



THE HENRY L.
STIMSON CENTER

**THE US MILITARY AND THE INTERNATIONAL CRIMINAL COURT:
ISSUES AND IMPLICATIONS**

*January 5th and 6th, 2006
The Henry L. Stimson Center*

SCHEDULE AND AGENDA

Thursday, January 5

1:30 p.m. WELCOME
Introduction of Participants and Overview of the Project

Each working session will open with the moderator asking for short remarks by members of the workshop to launch the roundtable discussion.

2:00 p.m. SESSION I. Impact of the Court on US Armed Forces: The Rome Statute, Complementarity and US Domestic Jurisdiction

- *Article 17 of the Rome Statute and the concept of complementarity:* A review of US concerns during negotiations
- *Consideration of US legal codes:* Are the Uniform Code of Military Justice and US national codes aligned with the elements of crime outlined within the Rome Statute?
- *Identification of legal gaps:* Where are there gaps between the jurisdiction of the ICC and US codes? What options or additional safeguards would ease US military concerns about complementarity, admissibility and related issues?

4:00 p.m. SESSION II. US Equities and the ICC: How could the Court affect US interests as it continues to develop?

- *Expanding the Court's jurisdiction:* What additional crimes might be put forward in years to come? What current safeguards might be abolished? How would this affect US military engagements or personnel?
- *Developing precedent:* How will the first cases of Uganda, Sudan, and the Democratic Republic of the Congo further define the Court? Is the case of Sudan, referred to the Court by the UN Security Council, an example where the US could see value in supporting the Court?
- *Whether to engage:* What will be considered at the 2009 Review Conference of the International Criminal Court? Does the US have an interest in the preparatory meetings and possible amendments offered to the Rome Statute at the conference?

5:30 p.m. Preliminary conclusions

- Should the US have an instrumental role in steering the Court? How might the US influence the direction of the Court as it continues to develop?



Friday, January 6

- 9:00 a.m. SESSION III. The Court and U.S. Policy Issues Affecting the Military**
- *Peacekeeping Operations*: Does the ICC pose unique challenges for US military personnel serving in UN, NATO or coalition-led peace operations? What are these challenges and what are the best options for handling those issues? Do Status of Forces Agreements and Status of Mission Agreements sufficiently provide the US with jurisdiction over acts committed by armed forces serving overseas?
 - *Article 98s*: What is the impact of the US negotiating Article 98 agreements worldwide? How do they impact US military personnel?
 - *Military Programs and Relations*: What limitations have US military assistance programs (e.g., IMET) faced when participating nations do not sign Article 98 agreements with the United States? How has that impacted US interests with allies and with countries that no longer participate in US-funded programs?
- 11:00 a.m. SESSION IV. Looking Forward for the US Military and the ICC**
- What do workshop participants believe to be the major areas of concern for the US military as the ICC continues to develop?
 - What are the avenues for addressing these concerns? Are there other areas where the US should engage?
 - What is the central recommendation of every workshop participant?
- 12:30 p.m. CONCLUDING REMARKS**