

XVIII. Domestic and International Law

Introduction

The Office of the Legal Adviser (L) furnished advice on all legal issues, domestic and international, arising in the course of the Department's work. This included assisting Department principals and policy officers in formulating and implementing U.S. foreign policies, promoting the development of international law and institutions as a fundamental element of those policies, and advising and representing the Department in the management and administrative areas.

The Legal Adviser to the Secretary of State held a rank equivalent to that of an Assistant Secretary of State. Four Deputy Legal Advisers collectively supervised some 20 Assistant Legal Advisers, who managed the individual regional and functional offices which provided direct support to the operating bureaus of the Department. The Office comprised approximately 100 attorneys and an equal number of management and support staff.

Over the 8 years of the Clinton administration, the Office's responsibilities expanded in the areas of international arbitration and litigation, terrorism, law enforcement, arms control, and human rights and refugees. This expansion required growth in the size of the office as well as a realignment of resources. With the integration of the Arms Control and Disarmament Agency into the Department in 1999, the office absorbed the functions and personnel of ACDA's Office of General Counsel, eventually creating separate offices to support the arms control and non-proliferation activities of the Bureau of Political and Military Affairs. Similarly, the Office gained both the responsibilities and the legal personnel of the Office of General Counsel of the U.S. Information Agency when that agency became part of the Department of State in October 1999.

International Legal Issues

Terrorism

A principal element in the changing substance of international legal issues was the development of new responses and new instruments with which to confront the growing scourge of international terrorism. Major new legislation developed and signed in 1996, entitled the Antiterrorism and Effective Death Penalty Act, added sections to U.S. domestic criminal law on terrorism, sanctions on countries that provided assistance to countries on the list of state sponsors of terrorism, and new legal authority for the Secretary of State to designate groups as "Foreign Terrorist Organizations." Other significant legal developments in the response to international terrorism included successful negotiation and conclusion of the UN Terrorist Bombing Convention in 1997 and the UN Terrorist Financing Convention in 1999.

One of the most interesting developments occurred in the so-called Lockerbie case. In December 1988, a bomb exploded on Pan Am flight 103 en route from London to New York, killing all 259 passengers and crew as well as 11 residents of Lockerbie, Scotland, from the crash debris. Investigations by the United States and the United Kingdom indicated that two officials of the Libyan Government were responsible. In

1991, the United States and the United Kingdom demanded, among other things, that the Government of Libya surrender these two suspects for trial. Libya refused. The demands were incorporated into a series of resolutions adopted by the UN Security Council, which ultimately imposed sanctions on Libya. Despite these sanctions, Libya refused to turn over the suspects to either the United States or the United Kingdom. To overcome the stalemate, the three governments agreed to allow trial of the suspects in the Netherlands, before a panel of three Scottish judges and governed by Scottish law. The suspects were surrendered to Dutch authorities in April 1998, and the UN sanctions were suspended. The trial in the Netherlands commenced in May 2000 and was continuing at year's end.

International Court of Justice

The Office of the Legal Adviser represents the United States before the International Court of Justice and other international tribunals. Between 1993 and 2000, the United States was involved in a number of significant proceedings before the Court.

- Iran Air (Iran v. United States): In July 1988, the guided missile cruiser U.S.S. *Vincennes* mistakenly shot down a commercial Iranian airliner. Iran refused the U.S. offer of humanitarian compensation and filed a proceeding in May 1989 claiming violation of the 1971 Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (the "Montreal Convention"), the 1944 Convention on International Civil Aviation (the "Chicago Convention"), and the 1955 bilateral Treaty of Amity between Iran and the United States. The case was settled in February 1996, before hearings on the preliminary objections of the United States had taken place.
- Lockerbie (Libya v. United States): In March 1992, Libya instituted parallel cases against the United States and the United Kingdom claiming that efforts by the two governments to obtain custody of the two Libyan suspects in the Pan Am 103 bombing violated Libya's right to prosecute them under the Montreal Convention. The United States and the United Kingdom responded by denying any violation of the Convention and arguing that, in any event, binding resolutions of the UN Security Council provided a lawful basis for the contested actions. In 1998, the Court accepted certain aspects of those preliminary objections and rejected others. At the end of 2000, the parties were completing their written submissions on the merits of the dispute.
- Oil Platforms (Iran v. United States): In October 1987 and April 1988, U.S. military forces attacked Iranian oil platforms in the Persian Gulf in response to hostile actions by Iranian forces against U.S. and other neutral vessels. In November 1992, Iran brought suit in the Court alleging a violation of the 1955 Iran-U.S. Treaty of Amity. In a 1996 decision, the Court did not fully accept preliminary objections by the United States, and at the end of 2000 the parties were in the process of completing their briefs on the merits.
- Nuclear Weapons (Advisory Opinions): In 1993 and 1994, the World Health Assembly of the World Health Organization (WHO) and the UN General Assembly, respectively, requested the Court to issue advisory opinions on the legality of the use of nuclear weapons and, in the case of the General Assembly,

on the legality of the threat of the use of nuclear weapons. The United States and many other States provided written and oral submissions on the issues presented by these requests, including whether the threat or use of nuclear weapons contravened the legal constraints on the use of armed force generally as well as instruments such as multilateral human rights and environmental treaties. The Court decided that the issue posed by the WHO was not within its competence to raise and accordingly declined to provide an opinion in that case. In an opinion on the issue raised by the UN General Assembly, the Court adopted portions of the arguments of both the nuclear weapons States and those States arguing that the threat or use of such weapons is unlawful. On the most hotly contested part of the opinion, decided by a vote of 7-7 with the vote of the President of the Court providing the majority, the Court stated that "in view of the current state of international law, and of the elements of facts at its disposal, the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defense, in which the very survival of a State would be at stake."

- Breard (Paraguay v. United States): This case, brought in April 1998 by Paraguay, concerned the issue of "consular notification." In violation of the Vienna Convention on Consular Relations, the State of Virginia had failed to inform a Paraguayan national, Angel Breard, of his post-arrest right to contact a Paraguayan consul. Breard had been convicted of capital murder. Paraguay sought an order of "provisional measures" from the Court blocking Breard's pending execution. After hurried proceedings, the Court issued an order about a week before the scheduled execution that in effect asked the United States to attempt to delay the execution while it considered the case on the merits. Secretary of State Albright asked Virginia Governor Gilmore to do so. However, after the U.S. Supreme Court rejected Breard's last minute appeals, the sentence was carried out. Thereafter, Paraguay discontinued its case before it reached the merits stage.
- LaGrand (Germany v. United States): In another "consular notification" case, Germany filed proceedings in March 1999 charging that the authorities in Arizona had failed to provide required notice to two brothers, both German nationals, in violation of the Vienna Convention on Consular Relations. The LaGrand brothers were convicted of first-degree murder. At the time this proceeding was filed, one of the brothers had already been executed, and the other's sentence was due to be carried out the following day. The Court issued provisional measures order requesting the United States to delay the execution; however, it went forward as scheduled. In November 2000, the Court heard oral argument on the merits. The United States admitted a failure to provide the necessary consular notification and apologized to Germany; in addition, the United States undertook to improve its compliance with the notification requirements of the Vienna Convention. Germany sought additional relief, which the United States did not believe is appropriate under international law.
- Legality of the Use of Force (Federal Republic of Yugoslavia v. United States). Asserting that the NATO-led bombing of Kosovo violated international law, the

Federal Republic of Yugoslavia brought parallel cases against 12 NATO member states in April 1999. It argued that the action contravened customary international law, laws relating to the use of armed force, environmental and human rights conventions, and the Charter of the United Nations. It sought provisional measures barring the 12 states from undertaking additional actions against Belgrade during the pendency of the proceedings. During oral argument, the United States challenged the jurisdiction of the Court; in June 1999, the Court took the unusual step of dismissing the case, at the stage of provisional measures, on those jurisdictional grounds.

Ad Hoc Tribunals for the Former Yugoslavia and Rwanda

As described in Chapter VII, the Clinton administration gave special emphasis to the principle of accountability under international law of individuals responsible for gross violations of human rights and humanitarian law. Two of the most significant developments in this regard were the creation of the ad hoc International Criminal Tribunal for the former Yugoslavia (ICTY) and the ad hoc International Criminal Tribunal for Rwanda (ICTR). Each was established under the authority of the UN Security Council acting under Chapter VII of the United Nations Charter. While separate entities, the two tribunals shared many common elements, including a joint Chief Prosecutor and a joint Appeals Chamber. From the establishment of these two tribunals in 1993 and 1994 respectively, the United States played an active role in helping to fashion their constitutive documents, craft their rules of procedure and of evidence, implement their organization and staffing, and provide financial support. These developments posed significant and challenging issues for the international legal community; and the United States provided significant expertise (inter alia through the detail and secondment of experts in the fields of law enforcement, criminal prosecution, and forensic investigations) as well as evidence in support of investigations and individual prosecutions.

Under the relevant Security Council resolutions, all States were obliged to cooperate with the Tribunals including through the surrender of accused persons found within their territories. In 1996 Elizaphan Ntakirutima was indicted by the ICTR on charges of genocide and other serious violations of international humanitarian law. At the time, Pastor Ntakirutimana resided in the United States. When the Tribunal asked for his arrest and surrender, the Office of the Legal Adviser worked closely and successfully with the U.S. Department of Justice in addressing the many and difficult legal issues involved in the ensuing judicial proceedings. When final court approval was obtained, the Secretary of State ordered the Pastor's surrender, which was effected in March 2000.

Heathrow Arbitration

One of the most significant inter-governmental arbitrations in which the United States has engaged in many years concerned the dispute with Her Majesty's Government over civil aviation landing rights at London's Heathrow Airport. In brief, this controversy arose because Pan Am and TWA were being charged excessive fees for landing, parking and terminal use in violation of the U.S.-U.K. Air Services Agreement. Heathrow authorities had moved to supply-demand pricing, but the United States maintained that they were in fact manipulating fees to protect British carriers. Following

an arbitral award rendered in November 1992 that was favorable to the United States on significant questions of liability, the dispute was settled in 1994 with a lump sum payment of \$29.5 million on the claims of the United States. Most of this money was paid over to the interested airlines, which by then included United and American.

North American Free Trade Agreement (NAFTA)

In 1993, Congress approved the North American Free Trade Agreement, which, following enactment of implementing legislation, entered into force for the United States on January 1, 1994. The investment chapter of the NAFTA provided investors of NAFTA Parties with the right to submit claims for breaches of the chapter to international arbitration. This provision proved to be popular; U.S. investors submitted eight claims to arbitration against Mexico and Canada, and four Canadian investors submitted claims against the United States. The damages asserted against the United States aggregate more than \$1.7 billion. The Office of the Legal Adviser was lead counsel in defending three of the four and worked closely with the Department of Justice in defending the other. The Office also acted on behalf of the United States in making submissions to tribunals in the cases brought by U.S. investors against Mexico and Canada. Although the cases against the United States were still in their early stages at the end of the Clinton administration, the work done by the administration provided a firm basis for the intense activity anticipated in this area in the years to come.

The Legal Adviser and the General Counsel of the Department of Commerce co-chaired for the United States the NAFTA Advisory Committee on Private Commercial Disputes, a trilateral committee composed of government and private sector members which worked to promote the use of alternative dispute resolution in private trans-boundary commercial disputes in the NAFTA region. The committee, mandated by Article 2022 of the NAFTA, published documentation and spurred the creation of a region-wide arbitral institution, the Commercial Arbitration and Mediation Center for the Americas (CAMCA).

Investment Issues

During 1993-2000, 22 bilateral investment treaties were concluded with foreign governments, and 25 entered into force. Several additional bilateral investment treaties were being negotiated at the end of 2000. An investment chapter was negotiated as an important component of the U.S.-Vietnam Bilateral Trade Agreement. In addition, a key element of the Free Trade Area of the Americas negotiation launched during the Clinton administration was a state-of-the-art investment chapter.

Law Enforcement Issues

During the Clinton administration, the Legal Adviser's Office negotiated and brought into force more mutual legal assistance treaties (MLATS) than in any previous 8-year period. At the beginning of the administration, 8 such treaties were in force; at its end there are 37, including legal assistance treaties with all of the countries in the Caribbean, all 3 Baltic countries, and other countries in Europe, the Americas, and Asia.

In addition, the United States signed 30 new extradition treaties or protocols to existing extradition treaties, most of which entered into force. Following the largest

extradition treaty hearing every held, 18 such instruments were approved by the U.S. Senate in October 1998, 15 of which were brought into force 1999-2000.

The Office of the Legal Adviser also negotiated and signed multilateral law enforcement conventions in the areas of corruption, terrorism, small arms trafficking, the transfer of prisoners, and legal assistance. These negotiations were held at the Organization of American States, the United Nations, the Organization for Economic Cooperation and Development, and the Council of Europe.

In addition, the United States signed on December 13, 2000, the UN Transnational Organized Crime Convention and its protocols on alien smuggling and trafficking in persons.

International Claims

Established in 1981 by the Algiers Accords, which resolved the hostage crisis between the United States and Iran, the Iran-U.S. Claims Tribunal at The Hague continued throughout the Clinton administration to resolve outstanding disputes between the two governments as well as their nationals.

United Nations Compensation Commission (UNCC): A total of 3,254 claims for approximately \$1.7 billion were filed before the UNCC. As a subsidiary of the UN Security Council, the Commission operated within the framework of Council resolutions. During 1993-2000, 14 resolutions were adopted which affected the working of the Commission. Of these, the most important was UNSCR 986 (1995) establishing the food-for-aid program.

Among the significant bilateral claims efforts were agreements with Vietnam in 1994 and Cambodia in 1995, and three agreements with the People's Republic of China in 1999 resolving personal injury and property damage claims related to the bombing of the Chinese Embassy in the Federal Republic of Yugoslavia and the ensuing damage to U.S. property in the PRC.

Arms Control

A comprehensive description of the efforts of the Clinton Administration in the arms control and nonproliferation areas is in Chapter IV. Among the significant legal developments were the following: entry into force of Start I and its Protocol in 1994; indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons (1995); conclusion and signature of the Comprehensive Nuclear Test-Ban Treaty (1996); agreements designed to eliminate nuclear weapons from Belarus, Kazakhstan and Ukraine; establishment of the Korean Peninsula Energy Development Organization (1997); the ratification of Start II in 1996 (not yet in force); and ratification of the Chemical Weapons Convention in 1997

Oceans, Environment, and Science

The Clinton administration's active record in the area of oceans, environment, and science was accompanied by significant legal involvement in a number of achievements. These included, for example, negotiation of the compliance regime for the 1992 Framework Convention on Climate Change and for the 1997 Kyoto Protocol on Climate Change, which was still in progress as the year 2000 drew to a close. Other achievements

included negotiation and conclusion of the 1997 UN Convention on the Law of the Non-Navigational Uses of International Watercourses; preparation in 1994 of a comprehensive transmittal package for the Law of the Sea Convention and implementing agreement, including a comprehensive commentary, which were published as Senate Treaty Document 103-94; negotiation of the liability regime contemplated under the Protocol on Environmental Protection to the Antarctic Treaty for damage to the Antarctic environment; and, not least, negotiation and conclusion of 19 bilateral maritime counter-narcotics cooperation agreements with countries of the Caribbean region.

Human Rights Treaties

The Clinton administration gave priority to human rights issues, including the implementation of human rights treaties. Among the most significant developments of interest to the international legal community was the submission and presentation in 1994 of the first report by the United States to the Human Rights Committee under the provisions of the International Covenant on Civil and Political Rights, which had been ratified in 1992. In November 1999, the United States submitted its first report to the Committee against Torture, pursuant to the provisions of the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, which it had ratified in 1994. In addition, also in 1994, the United States ratified the International Convention on the Elimination of All Forms of Racial Discrimination, and in October 2000 submitted the first implementation report under this important human rights treaty to the Committee on the Elimination of Racial Discrimination.

On December 10, 1998, the President issued Executive Order 13107, entitled "Implementation of Human Rights Treaties." The Order stated the policy of the United States to promote respect for human rights and fundamental freedoms. The Order also established an NSC-chaired Interagency Working Group on Human Rights Treaties for the purpose of providing guidance, oversight, and coordination with respect to questions concerning the adherence to and implementation of U.S. human rights treaty obligations.

In 1999, the United States became a party to ILO Convention 182 concerning the prohibition and elimination of the Worst Forms of Child Labor. In May 2000, the administration concluded and sent to the Senate two Optional Protocols to the United Nations Convention on the Rights of the Child, one concerning Involvement of Children in Armed Conflicts and the other the Sale of Children, Child Prostitution and Child Pornography.

Resolving Conflict in the Balkans

The Clinton administration made resolving conflict in the Balkans one of its highest foreign policy priorities, and the Office of the Legal Adviser played a pivotal role in addressing the many legal issues presented by implementation of the administration's policies in the region. During the first Clinton administration, the Office participated in the negotiations that led to the General Framework Agreement for Peace, or "Dayton Accords," ending more than 3 years of war in Bosnia. The Office remained involved in addressing issues related to implementation of that Agreement, especially in helping to create mechanisms to resolve disputes over property rights.

The Office also addressed a wide range of issues in connection with the Kosovo conflict. Security Council Resolution 1244 ended the conflict and established an interim international supervision of Kosovo under the dual authorities of the UN Interim Administration for Kosovo (UNMIK) and the Kosovo Security Force (KFOR). As in Bosnia, the Office remained actively involved in addressing a wide variety of legal issues related to the implementation of Resolution 1244, including questions concerning the scope of UNMIK's and KFOR's mandates and the nature of Kosovo's provisional self-governing institutions during the period of interim administration.

Private International Law

The Office of the Legal Adviser took the lead in the negotiation and conclusion of model laws, conventions, and other instruments creating harmonized rules for private transactions that cross international borders. These instruments were negotiated in close collaboration with private sector interests in the United States, and covered a variety of commercial and family law topics, as well as international judicial cooperation and alternative dispute resolution. The 1993 Convention on the Protection of Children and Co-Operation Respect of Inter-Country Adoption, for which implementing legislation and the Senate's advice and consent to ratification were secured in 2000, was a major success for the Department's efforts to create common standards for international adoption, and was widely supported by private U.S. adoption agencies.

Diplomatic and Consular Law

The Office of the Legal Adviser initiated and led the extensive outreach efforts undertaken over the past several years to improve national compliance with the notification requirements of the Vienna Convention on Consular Relations and other bilateral treaties. The circumstances reflected in the *Breard* and *LaGrand* cases discussed above and domestic litigation stimulated these efforts. In these cases non-U.S. nationals challenged the legality of their convictions for serious crimes (and in some cases their sentences to capital punishment) on grounds of lack of notification. A centerpiece of this effort was the publication of a new brochure in 1998 including a pocket reference card advising law enforcement officials of their obligations. It involved coordination within the Department with the regional bureaus as well as OFM, DS, S/CPR, and CA; interagency work with the Department of Justice and its constitutive elements (e.g., DEA, FBI, INS, BOP), and other agencies with law enforcement responsibilities. It also entailed extensive coordination with state and local government officials, including in Texas, Florida, Arizona, California, and other states with large foreign national populations.

After 4 years of negotiation, the State of Hawaii was persuaded to enact legislation granting state tax exemption for foreign diplomatic and consular missions in April 2000. This achievement culminated efforts to obtain full state compliance with the Vienna Conventions on Diplomatic and Consular Relations insofar as they addressed privileges and immunities.

War Crimes Issues

The Office of War Crimes Issues (S/WCI) was established in 1997 to advise the Secretary of State on U.S. efforts to address serious violations of international humanitarian law committed anywhere in the world. These violations primarily concerned large-scale atrocities, including genocide, crimes against humanity, and war crimes. David J. Sheffer, the first-ever Ambassador-at-Large for War Crimes Issues, was sworn into office following Senate confirmation on August 5, 1997, and thereafter reported directly to the Secretary of State. (Document XVIII-1) Ambassador Sheffer coordinated U.S. support for the International Criminal Tribunals for the former Yugoslavia and Rwanda, headed the Atrocities Prevention Inter-Agency Working Group, and led U.S. participation in UN negotiations for the establishment of a permanent International Criminal Court. He also coordinated U.S. efforts to establish international records and/or mechanisms of accountability for past or ongoing violations of international humanitarian law in conflict areas, and assisted the Secretary of State in addressing the needs of victims of such atrocities.

As special envoy on war crimes issues, the Ambassador-at-Large worked with the United Nations, in consultation with the U.S. Mission to the United Nations (USUN), on a number of issues involving the Yugoslav and Rwandan War Crimes Tribunals, the International Criminal Court, and other projects and initiatives, including judicial mechanisms for Sierra Leone, Cambodia, and East Timor. The Ambassador-at-Large and his staff made numerous overseas trips, including to The Hague, the Balkans, Africa, and Asia, meeting with high-ranking officials to carry out U.S. government objectives for war crimes issues. The Ambassador-at-Large met frequently with officials of the Tribunals and with victims of atrocities as he visited crime scenes around the world.

The International Criminal Tribunal for the Former Yugoslavia

Of all the efforts by Ambassador Sheffer in support of credible accountability, the most visible was U.S. support to the International Criminal Tribunal for the former Yugoslavia (ICTY). Forty-nine indictees, including some major perpetrators, were brought into custody. Twenty-seven indictees, including Karadzic, Mladic, and Milosevic, remained at large. The United States was diligent in its efforts to expand the resources of the Tribunal: U.S.-assessed contributions for the ICTY since 1994 totaled \$103 million; voluntary contributions, including the provision for a third courtroom, totaled nearly \$25 million. Both sums represented a greater contribution than any other government.

Other U.S. assistance included repeated diplomatic interventions on behalf of the ICTY, financial and technical support for "rules of the road," witness relocation, facilitating donations of critical technology, and significant information sharing. In 1997 and the years after, the Tribunal matured into a credible, independent institution capable of delivering justice for genocide, war crimes and crimes against humanity in the former Yugoslavia. But there were difficulties. In 1999, for example, the United States had to deal with unpleasant allegations that NATO was responsible for war crimes during the Kosovo war. In June 1999, ICTY Prosecutor Carla Del Ponte dismissed the allegations without opening a formal investigation.

Kosovo

The United States devoted a great effort to the accountability issue in Kosovo. In 1999, the United States successfully obtained a \$5 million drawdown from the President to deploy two FBI teams of forensic investigators to Kosovo. Congress also provided \$8.5 million to voluntarily cover the 1999 costs of ICTY investigations of crimes in Kosovo. Ambassador Scheffer was the first senior U.S. official to meet and interview Kosovar refugees streaming across the Macedonian border in late March 1999, and thereafter his office exposed Serb crimes to the international media through overhead imagery, refugee reports, and its own investigations. (Document XVIII-2)

The International Criminal Tribunal for Rwanda

The International Criminal Tribunal for Rwanda (ICTR) benefited from U.S. support. It indicted 82 individuals and boasted a remarkable apprehension record of bringing 45 indictees into custody. Eight indictees were convicted or pled guilty. U.S. assessments since 1994 amounted to nearly \$80 million, while voluntary contributions were about \$4.3 million. U.S. voluntary contributions to the ICTR covered a range of critical needs, including court management, witness relocation, facilitating donations of information technology, and information sharing. Support for outreach in Rwanda was significant; the United States provided Internews with \$100,000 to provide media coverage of tribunal proceedings in Rwanda and funding for a documentary about the trials for airing in Rwanda.

Other Areas

The War Crimes Office worked to provide credible accountability for atrocities in many other parts of the world, including Cambodia, Indonesia and East Timor, Sierra Leone, Iraq, Chechnya, Sudan, Burundi, DROC, and Sri Lanka.

In Cambodia, after 3 years of intense effort by the War Crimes Office to find a means to apprehend and bring senior Khmer Rouge leaders to justice for the crimes of the Pol Pot era, the UN and the Royal Government of Cambodia agreed in principle on a draft Cambodian law establishing "Extraordinary Chambers", with both international and Cambodian participation, that would provide a mechanism for bringing senior Khmer Rouge leaders to justice. The National Assembly and Senate approved legislation which awaited consideration by the King.

In Indonesia and East Timor, the War Crimes Office worked with both the government of Indonesia and the UN Transitional Authority in East Timor (UNTAET) to establish credible accountability for the atrocities that took place in East Timor in 1999 following the referendum. In Indonesia, the United States provided the Attorney General and his staff with expert policy advice on prosecuting crimes against humanity, including hands-on training by the Department of Justice and personnel of the War Crimes office. The United States also deployed a retired Judge Advocate General with war crimes experience to help UNTAET's accountability efforts, and carved out \$250,000 from the East Timor supplemental appropriation to support accountability efforts there.

In Sierra Leone, the War Crimes Office led U.S. government efforts to create an international special court to investigate and prosecute the crimes committed against the civilian population and UN peacekeepers in Sierra Leone. This was the first Security

Council approved international war criminal initiative since the International Criminal Tribunal for Rwanda in 1994.

In Iraq, the War Crimes Office led an extensive effort to compile U.S. government and other information implicating Saddam Hussein's atrocities. The United States declassified related imagery and made public captured Iraqi documents. As a result, the United States made good progress in raising awareness of the crimes of Saddam Hussein and his regime.

The International Criminal Court

Despite the disappointing outcome of negotiations at Rome for an International Criminal Court (ICC) in July 1998, Ambassador Scheffer remained deeply engaged in ICC negotiations, with the aim of achieving a Court that addressed U.S. concerns and advanced the cause of international justice. On June 30, 1999, he successfully concluded negotiations on two key supplemental documents (Elements of Crime and Rules of Procedure and Evidence) that would govern the way the ICC operated.

On December 31, 2000, Ambassador Scheffer signed the 1998 Rome Treaty on the International Criminal Court. In a statement that same day, President Clinton acknowledged concerns about "significant flaws" in the treaty that he hoped could be corrected in later negotiations, but indicated that signing the treaty would "reaffirm our strong support for international accountability, and for bringing to justice perpetrators of genocide, war crimes, and crimes against humanity." By signing, he noted, the United States would be able to influence the structure and rules of the court. (Document XVIII-3)

Prevention of Atrocities

The President's initiative for the Atrocities Prevention Inter-Agency Working Group, headed by Ambassador Scheffer, provided the War Crimes Office with an important platform for ensuring that atrocities prevention was part of overall U.S. policy in situations threatened by mass violence against civilians. The War Crimes Office, joined by other bureaus of the Department of State, convened an Atrocities Prevention Conference at the U.S. Holocaust Memorial Museum in Washington on October 29, 1999, with representatives of many governments and non-governmental organizations attending. (Document XVIII-4) Ambassador Scheffer also convened inter-agency meetings and advised Assistant Secretaries of State and the National Security Council on atrocities prevention in Colombia, Sudan, Burundi, DRC, Angola, Sierra Leone, Chechnya, Sri Lanka, Indonesia, and East Timor.