

### Case 3

The International Criminal Court (ICC), which came into existence on July 1, 2002, is a bone of contention between the United States and many nations throughout the world, including staunch allies such as Great Britain and Canada. The court was created in order to take appropriate action in the event that authorities within a nation, who have the principal responsibility to enforce the criminal law, fail to prosecute serious crimes against humanity such as atrocities committed during war, genocide, and other blatant violations of human rights committed within the nation's jurisdiction.

While President Clinton endorsed the Treaty of Rome, which created the ICC, the court's very existence is being put into question by the refusal of the United States to ratify the treaty unless American troops are exempt from the ICC's jurisdiction. On July 12, 2002 the United Nations Security Council voted to exempt American and UN peacekeeping forces from prosecution for 12 months, with the option of annual renewal of the exemption. On October 1, 2002 the fifteen nations of the European Union agreed to exempt American soldiers and government officials from prosecution before the ICC so long as the U.S. government guarantees to try charged individuals in American courts. The votes of the Security Council and the European Union followed in the wake of increasing threats by the Bush administration to veto all future UN peacekeeping missions unless American military personnel and government officials are granted permanent immunity from the ICC.

Officials from the United Nations and countries supporting the ICC argue that the US government's position is "undermining the Court's credibility, crippling its ability to detain war criminals for trials." Europeans hail the ICC as a prime example of international cooperation to prosecute serious crimes against humanity and violations of human rights that require an international response through building an international justice system. Europeans view the work of the ICC as especially important at this time, on the heels of the worldwide condemnation of terrorism after the attacks on the World Trade Center and the Pentagon on September 11, 2001

Supporters of the Bush administration's position on the ICC insist that, especially in the wake of the September 11 attacks, the United States must face the stark reality of an extremely dangerous geopolitical environment. In this environment, say the supporters of the Bush administration's position, it makes little sense for the United States to tie its own hands, which it would do, the administration's supporters say, by agreeing to accept the jurisdiction of the ICC. Doing so, in the opinion of the supporters, could result in politically motivated prosecutions of American soldiers, diplomats, and political officials before the ICC.