we must all renew our commitments and strengthen our capabilities to protect and assist civilians caught in the LRA's wake, to receive those that surrender, and to support efforts to bring the LRA leadership to justice. The Bill reiterates U.S. policy and our commitment to work toward a comprehensive and lasting resolution to the conflict in northern Uganda and other affected areas, including northeastern Democratic Republic of Congo, southern Sudan, and the Central African Republic. We will do so in partnership with regional governments and multilateral efforts.

Barack Obama, US President

Statement on signing the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009  
<http://www.whitehouse.gov/the-press-office/statement-president-signing-lords-resistance-army-disarmament-and-northern-uganda-r>

## May 27, 2010

International Justice: From Nuremberg to Yugoslavia to Liberia, the United States has seen that the end of impunity and the promotion of justice are not just moral imperatives; they are stabilizing forces in international affairs. The United States is thus working to strengthen national justice systems and is maintaining our support for ad hoc international tribunals and hybrid courts. Those who intentionally target innocent civilians must be held accountable, and we will continue to support institutions and prosecutions that advance this important interest. Although the United States is not at present a party to the Rome Statute of the International Criminal Court (ICC), and will always protect U.S. personnel, we are engaging with State Parties to the Rome Statute on issues of concern and are supporting the ICC's prosecution of those cases that advance U.S. interests and values, consistent with the requirements of U.S. law.

Barack Obama, US President

May 2010 National Security Strategy

[http://www.whitehouse.gov/sites/default/files/rss\\_viewer/national\\_security\\_strategy.pdf](http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf)

## June 1, 2010

At the same time, however, we are acutely aware of the challenges before us. Even as the LRA has retreated from northern Uganda, for example, its leaders who have been summoned to account before the ICC are fugitives from justice, and LRA forces continue to exact an intolerable toll in neighboring countries. Last week





President Obama underscored the importance meeting this challenge when he signed into law an act to disarm the LRA and help Northern Uganda recover from the destruction it has wrought, stating “that we must all renew our commitments and strengthen our capabilities to protect and assist civilians caught in the LRA’s wake ... and to support those efforts to bring the LRA leadership to justice.”

[...]

That is why we have been meeting with Court officials to examine specific ways we might assist the Court in successfully completing the prosecutions already underway. We owe it to those who have endured crimes of epic scope and savagery to do all we can to ensure that the Court can bring those cases to a successful end, to hold the perpetrators to account, to provide recognition and relief for the victims, and by doing so, to create a future of greater safety and security.

Stephen Rapp, US Ambassador-at-Large for War Crimes Issues  
Review Conference of the Rome Statute of the International Criminal Court, Kampala, Uganda  
[http://www.state.gov/s/wci/us\\_releases/remarks/142520.htm](http://www.state.gov/s/wci/us_releases/remarks/142520.htm)

## June 2, 2010

As the President said last week – and I quoted this in my speech yesterday – in signing bipartisan legislation to assist northern Uganda in recovering from the effects of Joseph Kony and the Lord’s Resistance Army, we support efforts to bring Joseph Kony and the leaders of the LRA to justice. That means for those that are indicted at the ICC that they need to be brought to trial in The Hague. For others, and there are many others and there are some that have been brought here from Congo to Uganda, they need to face justice at the national level. And through our aid and assistance programs, not just now but for the last several years, we’ve been providing assistance to their national justice systems here and elsewhere.

And so the message that we’ve been delivering is support for international justice when it’s focused on atrocity crime and, at the same time, a renewed focus on making sure that our aid and other aid is coordinated so that justice can be delivered at the local level, at the national level where it will have, at the end of the day, a better effect and be closer to the victims and the affected communities.

Stephen Rapp, US Ambassador-at-Large for War Crimes Issues  
Briefing on the Review Conference of the Rome Statute of the International Criminal Court, Kampala, Uganda  
[http://www.state.gov/s/wci/us\\_releases/remarks/142585.htm](http://www.state.gov/s/wci/us_releases/remarks/142585.htm)

## June 15, 2010

And if it weren’t for the ICC, the UN would have been having to go in and establish a special court for those kinds of situations. So as we recognized in March when we participated in the Assembly of States Parties in New York, it’s in our interest to support those prosecutions – not at this time as a member of the ICC, but in kind with assistance as long as it’s consistent with our law. And at the same time that we support those prosecutions, also work on the whole of the international justice system, the key part of which is that that is below the level of the international system, the massive amount of work that needs to be done at the national level. That message of our commitment and our support for appropriate prosecutions at this court, I think, resonated very well when we came to this issue of aggression, where those of us that have worked in international justice know how challenging it is to prosecute, to arrest, to obtain cooperation. Even when you’re going after the cases that involve mass atrocity, people accuse you of being politically motivated.

[...]





As I think everyone knows, the Yugoslavia and Rwanda tribunals, even though they've not moved as quickly as some would have liked, and these cases have sometimes been difficult, the results show that almost 200 people have been prosecuted, including chiefs of state and heads of government and immediate leaders like those I prosecuted in Rwanda and others. Thus far, the ICC has only begun two trials and hasn't concluded them. And this court has a ways to go before it's as effective as the ad hoc tribunals were. This next seven years gives them an opportunity, I think, to be effective, and to the extent consistent with our law, at least in the situations that have been open so far, we're prepared to do what we can to assist those prosecutions to ensure that these crimes that shock the universal conscience result in accountability for those that bear the greatest responsibility.

[...]

So, if for nothing else, because of that role, but also because we're so committed to achieving accountability for these cases and fulfilling the promise that we've made to victims when we went and convicted Jean Kambanda, the prime minister of Rwanda, for genocide, or brought Milosevic to trial or Charles Taylor to trial, there's been an expectation created that when people of whatever level commit mass atrocities against the innocent, there's going to be accountability. And we think that's appropriate. We want it done. We want it done fairly. We want it done effectively. And the ICC wants us to assist and to the extent it's consistent with our law and we do have some laws that we have to be careful about observing that are a little different in this area than they are with other courts. We want to go forward on this, and that's something that we'll be doing in the next several years and perhaps that will build an engagement and a confidence that will allow us to go further.

Stephen Rapp, US Ambassador-at-Large for War Crimes Issues

Briefing on the Review Conference of the Rome Statute of the International Criminal Court, Washington, D.C.

[http://www.state.gov/s/wci/us\\_releases/remarks/143178.htm](http://www.state.gov/s/wci/us_releases/remarks/143178.htm)

## July 12, 2010

I think, an updating of the existing warrant, adding genocide to the existing charges that included crimes against humanity. We continue to support this process. We have, in our previous discussions with Sudanese officials, strongly encouraged Sudan to cooperate fully with the ICC. Scott Gration, who will be leaving for the region later this week, has repeatedly told Sudanese officials that at some point, President Bashir has to present himself to the ICC and be held to account. And he will reiterate that message when he meets with Sudanese officials later this week.

[...]

Well, I mean, there's a warrant out for his arrest. And we believe that he should present himself to the ICC and answer the charges that have been leveled against him. Obviously, one needs a legal process. Everyone is entitled to a day in court, and we think the sooner that President Bashir presents himself to that court, the better.

US Department of State Daily Press Briefing by Assistant Secretary of State for Public Affairs Philip Crowley

<http://www.state.gov/r/pa/prs/dpb/2010/07/144473.htm>

## July 14, 2010

Q Sudan. The International Criminal Court has added the charges of genocide to the arrest warrant of Sudan's President Omar al-Bashir. There's a view in Africa, certainly with the African Union, that the pursuit of President Bashir will be undermining or detrimental to the Doha peace process. What's your view?

THE PRESIDENT: Well, my view is that the ICC has put forward an arrest warrant. We think that it is important for the government of Sudan to cooperate with the ICC. We think that it is also important that people





are held accountable for the actions that took place in Darfur that resulted in, at minimum, hundreds of thousands of lives being lost.

And so there has to be accountability, there has to be transparency. Obviously we are active in trying to make sure that Sudan is stabilized; that humanitarian aid continues to go in there; that efforts with respect to a referendum and the possibility of Southern Sudan gaining independence under the agreement that was brokered, that that moves forward.

So it is a balance that has to be struck. We want to move forward in a constructive fashion in Sudan, but we also think that there has to be accountability, and so we are fully supportive of the ICC.

Q Is peace not at risk if he were to present himself to the ICC?

THE PRESIDENT: Well, I think that peace is at risk if there's no transparency and accountability of the actions that are taking place, whether it's in Sudan or anywhere else in the world.

Interview with US President Barack Obama, South African Broadcasting Corporation

<http://www.whitehouse.gov/the-press-office/interview-president-south-african-broadcasting-corporation>

July 27, 2010

Reporter: Does the genocide indictment make your job more difficult, just one follow up. Is that actually what he said?

Ambassador Rice: I'm not in a position to say precisely what others have said. Suffice it to say that the United States stands firmly behind justice and accountability for war crimes, genocide, crimes against humanity in Darfur and elsewhere.

Reporter: Staying in Sudan, the ICC, Ocampo, is very keen to have the support of the Security Council in chauffeuring his mandate. After the president's visit to Chad, what's your view of Chad's action of not arresting and what can the Security Council do to support the ICC in fulfilling that mandate? Is there anything can be done?

Ambassador Rice: I think the Security Council has expressed its view both on the ICC and the essential need for accountability for those who have committed crimes against humanity, genocide, and war crimes in Darfur. The United States fully supports those efforts and calls upon all members states to uphold their obligations, consistent with their obligations, with respect to the ICC. And we look to the ICC to continue its efforts to promote justice and accountability.

Remarks by US Permanent Representative to the UN Susan E. Rice at a Security Council Stakeout

<http://usun.state.gov/briefing/statements/2010/145215.htm>

QUESTION: [...]And secondly, on the African Union, are we at all disappointed in the discussion that seems to have been taking place in the African Union about enforcing the ICC warrant for Sudan's President Bashir? How do we read this? Does this mean that they're not kind of willing to take on some of their international obligations, or what should we make of that?

[...]

AMBASSADOR BATTLE: With regard to your comment about the African Union's position on Bashir, it is not a new position – the African Union has articulated some hesitancy with the ICC for some time. In spite of that hesitancy, it does not then remove the U.S.'s position that when things that are done that have – are considered to be atrocious, we still hold all leaders, whether they're African or non-African leaders, to a very high standard. So the African Union's difference on opinion from the U.S. position does not deter the U.S. from





its solid commitment that fair play should take place in all places of the world and people who do atrocious things should be held accountable.

Michael Battle, US Ambassador to the African Union  
Briefing on the African Union Summit, Kampala, Uganda  
<http://www.state.gov/p/af/rls/rm/2010/145223.htm>

## August 27, 2010

I am disappointed that Kenya hosted Sudanese President Omar al-Bashir in defiance of International Criminal Court arrest warrants for war crimes, crimes against humanity, and genocide. The Government of Kenya has committed itself to full cooperation with the ICC, and we consider it important that Kenya honor its commitments to the ICC and to international justice, along with all nations that share those responsibilities. In Kenya and beyond, justice is a critical ingredient for lasting peace.

Barack Obama, US President

Statement by President Obama on the Promulgation of Kenya's New Constitution  
<http://www.whitehouse.gov/the-press-office/2010/08/27/statement-president-obama-promulgation-kenyas-new-constitution>

## October 13, 2010

The United States welcomes the October 11, 2010 arrest by French authorities of Callixte Mbarushimana, indicted by the International Criminal Court for alleged war crimes and crimes against humanity committed by the Democratic Forces for the Liberation of Rwanda (FDLR) in the Democratic Republic of the Congo in 2009. As a top official of the FDLR, Mbarushimana had also been listed in 2008 for targeted UN and U.S. sanctions.

[...]

The United States supports the International Criminal Court's ongoing investigations into atrocities that have been committed in the Democratic Republic of the Congo since 2002, as well as the steps taken by the Congolese government to pursue accountability. Ending the cycle of impunity is indispensable to establishing a lasting peace in the Congo.

US Department of State Press Release by Assistant Secretary of State for Public Affairs Philip Crowley  
<http://www.state.gov/r/pa/prs/ps/2010/10/149362.htm>

## October 27, 2010

A third and final area in which we sought to realign our approach was to state our support for all of the court's prosecutions that are currently underway. We made that announcement in March of this year, at the same time that we announced our desire to meet with the ICC Prosecutor and court officials to find ways we may be able to support the ICC's current prosecutions.

Since then, we have held a number of these meetings and have found them mutually productive. And although for obvious reasons I am not at liberty to discuss the details, we help where we can, consistent with our laws. One way we have particularly sought to help is through our public diplomacy. You have seen this administration be both quite vocal in its support for bringing persons accused of atrocities by the ICC to justice, and be critical of those who try to thwart that justice. This public diplomacy will continue.

US Department of State Legal Adviser Harold Hongju Koh  
Panel Discussion at NYU Center for Global Affairs, New York  
<http://www.state.gov/s/l/releases/remarks/150497.htm>





## October 29, 2010

The United States remains steadfastly committed to promoting the rule of law and helping to bring violators of international humanitarian law to justice, and will continue to play a leadership role in righting these wrongs. As we have emphasized, we cannot ignore the terrible crimes that have been perpetrated, wherever they may occur, and the massive human suffering that the world has witnessed.

The International Criminal Court plays a key role in bringing perpetrators of the worst atrocities to justice.

Gregory Nickels, US Senior Advisor to the 65th General Assembly

Statement on Agenda Item 73: Report of the International Criminal Court, in the UN General Assembly

<http://usun.state.gov/briefing/statements/2010/150290.htm>

## November 21, 2010

And there is now a permanent International Criminal Court, a court which has focused since it came into operation in 2003 on cases of mass atrocities against innocent civilians--cases that the United States, though not a party, supports and to which it urges all states, parties and non-parties alike, to provide cooperation and assistance.

Stephen Rapp, US Ambassador-at-Large for War Crimes Issues  
Remarks at Opening of the Nuremberg Trials Memoriam, Germany

[http://www.state.gov/s/wci/us\\_releases/remarks/151884.htm](http://www.state.gov/s/wci/us_releases/remarks/151884.htm)

## November 24, 2010

The ICC has outstanding arrest warrants for four senior LRA [Lord's Resistance Army] commanders, including Joseph Kony, Okot Odhiambo, Dominic Ongwen, and Vincent Otti, the last of whom is believed to be dead. The United States has been and will continue to be supportive of the ICC cases against LRA leaders, as well as the current and possible future cases before the War Crimes Division in the Ugandan High Court or other national courts. Bringing these senior commanders to justice is a key component of creating a lasting peace in the region.

Barack Obama, US President

Strategy to Support the Disarmament of the Lord's Resistance Army

[http://pulitzercenter.org/sites/default/files/WhiteHouseLRAStrategy\\_opt.pdf](http://pulitzercenter.org/sites/default/files/WhiteHouseLRAStrategy_opt.pdf)

## December 15, 2010

In pursuit of these goals, I urge all of Kenya's leaders, and the people whom they serve, to cooperate fully with the ICC investigation and remain focused on implementation of the reform agenda and the future of your nation. Those found responsible will be held accountable for their crimes as individuals. No community should be singled out for shame or held collectively responsible. Let the accused carry their own burdens – and let us keep in mind that under the ICC process they are innocent until proven guilty. As you move forward, Kenyans can count on the United States as a friend and partner.

Barack Obama, US President

Statement by President Obama on the International Criminal Court announcement

<http://www.whitehouse.gov/the-press-office/2010/12/15/statement-president-obama-international-criminal-court-announcement>





## January 26, 2011

Reporter: The general prosecutor of the ICC, Ocampo, when interviewed on Al-Arabiya yesterday, told us that he is contemplating more indictments in Darfur if the killing doesn't stop, that he informed the Security Council of this, that he will come in June and inform of his decision of more indictments.

Ambassador Rice: That he will?

Reporter: That he will, yes. How does the United States view more indictments? Would that serve the purpose of accountability and justice? I mean, there have been indictments, three indictments, and the situation did not improve so far.

Ambassador Rice: Well, we would leave that in the hands of the prosecutor to make a judgment based on the facts and the findings. There is not a quota system. There are facts and realities, and our commitment is to justice and accountability. We feel that's vitally important for long-term peace and stability in Sudan. And we will assume that we will be taken where the facts and the evidence necessitate.

Remarks by US Permanent Representative to the UN Susan E. Rice at a Security Council Stakeout  
<http://usun.state.gov/briefing/statements/2011/155390.htm>

## February 26, 2011

Reporter: Madame Ambassador what's the significance? You say this is the first resolution that is passed unanimously that refers a case to the ICC, but what's the significance being the first resolution of referral sponsored by the United States?

Ambassador Rice: Well it's very significant that the Council has acted so swiftly, and in unanimity around what are some outrageous and heinous crimes that are being committed by the government of Libya against its own people. The United States and all the members of the Council felt that what is transpiring is absolutely unacceptable and demanded an urgent and unanimous response. We are pleased to have supported this entire resolution and all of its measures, including the referral to the ICC. We are happy to have the opportunity to co-sponsor this and we think that it is a very powerful message to the leadership of Libya that this heinous killing must stop and that individuals will be held personally accountable.

Remarks by US Permanent Representative to the UN Susan E. Rice at a Security Council Stakeout  
<http://usun.state.gov/briefing/statements/2011/157195.htm>

## April 14, 2011

Our duty and our mandate under U.N. Security Council Resolution 1973 is to protect civilians, and we are doing that. It is not to remove Qaddafi by force. But it is impossible to imagine a future for Libya with Qaddafi in power. The International Criminal Court is rightly investigating the crimes committed against civilians and the grievous violations of international law. It is unthinkable that someone who has tried to massacre his own people can play a part in their future government.

Op-Ed by President Obama, David Cameron and Nicolas Sarkozy  
<http://www.nytimes.com/2011/04/15/opinion/15iht-edlibya15.html>

## June 8, 2011

I am no longer an international prosecutor, but [am] now an Ambassador-at-Large for the United States of America. I now visit the ICC as the representative of my government. Recently when I was in The Hague, I saw the ICC President, Judge Song of South Korea. He and I had traveled to Kinshasa in the DR Congo in December 2009 to both deliver a message in favor of adopting legislation to permit the national prosecution of





ICC crimes in the Congolese courts. He and I often talk about his worldwide travels to encourage ICC ratification and its implementation into national law. This time he spoke of his trips in March of this year to Malaysia and the Philippines in support of ICC ratification. He said to me, “When I travel, I find people who have this impression that the ratification of the ICC will be viewed as an unfriendly act by the Government of the United States. Apparently, this is not the case. Why don’t you just say it?”

So I will. The United States respects the right of every country to join the ICC. This was the position of the last administration, under former U.S. Secretary of State Condoleezza Rice, expressed in the public words of her Legal Advisor. In this administration, we have gone further to engage supportively with the ICC. While we have not made the decision ourselves to ratify the Statute of Rome, we are participating as observers in the ICC Assembly of States Parties and Review Conference, and we have offered to assist the Prosecutor and Registrar in each of the current cases of the ICC, seeking ways consistent with our law to help with witness protection and relocation, information-sharing, and the arrest and transfer of fugitives.

The United States strongly supports the prosecution of those who are responsible for genocide, war crimes, and crimes against humanity. Consistent with the ICC principle of complementarity, and as longstanding U.S. policy, we support national efforts to achieve accountability. But when the most grave and serious crimes are committed and there is no will or capacity to prosecute at the national level, most of the countries in the world have decided, and the United States accepts, that this justice will be delivered in the International Criminal Court. We will work closely with our allies and friends who within the ICC, which may soon include the Republic of the Philippines, to strengthen the ICC, to make it the kind of institution that can be effective in investigating, prosecuting, and trying those responsible for these crimes. We want those arrest warrants to be executed. We want the guilty to be found guilty and the innocent not to suffer. We want the victims to achieve justice, and we hope that this will deter crimes and protect others from becoming victims in the future.

But it is also important to recognize that the ICC alone cannot meet the [for] need for justice even in countries where the ICC is prosecuting cases with national cooperation. Given its number of judges, its limited resources, and the legal requirements for admission of its cases, it is not likely to ever have more than 20 or 30 individuals before it [at] any [given] time. Evaluating it in terms of [the ICC’s] global reach, it may be able to do only two or three trials in any specific country situation. It may be able to prosecute senior leaders, but will not be able to reach those beneath them who may be responsible for hundreds of atrocities.

Stephen Rapp, US Ambassador-at-Large for War Crimes Issues  
Remarks at Forum Hosted by the Women of Ateneo, Makati, Philippines  
[http://www.state.gov/s/wci/us\\_releases/remarks/165257.htm](http://www.state.gov/s/wci/us_releases/remarks/165257.htm)

## June 16, 2011

The United States is deeply concerned by reports of wide-scale rape in Libya. Since Eman al Obeidi bravely burst into a hotel in Tripoli on March 26 to reveal that Qadhafi’s security forces raped her, other brave women have come forward to tell of the horrible brutality they have experienced. Recently, the International Criminal Court has taken note of the appalling evidence that rape in Libya is widespread and systematically employed. A thorough investigation of this matter is needed to bring perpetrators to justice.

Hillary Rodham Clinton, US Secretary of State  
<http://www.state.gov/secretary/rm/2011/06/166369.htm>





June 27, 2011

QUESTION: The ICC warrants, does that help or hurt the situation? And what is the U.S.'s reaction to the issuance today?

MS. NULAND: Our view is that the actions of the security forces and the Qadhafi regime that are highlighted in the court's decision underscore the gravity of what we have been witnessing and what the coalition has been trying to prevent in Libya. And in the face of these crimes of this kind of magnitude and this gravity, the need for justice and accountability is absolutely clear. You'll remember that the Security Council decision to refer this case to the ICC was unanimous. And as Secretary Clinton has repeatedly stated, the pressure on Qadhafi is growing, his isolation is deepening, and many of his former aides have abandoned him, and it's time for him to get the hint that it's time to go.

QUESTION: Some people have suggested, however, that because of the issuance of these warrants, that Qadhafi may actually dig in his heels, and that may – this may make a diplomatic resolution less likely. Does the U.S. see things that way? And if so, why?

MS. NULAND: The U.S. believes that the decision to refer the case to the ICC was the right decision, that the ICC has spoken now about the need for justice and accountability. With regard to whether this hurts or helps, it doesn't change the fact that Qadhafi's got to take the message that it's time to go.

US Department of State Daily Press Briefing by Spokesperson Victoria Nuland  
<http://www.state.gov/r/pa/prs/dpb/2011/06/167162.htm#LIBYA>

June 27, 2011

QUESTION: -- just while we're on the subject of indicted presidents, President Bashir's plane had to turn back on its way to China as it was trying to fly over Turkmenistan. Do you have any details about why that happened and if it was at all related to concerns about the ICC warrant?

MS. NULAND: I don't. I saw that – we saw that press reporting that he was delayed in his trip to China. I don't have any more detail on that.

QUESTION: Well, on that, since you spoke so glowingly of the Chinese hosting the TNC, what do you think of the Chinese hosting President Bashir? And is any vote that they participate in that relates to the ICC, does it have any meaning at all? I mean, if they're willing to – I don't know if he was supposed to arrive late tonight after the delay, but certainly they're – what they're doing flies in the face of any kind of cooperation with the ICC.

MS. NULAND: We continue to oppose invitations, facilitations, support for travel by ICC indictees. We have a longstanding policy of strongly urging other nations to do the same. We have urged China to join the international community in its call for Sudan to cooperate fully with the ICC as required by UNSC 1593.

QUESTION: Is that a consistent line; you have continued to oppose travel for ICC indictees allowing them to travel anywhere? Did you make that case to the Ethiopians?

MS. NULAND: With regard to --

QUESTION: Bashir, when he was in Addis just at the same time that the Secretary was.

MS. NULAND: I think we've made that case to everybody involved.

QUESTION: But did you try to discourage the Ethiopian – I mean, Meles was trying to broker a ceasefire deal. Did you discourage the Ethiopians from having Bashir go to Addis for those talks?

MS. NULAND: The Ethiopians were well aware of our views on Bashir. You would note that the Secretary of State chose, obviously, not to meet with him.





QUESTION: Right. No, I'm just curious as to whether you tried to discourage the – if it's a consistent policy that you oppose travel of Bashir or any other ICC indictee, the – if you made that case to the Ethiopians, even though they were trying to negotiate something that you – which you were in support of.

MS. NULAND: We've made that – made it clear with regard to any travel of Bashir to ICC countries and to countries that support this that it's not something that we favor. So I kind of think this is --

QUESTION: So you would have preferred it had he not traveled to --

MS. NULAND: I can't speak to what conversations with regard to ICC were had with the Ethiopian Government in advance of that. We had a good result. That doesn't change the fact that we want to see ICC standards upheld by all UN countries.

US Department of State Daily Press Briefing by Spokesperson Victoria Nuland  
<http://www.state.gov/r/pa/prs/dpb/2011/06/167162.htm#CHINA>

*Updated June 29, 2011*

