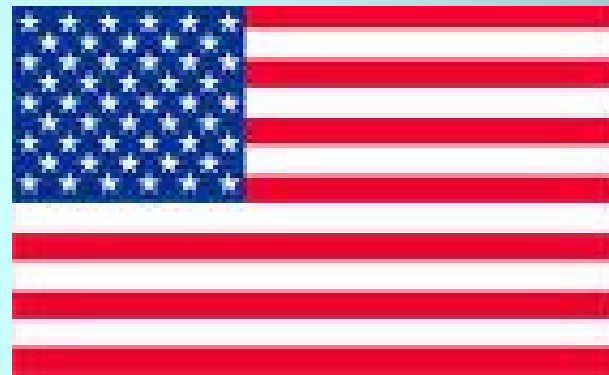


# ICC and USA



Duane W. Krohnke  
March 31, 2011

# Clinton Administration and ICC

Rome Conference (June/July 1998)

U.S. signs Rome Statute (December 31, 2000)

# Bush Administration and ICC

- U.S. “unsigns” Rome Statute (May 6, 2002)
- U.S. campaign against ICC (2002-2008)
- But **no** U.S. veto of Security Council reference of Sudan/Darfur to ICC (March 31, 2005) & **no** U.S. support for Council’s deferral of ICC on situation (2005-2008)
- Some U.S. cooperation with ICC (2005-2008)

# Obama Administration and ICC

(1 of 2)

Administration's preliminary comments (2009)

Continued U.S. support of Sudan (Darfur) to ICC

U.S. at ICC's Assembly of States Parties:

November 2009

January 2010

# Obama Administration and ICC

(2 of 2)

U.S. at ICC's Review Conference(May/June 2010)

U.S. support of UNSC referral of Libya to ICC (February 2011)

# U.S. Criminal Statutes regarding ICC-Type Crimes

- Genocide
- War Crimes
- Crimes Against Humanity?

# U.S. Courts' Use of Rome Statute

- “Crimes against humanity”
- Aiding and abetting human rights abuses
- Corporate civil liability

# Why U.S. Should Be Engaged with ICC

1. Punishment of violators
2. Deterrence of future violations
3. Proclamation of the truth
4. Helping victims
5. Pragmatic considerations
6. Constitutionality of U.S. involvement with ICC

# Conclusion

MSBA resolution (September 17, 2010)

AMICC ([www.amicc.org](http://www.amicc.org))