

## 資料

### 国際刑事裁判所に対するアメリカ合衆国の態度

Marc Grossman, Under Secretary for Political Affairs, Remarks to the Center for Strategic and International Studies Washington, DC, May 6, 2002.

<http://www.state.gov/p/9949pf.htm>

We believe the ICC undermines the role of the United Nations Security Council in maintaining international peace and security.

We believe in checks and balances. The Rome Statute creates a prosecutorial system that is an unchecked power.

We believe that in order to be bound by a treaty, a state must be party to that treaty. The ICC asserts jurisdiction over citizens of states that have not ratified the treaty. This threatens US sovereignty.

We believe that the ICC is built on a flawed foundation. These flaws leave it open for exploitation and politically motivated prosecutions...

[T]he treaty threatens the sovereignty of the United States. The Court, as constituted today, claims the authority to detain and try American citizens, even though our democratically-elected representatives have not agreed to be bound by the treaty. While sovereign nations have the authority to try non-citizens who have committed crimes against their citizens or in their territory, the United States has never recognized the right of an international organization to do so absent consent or a UN Security Council mandate...

The United States will:...

- Continue our longstanding role as an advocate for the principle that there must be accountability for war crimes and other serious violations of international humanitarian law.
- Continue to play a leadership role to right these wrongs...
- Continue to discipline our own when appropriate...
- We will remain committed to promoting the rule of law and helping to bring violators of humanitarian law to justice, wherever the violations may occur...

American Servicemember and Citizen Protection Act of 2002, Bill introduced in the House of Representatives on April 11, 2002.

<http://thomas.loc.gov/>

SEC. 5. PROTECTION OF MEMBERS OF THE UNITED STATES ARMED FORCES AND UNITED STATES CITIZENS AND NATIONALS.

(a) Actions Against Members of the Armed Forces. Any action taken by or on behalf of the International Criminal Court against any member of the United States Armed Forces shall be considered to be an act of aggression against the United States.

(b) Actions Against United States Citizens or Nationals. Any action taken by or on behalf of the International Criminal Court against any individual who is a citizen or national of the United States shall be considered to be an offense against the law of nations.

## LaGrand 事件

領事関係に関するウィーン条約 36 条 1 項 日本語訳は各自の条約集参照

1. With a view to facilitating the exercise fo consular functions relating to nationals of the sending State:...

(b) if he so requests, the competent authorities of the receiving state shall, without delay, inform the consular post of the sending state if, within its consular district, a national of that state is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall also be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this sub-paragraph".

## 米英によるアフガニスタン空爆

国連憲章 5 1 条フランス語正文 英語正文・日本語訳は各自の条約集参照

Aucune disposition de la présente Charte ne porte atteinte au droit naturel de légitime défense, individuelle ou collective, dans le cas où un Membre des Nations Unies est l'objet d'une agression armée, jusqu'à ce que le Conseil de Sécurité ait pris les mesures nécessaires pour maintenir la paix et la sécurité internationales...