

U.S. Presses U.N. to Extend War Crimes Court Exemption

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UNITED NATIONS, June 6 -- The Bush administration is pressing for a vote next week on a Security Council resolution that would extend for another year a provision shielding U.S. troops from prosecution by the International Criminal Court for crimes committed in U.N.-authorized military operations.

U.S. officials said they need to lengthen the temporary exemption for American soldiers until Washington can negotiate agreements barring individual governments from surrendering U.S. nationals to the international war crimes court. So far, the Bush administration has signed accords with 37 nations.

The resolution would have little impact on U.S. soldiers serving in combat zones in Iraq, which never ratified the 1998 treaty establishing the court, and Afghanistan, which signed a bilateral agreement with the United States that bars the surrender of U.S. personnel. But the effort has engendered widespread resentment among many U.S. allies, and may precipitate a contentious new debate at a time when the council is trying to repair diplomatic damage over the war in Iraq.

Faced with a U.S. threat to block U.N. peacekeeping operations around the globe, the 15-nation council agreed unanimously last July to adopt a resolution exempting U.S. troops for at least one year from potential prosecution by the world court. The resolution prevents states from investigating or prosecuting individuals from countries that have not ratified the 1998 Rome Statute

establishing the war crimes court. It also expressed the council's intention to renew the resolution every year for as "long as necessary."

Now that the resolution is up for renewal on July 1, the United States is seeking an early vote to avoid another debate.

Senior U.N. diplomats say there is little expectation that key veto-wielding Security Council members, including Russia, France and China, will actively oppose the extension. But Mexico and Germany could raise misgivings about adopting a resolution that they believe would weaken the court.

"The mood here is not to have too much of a punch-up," one council diplomat said. "But there may be the odd abstention."

Some court advocates, including Jordan, Canada, New Zealand and Switzerland, are pressing the council to hold a public debate that would allow non-council members to voice their contention that the resolution undermines the international court. A gathering of European Union legal advisers in Brussels backed their calls for a public discussion on the court before the resolution is adopted.

"This is not anti-American but pro-court," said Paul Heinbecker, Canada's ambassador to the United Nations, who portrayed last year's resolution as the threat to the court's integrity. "We respectfully request an opportunity to express our views."

The world's first international war crimes court came into existence last July and has received increasing international support. The treaty has been ratified by 90 states, including most of Washington's closest allies, and signed by representatives of 139 states, including President Bill Clinton.

But the Bush administration reversed course last May, indicating in a letter to U.N. Secretary General Kofi Annan that the United States would not ratify the treaty and "has no legal obligations arising from its signature."

U.S. diplomats in New York are discussing a possible deal that would permit a relatively brief public debate in the council on Thursday. It would be followed immediately by a vote to extend the resolution for one year. It remained unclear whether the White House, which would like to hold a vote before the public debate, would sign off on the deal.

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