

# U.S. SENATOR PATRICK LEAHY

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## STATEMENT OF SENATOR PATRICK LEAHY ON THE BUSH ADMINISTRATION'S DECISION TO 'UNSIGN' THE ROME TREATY May 6, 2002

I am deeply disappointed that the Administration has decided to 'unsign' the Rome Treaty on the International Criminal Court (ICC). This unprecedented decision will not protect U.S. citizens and military personnel from the Court's jurisdiction. Rather, it will work against U.S. interests by undermining our moral authority on this critical issue, needlessly exacerbating tensions with our closest allies, and encouraging other nations to remove their signatures from treaties that we support.

Reasonable people can differ about this issue, and I recognize that improvements can be made to the ICC through further negotiations. However, the best way to shape the Court to serve U.S. interests is to remain engaged so that our negotiators have the most leverage over the process – not to give up our seat at the table.

The Administration has taken a position that it will continue to help nations form tribunals on a case by case basis. While I will continue to support the ad hoc tribunals, much of the international community is already on record saying that the ICC will be used in place of future tribunals. The ICC was created to help overcome the problems that exist in setting up these tribunals, such as lengthy debates over the structure and cost, and to streamline the process of bringing to justice those responsible for the some of the most heinous crimes.

Under Secretary of State Grossman, who announced the decision, misrepresented the facts by saying that the "Rome Statute creates a prosecutorial system that is an unchecked power." The United States, in fact, secured a number of important safeguards to help prevent political prosecutions of American military personnel. For example, the United Nations Security Council has the ability to suspend ICC investigations.

I am also extremely troubled by the comments of some senior administration officials who have said that the U.S. will work to actively undermine the ICC. If we are not going to be involved with this important part of international justice, we should at least respect the wishes of our closest NATO allies, many of whom have thousands of soldiers deployed around the world, and refrain from working against their efforts to build a strong, fair, and responsible Court.