

Testimony of US Ambassador to the UN John Negroponte before a
subcommittee of the US House of Representatives on April 1, 2004.

EXCERPT

International Tribunals

The United States is a leading supporter of efforts to bring to justice those alleged to have committed grave violations of the laws of armed conflict and international humanitarian law.

Currently, three courts are in session: the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone. In 2003, in the interest of efficiency and the implementation of completion strategies for both Tribunals, the position of a single Chief Prosecutor for both Tribunals was changed: the ICTR acquired its own Chief Prosecutor. We continue to work on implementing the completion strategy to reach a successful conclusion to the trial phase by the end of 2008 for the ICTY and ICTR. It is U.S. policy that the most serious offenders will be tried at the ICTY and the ICTR while the others will be tried in local jurisdictions. The Special Court for Sierra Leone has operated effectively and has contributed to the goal of holding accountable those who are guilty of committing wartime atrocities. Unfortunately, its voluntary funding mechanism, because of the failure of other countries to contribute, is falling short of its goal for 2005 and the Secretary-General has proposed that the final tranche of funding come from United Nations assessed contributions.

The International Criminal Court [ICC] has begun operations. The U.S. regards the Court as gravely flawed in the areas of accountability, due process, relationship to the Security Council and U.N. Charter, and jurisdiction. The risk of politicization is great. It does not recognize the principle that there shall be no double jeopardy except with respect to its own decisions. Therefore, we continue to try to conclude bilateral agreements that provide protection for our nationals from the jurisdiction of the ICC. We also intend that the Security Council renew its request (binding on the ICC), made in each of the last two years, that the ICC not commence any investigation or proceeding with respect to nationals of States that are not parties to the Rome Statute who participate in U.N.-authorized or established operations.

*The full text of Ambassador Negroponte's remarks are available at:
<http://allafrica.com/stories/200404060003.html>*