

Court rejects anti-U.S. petitions

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From combined dispatches

THE HAGUE — The new International Criminal Court yesterday rejected more than 100 requests to investigate complaints about the U.S.-led war in Iraq, saying it had no jurisdiction to act on these claims.

"We have received communications about acts allegedly perpetrated by U.S. troops in Iraq but we are not mandated to prosecute such acts since neither Iraq nor the United States is a state party to the court," ICC Chief Prosecutor Luis Moreno-Ocampo said.

Neither country has signed the 1998 Rome Statute, the treaty that created the court.

The ICC, which formally came into being in July of last year, is mandated to try genocide, war crimes and crimes against humanity. The court can only hear cases concerning events that occurred after July 1, 2002.

Of the 499 complaints or requests filed with the court from 66 countries, more than 100 dealt with the war in Iraq where U.S. and British troops led a coalition of forces that toppled the regime of Saddam Hussein in April. Sixteen complaints involved the actions of U.S. troops in Iraq.

Mr. Moreno-Ocampo said he may investigate charges of crimes against humanity for the massacre of thousands of civilians in Congo.

Congo would be the first case examined in depth by the veteran Argentine prosecutor, and was the only one that qualified for the court's jurisdiction, he said.

Mr. Moreno-Ocampo said up to 5,000 civilians have been killed in tribal wars in Congo's Ituri province since the court started functioning. Militias backed since 1998 by the governments of Uganda, Rwanda and by Congo itself engaged in widespread torture, rape and occasional acts of cannibalism, according to reports reaching the court.

Under the Rome Statute, the court has jurisdiction over war crimes, crimes against humanity and genocide committed in any of the court's 90 member countries, if that country cannot or will not prosecute suspects itself. Nonparty states can ask the court to intervene, as can the United Nations Security Council.

Washington has vehemently opposed the court, fearing politically motivated prosecution of its citizens or military personnel.

Washington has suspended more than \$47 million in military aid to 35 countries for failure or refusal to give U.S. citizens immunity from the court.

About 50 countries have signed special immunity deals with the United States ensuring they would not extradite U.S. nationals to the ICC.

The fact that the new war crimes court cannot even look into charges of war crimes in Iraq raises the

question of the importance of the court, critics say.

Human rights organizations like New York-based Human Rights Watch, however, applauded the fact that Mr. Moreno Ocampo is faithful to the statute of the court.

"I do not think that because Moreno Ocampo cannot investigate the allegations of war crimes in Iraq in anyway undercuts the role and the significance of the ICC," Richard Dicker of Human Rights Watch said.

"You need to look at the seriousness and the accuracy of the reports," he said, adding that his organization did not have any indication of widespread war crimes committed by U.S. forces in Iraq.

Of the more than 100 complaints about Iraq, the vast majority were letters from individuals expressing their disagreement with the war but not giving detailed information or providing evidence, the court said.

"That should not trigger an investigation into war crimes by the ICC," Mr. Dicker said.