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Obama to put Americans under world judges' power? International Criminal Court issues focus of delegation to The Hague

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President Obama has dispatched a delegation this week to The Hague to explore issues involving the United States' possible participation in the International Criminal Court, an organization critics charge could be used to prosecute Americans under international legal standards for actions that are not crimes in the U.S.

Andy Laney of the U.S. State Department confirmed the delegation is comprised of members of the State Department as well as the Defense Department. He said they were dispatched on a weeklong trip because of U.S. concerns over how "aggression" is defined internationally.

"There is an interagency party, half from the State Department, half from the Defense Department, there to engage other delegations on matters of U.S. interest and specifically over our concerns on the definition of the crime of aggression," he said.

Critics, however, warn that they believe former U.S. war crimes prosecutor Ambassador Stephen Rapp is on a trip that involves more than just the definition of a word.

"The Obama administration would like the U.S. to be a party to the court," said Brett Schaefer, an international regulatory expert with the Heritage Foundation.

(Story continues below)

"The Obama administration would like to establish closer ties with the ICC if it turns out the U.S. can join the court. The objective here is to address the major objections to the U.S. joining the court," he said.

White House officials declined to comment.

The court was introduced to the U.S. when President Bill Clinton signed the Rome Statute in 1998. But President George W. Bush pulled the U.S. out in 2003 over concerns that the ICC might prosecute American soldiers for war-crime charges coming from the U.S. campaigns in Iraq and Afghanistan.

The concern was that the ICC doesn't recognize many of the U.S. Constitution's provisions protecting



International Criminal Court

defendants in criminal trials, such as the right to a trial by jury and protections against double jeopardy.

"The meeting at The Hague is also in preparation for the Rome Statute's review in May of 2010," Schaefer said. "Mr. Rapp is there to find out if (the 108) member states are interested in amending the document to address U.S. concerns. Ambassador Rapp is there to learn how substantial the barriers to the U.S. joining the court actually are."

Laney admitted it was a change in U.S. direction that prompted the trip.

"The decision to send Ambassador Rapp reflects the commitment of this administration to engage the international community on issues that affect our foreign policy interests," Laney said.

"Ambassador Rapp says he wants the U.S. to join the ICC. Since coming into office, President Obama says he wants the U.S. to join and Secretary of State Clinton says it's unfortunate that the U.S. is not a part of the ICC," Schaefer said.

"The previous administration in its early years sought to amend the treaty to alleviate U.S. concerns ... the treaty would intrude on U.S. policy and its obligations overseas," Schaefer said. "That effort failed. So, the Bush Administration in 2003 sent a letter to the Secretary General of the U.N. saying it no longer considered itself bound to the jurisdiction of the ICC."

Schaefer said the process as it now is set up presents dangers.

"Israel took action in Gaza earlier this year to attack Hamas and knock out the Hamas rocket launchers in the Gaza Strip," he said. "Israel took enormous cautionary measures to prevent civilian casualties. Even though Israel and the Palestinian Authority are not signatory members of the ICC, the ICC is still investigating the Israeli military to see if they can prosecute members of the Israeli Army for war crimes."

Mathew Staver, lead attorney for [Liberty Counsel and dean of Liberty University Law School](#), said [U.S. membership in the ICC would be a mistake](#).

"This administration is globalist and transnationalist and wants to bring this country into the global system. The U.S. stands to have its citizens being prosecuted by the international court in The Hague and have its citizens come under the world court's jurisdiction," he said.

Schaefer confirmed Staver's fears.

"Supposing the U.S. engages in a military action and that action results in civilian casualties. We do an investigation of the matter and find no guilty party. If we are a member of the court, if we are a party to the Rome Statute, the ICC at that point has the opportunity to second-guess us," he said. "They may be able to use evidence and they may be able to pursue routes of trial that would not be portable in the U.S. because of the different standards established in the U.S. legal system and the rules set forth in the Rome Statute."

His warning is that the ICC could, "in essence ... come and prosecute U.S. citizens, U.S. soldiers, U.S. officials for actions the U.S. deems entirely lawful."

He believes the Obama White House will begin the push for ratification after the May 2010 review of the treaty.

"After the May review is when I believe the administration will seek to go to Congress to make the changes in our system necessary that will allow us to participate in the ICC," he said.

Staver said Americans should be worried.

"Everything anyone has ever heard about the globalist system is being promoted by this administration," he said. "President Obama definitely wants the U.S. to be a part of a transnational, global system."

[WND columnist David Limbaugh](#) has raised similar concerns.

"Transnationalists," he wrote, "believe that American judges, in interpreting our Constitution, can resort to this 'community of reason' (foreign laws) to choose between two 'plausible' legal positions."

It is the global community, he wrote, that such transnationalists "look to" to determine standards.

[In his book, "Global Deception,"](#) author Joseph Klein warns that the International Criminal Court is just one building block of a "brave new world" already under way.

He said the court would have "secret proceedings that would make terrorist trials look open by comparison" and suggested the plan is for them to "take precedence over the U.S. judicial system."

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