

 [Printer Friendly Version](#)  [E-Mail This Article](#)

*Published on Friday, May 14, 2004 by [Reuters](#)*

## **US Pushes World Court Immunity Amid Iraq Scandal**

by Carol Giacomo

WASHINGTON - The Bush administration is pursuing its campaign to protect Americans from International Criminal Court jurisdiction even as it deals with the Iraqi prisoner abuse scandal that may involve some of the very war crimes the court was created to handle.

So far 89 countries have signed agreements with Washington promising that Americans accused of grave international offenses, including soldiers charged with war crimes, will be returned to U.S. jurisdiction so their cases can be decided by fellow Americans rather than international jurists.

Other states may soon be added, officials said this week.

"It's never been our argument that Americans are angels," one senior U.S. official told Reuters.

"Our argument has been if Americans commit war crimes or human rights violations, we will handle them. And we will," he added.

The permanent court was established in 2002 after ad hoc institutions dealt with war crimes in Yugoslavia and Rwanda.

But President Bush opposed it and insisted on so-called Article 98 agreements under which countries guaranteed not to surrender Americans to ICC prosecution.

With military and civilians on peacekeeping and humanitarian missions in 100 countries, Washington must preserve its independence to defend its national interests worldwide, U.S. officials said.

This position is coming under new scrutiny following publication of photographs showing U.S. army soldiers

abusing and humiliating Iraqis at Abu Ghraib prison in Baghdad.

The photos have fueled international outrage and severely damaged U.S. credibility. U.S. officials promise the guilty will be punished but rights experts worry prosecutions will focus on lower-ranking soldiers, not their superiors.

## WAR CRIMES PROSECUTION

"The political reality is that its going to be harder now to persuade democratically elected leaders to immunize the U.S. military from war crimes prosecution," said Tom Malinowski, Washington advocacy director for Human Rights Watch.

While some states may be more reluctant to sign the bilateral immunity agreements, it is unclear they can avoid it, said Anthony Dworkin, London-based editor of the Crimes of War Project Web site .

U.S. law prohibits military aid to countries that do not sign immunity accords and Washington has used this lever to exert "enormous pressure" on countries to sign, he said.

Some legal experts disagree with the use of Article 98 agreements and question government insistence that U.S. military interrogation rules in Iraq and elsewhere comply with the Geneva Convention.

Washington "is reluctant to test its interpretation" before international jurists, Dworkin said.

"All of us are appalled by those prisoner abuse photos and we need to address them," a U.S. official said.

Copyright © 2004 Reuters Limited.

###

 Printer Friendly Version  E-Mail This Article

### FAIR USE NOTICE

This site contains copyrighted material the use of which has not always been specifically authorized by the copyright owner. We are making such material available in our efforts to advance understanding of environmental, political, human rights, economic, democracy, scientific, and social justice issues, etc. We believe this constitutes a 'fair use' of any such copyrighted material as provided for in section 107 of the US Copyright Law. In accordance with Title 17 U.S.C. Section 107, the material on this site is distributed without profit to those who have expressed a prior interest in receiving the included information for research and educational purposes. For more information go to: <http://www.law.cornell.edu/uscode/17/107.shtml>. If you wish to use copyrighted material from this site for purposes of your own that go beyond 'fair use', you must obtain permission from the copyright owner.

**Common Dreams [NewsCenter](#)**

A non-profit news service providing breaking news & views for the progressive community.

[Home](#) | [Newswire](#) | [Contacting Us](#) | [About Us](#) | [Donate](#) | [Sign-Up](#) | [Archives](#)

© Copyrighted 1997-2006

[www.commondreams.org](http://www.commondreams.org)