

Miami Herald, 10 May 2002, 7B

## **Reconsider U.S. Stand**

# **Bush is wrong on international court**

**By Andrew Reding**

President Bush's decision to withdraw the U.S. signature from the Statute of the International Criminal Court threatens to undermine the administration's global campaign against terrorism.

The court's purpose is to try individuals who commit crimes against humanity — acts of mass terror against civilian populations, such as the ones carried out against the United States last September. One would think that the White House would welcome such international cooperation in the war on terror. But it does not, and is making an emphatic point of saying that it will not recognize the new court.

In defense of its action, the administration claims that the statute would enable foreign countries to arrest U.S. citizens for political reasons and hand them over for trial before foreign judges in The Hague.

In fact, however, a pretrial review panel will be set up to dispose of frivolous or politically motivated charges. Most cases will be brought by a chief prosecutor, or by the Security Council, where the United States has a veto. Most of the judges will be from countries allied to the United States.

Were there merit to the U.S. claims, the ICC Statute would not have been ratified by 14 of 15 members of the European Union (the 15th, Greece, is in the process of ratifying) and by Canada. Even British Prime Minister Tony Blair, normally a staunch ally of the White House, vigorously disagrees with Bush on this matter.

In combating the court, the United States is lining up alongside Iraq, North Korea, Libya, Cuba and China — nations with good reasons to fear such a tribunal. Why?

### **SERVE U.S. OBJECTIVES**

Could it be that the White House wishes to reserve the right to support the use of terror against foreign civilians when it serves U.S. objectives — just as it wishes to reserve the right to use land mines, even though foreign civilians are the prime victims? Consider the case of Emmanuel Constant.

Constant led a terrorist group called FRAPH that murdered hundreds of Haitian civilians in the early 1990s under the military junta that overthrew President Jean-Bertrand Aristide. When U.S. troops invaded the island nation in 1994 and searched FRAPH

headquarters, they seized documents and photographs that depicted the torture and murder of civilians.

Yet Constant was permitted to enter the United States and settle in Queens. A 1995 deportation order has remained unenforced for seven years. The Bush administration has so far declined to extradite Constant. The reason? Constant was on the CIA payroll and has threatened to expose the collaboration of U.S. security agencies with his organization.

The hypocrisy does not end there. Just because Bush does not want U.S. officials held accountable before an international tribunal does not mean he does not want leaders of other countries brought before such tribunals.

On the very day that the United States was boycotting the U.N. ceremony commemorating establishment of the ICC, it succeeded in pressuring the Serbian parliament to pass a law facilitating extradition of key deputies of former President Slobodan Milosevic to face trial before another U.N. tribunal in The Hague. The vote occurred after the United States cut \$40 million in economic assistance to protest what it called inadequate cooperation with the U.N. tribunal.

#### A ONE-WAY STREET

In other words, international tribunals are fine, even mandatory for prosecuting U.S. enemies. But yet the United States is demanding an exemption for its citizens. International justice, in Washington's view, is a one-way street.

The double standard is doing incalculable damage to U.S. interests worldwide. To have any chance of winning a global war on terrorism, the United States will need the support of its allies. To secure that support, it must demonstrate that it is waging a war for the benefit of humankind, not as a cover for U.S. hegemony.

Until the United States reverses its stand on the International Criminal Court, its war on terrorism will ring hollow and will only foster the anti-Americanism that led to Sept. 11 in the first place.

*Andrew Reding is a senior fellow of the World Policy Institute and an associate editor of Pacific News Service.*

---

**Miami Herald editorial, 10 May 2002, 6B**

## **A lost opportunity: Rejecting world court is a mistake**

The Bush administration this week squandered an opportunity to shape a just, effective world court to deal with the worst crimes against humanity when it formally renounced participation in the new International Criminal Court.

If it had remained involved with the court, the United States could have worked to fix the flaws that the administration believes it has. Now it will have no influence on the process, yet Americans still will be subject to prosecution by this court, one of the administration's objections to it.

Equally wrong is the signal that the United States sends to its allies with this rejection. As when it withdrew from the Kyoto protocols to reduce global warming, the United States is now unilaterally thumbing its nose at international efforts supported by our allies. Meanwhile, we are engaged in an all-out war against terrorism where success depends in large part on international cooperation.

Apparently, when it comes to global justice and war crimes, the Bush administration wants to go it alone, applying its own rules. The administration is designing special military trials for foreign terrorist suspects now detained in Guantánamo, for example, over the objections of U.S. allies.

The idea for a permanent international court has been 50 years in coming. It is the next step toward ensuring that tyrants, totalitarians and ethnic cleansers won't get away with mass murder, torture and other heinous acts — and it could be a deterrent against such atrocities, too. It should be the court of last resort for victims without means of seeking justice in their own nations.

After the ethnic atrocities in Rwanda and the former Yugoslavia, the treaty for the International Criminal Court was negotiated in Rome. It has been signed by 139 countries, ratified by 66 and came into being on April 11. It will only prosecute crimes committed after July 1.

Yes, there are legitimate concerns. No one wants to see U.S. soldiers, policymakers or U.S. officials serving overseas railroaded into trials that are politically motivated and unjustified. Nor is an international tribunal with unchecked power desirable. But the court's structure provides internal controls against frivolous or malicious charges and external checks on its powers through the U.N. Security Council.

Thirty years ago, Pol Pot got away with genocide, when there was no international recourse to seek justice. Today, Slobodan Milosevic is on trial for war crimes in a widely recognized court. The world is making progress in the human-rights field. No, the new court may not yet be the perfect agency for justice. But it can be perfected over the years. By participating in the process, the Bush administration could have better protected U.S. interests and shared in shaping the court's role on behalf of human rights for all.