

US SEEKS SEPARATE DEALS TO PROTECT TROOPS

By Judy Dempsey in Brussels
The Financial Times (London)
July 29, 2002

The new International Criminal Court in The Hague is coming under pressure from Washington, which is seeking separate agreements with European Union countries to prevent its troops and peacekeeping personnel from facing prosecution under the court.

Washington's move comes just weeks after a face-saving compromise by the United Nations Security Council. It was agreed to postpone for 12 months any attempts by the ICC to prosecute US personnel allegedly involved in crimes against humanity while serving abroad.

The compromise followed Washington's threat to withdraw all its peacekeeping personnel and support from UN missions unless it obtained blanket immunity from ICC prosecution.

Despite that, senior EU diplomats said Washington has since asked several member states to sign up to an agreement whereby both sides pledged not to send each other's military personnel to the ICC nor to the court via a third country that has ratified the ICC.

"So far, no member state has signed on to this request by the US, waiting instead for the EU to adopt a common stance," said a senior EU diplomat. "If we stand firm, we know the US will go on the offensive this time next year and seek another exemption. If any of us caves in to US pressure, the Europeans will be undermining the ICC."

Washington is also approaching the EU's candidate countries, with Romania the only one considering the US offer. Diplomats said Bucharest was ingratiating itself to the US in order to be included in the next round of Nato enlargement.

The EU's political and security committee, or PESC, which last week discussed Washington's latest assault on the ICC, said it would seek legal advice over how to respond to the US. "These attempts show once again how the US is trying to undermine the ICC treaty."

Washington's main argument in seeking exemptions is that, as the world's only superpower, it was more vulnerable than other countries to attempts by "hostile" countries to pick up American service men and women and try to indict them in the ICC. Britain and France, the two permanent members of the UN Security Council, had insisted such fears were groundless, given the safeguards of the ICC's treaty. Nevertheless, in a bid to buy time for UN peacekeepers, it agreed to the 12-month exemption.