

U.S. Department of State Office of the Spokesman Press Statement

Press Statement by James P. Rubin/Spokesman
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Establishing an International Criminal Court

During his visit to Rwanda last week, President Clinton reaffirmed U.S. policy to work towards the establishment of a fair and effective permanent international criminal court by the end of this century. Secretary of State Madeleine Albright is determined that the United States continue its leadership in the pursuit of international justice, as reflected in recent years by strong U.S. support for the International Criminal Tribunals for the former Yugoslavia and for Rwanda. She joins the President in recognizing the unique moment in history facing this generation of Americans.

Consistent with that vision, we are nearing the end of the last preparatory committee meeting in New York that has been laying the groundwork for such a court. The session ends on April 3rd and will be followed by a diplomatic conference in Rome this summer to complete negotiations for a treaty. The U.S. delegation, led by Ambassador David Scheffer, includes experts from the Departments of State, Justice, and Defense and from the Joint Chiefs of Staff. They have been deeply engaged in the U.N. talks.

The United States believes that a permanent international criminal court should exercise jurisdiction over genocide, widespread or systematic crimes against humanity, and large-scale commission of war crimes. The prosecutor of the court should investigate such crimes only within the context of overall matters that have been referred to the court either by the U.N. Security Council or by States Parties to the treaty. Because of its responsibilities for international peace and security, the Security Council must have an important role in the permanent court's work. The jurisdiction of the court will involve conflicts that are properly being addressed by the Security Council, and the court must not be used to undermine the Council's critical work. Governments need to agree on how to preserve this vital role for the Security Council while pursuing justice.

Our long-term vision is the prevention of heinous crimes through effective national law enforcement buttressed by the deterrence of a permanent court. The court must ensure that national legal systems with the will and ability to exercise jurisdiction are permitted to do so, and the court should act when national legal systems fail. We have complete

confidence in the US legal system; it should investigate and prosecute allegations involving Americans without concern that an international court will intrude unnecessarily.

In this spirit, last week the United States proposed a means to strengthen procedures of the permanent court that would require deferral to capable national judicial systems in investigating and prosecuting these crimes. The United States also proposed detailed elements of offenses and rules of evidence so that the nature of offenses and proof is clear. We have helped lead a key effort to rationalize the fundamental stages of the court's handling of a case.

Major issues concerning jurisdiction, the triggering mechanism for launching investigations, criminal procedures, and the administration of the court remain to be resolved if the Rome conference is to achieve its aim of a finished statute for the court. We need to ensure that in the pursuit of justice, a permanent court does not handcuff governments that take risks to promote international peace and security and to save human lives. It should not become a political forum in which to challenge legitimate actions of responsible governments by targeting their military personnel for criminal investigation. If such a court is to succeed, it will need the support of the United States and other key countries of the world.