

**Senate Appropriations Committee Holds Hearing on Fiscal Year 2005 Emergency Supplemental  
Chaired by US Senator Thad Cochran, Secretary of State Condoleezza Rice as witness**

**February 17, 2005**

LEAHY: Well, no, we don't. And we should discuss this further. Let me ask you about one question, because time is limited.

And I will submit a number of questions, Mr. Chairman, for the record.

But you've asked for authority to spend money on an ad hoc tribunal for Sudan. I sent you a letter on this a couple of weeks -- you've been traveling. You haven't had a chance to respond. But here's my understanding.

Under current law, the U.S. is prohibited from spending any money on the **International Criminal Court**, which is perfectly capable of handling these cases. Instead, you're asking to set up a new tribunal which will cost \$530 million over the next five years. Your ambassador-at-large for war crimes set up ad hoc tribunals in Rwanda. The professionalism of some of the personnel has been called into question, lack efficiencies, too slow, and all.

Now, we've got a superb setup already other than the fact -- you know, the Sudanese victims of violence haven't even been asked what they'd like. They would tell you if you ask them. If you ask a victim of this crime, they'll say let's go to the court that's already set up.

Other than trying to make some geopolitical statement of undermining a court that's working, why in heaven's name not give these victims a chance to have cases heard against those who committed basically genocide against them -- in a court that's up and running?

RICE: Well, we believe very strongly in the need for accountability of those who committed these crimes. We do not believe that countries that are not party to the ICC should be held to an unaccountable potentially politically-motivated prosecution. That's the reason we are not a part of the...

LEAHY: Yes, but we're not doing anything.

COCHRAN: The senator's time has expired.

LEAHY: I'll follow up later. And please answer my letter on that.

RICE: I certainly will, Senator.

<http://appropriations.senate.gov/releases/record.cfm?id=232251>

**"Prosecuting the Peace of the World: The Experiences of Thomas J. Dodd at the International Military Tribunal of Nuremberg"**

**Supreme Court Historical Society**

**February 15, 2005**

"[...] Over the last six decades, we have not witnessed the level of horrific destruction and carnage perpetrated by the Nazis. But we have seen, time and again, terrible crimes against humanity in places like Cambodia, Iraq, Bosnia, Rwanda, and today in the Darfur province of the Sudan.

Tragically, many of the individuals involved in these crimes - people like Joseph Stalin, Pol Pot, and Idi Amin - were never brought to justice. In some of these cases, the world did eventually create tribunals - but always, like Nuremberg, temporary, ad hoc courts that were established after the fact.

To truly be called effective, a court must not simply punish the guilty, then disband. It must serve as a permanent reminder to any potential criminals that they, too, will be held accountable. Such a court can not only punish crimes - it can deter them.

In my view, there is only one kind of institution that can ensure the kind of accountability that can prevent future war crimes - and that is a permanent court empowered to indict, prosecute, and judge international criminals.

After many, many years of effort, the International Criminal Court came into existence on July 1, 2002. Unfortunately, rather than lend its support to this effort, the United States has walked away from it.

I'm aware that there are complex issues that need to be resolved regarding our nation and the International Criminal Court. But I strongly believe that our nation's interests, and the world's interests, would be far better served if we worked to address those issues rather than abandoning the entire process.

What, after all, does it say about a nation that prides itself in upholding freedom, justice, and human rights when it simply disengages itself from an institution whose goal is to promote those values? And what does it say about an institution's power to bring criminals to justice when the most powerful nation in the world refuses to play a part?

The tragic events in Darfur today represent exactly the kind of situation in which people like my father and Robert Jackson envisioned international courts playing a prominent role. It is my hope that the current administration will see the Darfur genocide as an opportunity to participate in this institution in some way, rather than simply standing on the sidelines. Otherwise, the cry of "never again" will ring tragically hollow. [...]"

[http://dodd.senate.gov/press/Speeches/109\\_05/0215.htm](http://dodd.senate.gov/press/Speeches/109_05/0215.htm)

## **Excerpts from Remarks of Senator Hillary Rodham Clinton German Media Prize Dinner**

**February 13, 2005**

"[...] Fourth, Europe must acknowledge that the United States has global responsibilities that create unique circumstances. For example, we are more vulnerable to the misuse of an international criminal court because of the international role we play and the resentments that flow from that ubiquitous presence around the world. That does not mean, in my opinion, that the United States should walk out of the International Criminal Court. But it does mean we have legitimate concerns that the world should address, and it is fair to ask that there be sensitivity to those concerns that are really focused on the fact that the United States is active on every continent in the world. As we look to the future, there are so many opportunities for us to renew our relationship and we need to because we face so many challenges. [...]"

<http://clinton.senate.gov/~clinton/speeches/2005217C29.html>