

For Release: April 28, 2021

Contact: James Steiner

communications@asil.org

AMERICAN SOCIETY OF INTERNATIONAL LAW
RELEASES ICC TASK FORCE REPORT

Policy Options for U.S. Engagement with the International Criminal Court

WASHINGTON, D.C. – The American Society of International Law (ASIL) today published the report of its independent nonpartisan Task Force on Policy Options for U.S. Engagement with the International Criminal Court (ICC).

The high-level report presents a comprehensive review of the U.S. relationship with the ICC and makes a series of recommendations to the incoming Biden Administration and the U.S. Congress for pragmatic engagement with the Court.

The release of the Report is the culmination of an extensive 18-month effort that brought together leading international criminal justice experts and former senior policy and legal officials. The Task Force consulted with a broad range of officials, civil society stakeholders, and other experts, within the United States and abroad, both to solicit their views and insights and to promote broader discussion of the issues surrounding the future of the Court.

ASIL President Catherine Amirfar said, “The Task Force Report is the latest effort in the Society’s long history of high-level engagement on international law issues critical to the foreign policy of the United States. It will serve as an important foundation as the U.S. considers how best to engage with the ICC.”

Task Force Co-Chairs Todd Buchwald and Beth Van Schaack said, “The Report provides a roadmap for pragmatic engagement with the ICC that advances U.S. interests in accountability, human rights, and the rule of law.”

ASIL Executive Director Mark D. Agrast said, “The Task Force Report is essential reading for U.S. officials as they consider the range of potential policy options for effective engagement with the Court.”

The Report is a successor to a 2009 ASIL task force report on *U.S. Policy Toward the International Criminal Court: Furthering Positive Engagement*, which provided recommendations to the then newly elected Obama Administration. In the years since that report was issued, legal and political developments have put increasing strain on the relationship between the U.S. and the ICC. At the same time, the advent of a new U.S. Administration and the prospect for reform and other changes at the ICC present a fresh opportunity to consider options that may be available to U.S. Government policy makers in addressing the ICC and the issues that it presents.

The six-person Task Force was Co-Chaired by **Todd Buchwald** (former Ambassador and Special Coordinator, Office of Global Criminal Justice, U.S. Department of State) and **Beth Van Schaack** (Leah Kaplan Visiting Professor in Human Rights at Stanford Law School and former Deputy to the Ambassador-at-Large for War Crimes, U.S. Department of State). Members of the Task Force included:

- **David Bosco**, Associate Professor, Indiana University's School of Global and International Studies, and contributing editor at *Foreign Policy*;
- **Sandra Lynn Hodgkinson**, Senior Vice President for Strategy and Corporate Development at Leonardo DRS and United States Navy JAG Corps (Retired);
- **Saira Mohamed**, Professor of Law, UC Berkeley School of Law and former Senior Adviser in the Office of the U.S. Special Envoy for Sudan; and
- **Alex Whiting**, Deputy Prosecutor at the Kosovo Specialist Prosecutor's Office and Professor of Practice at Harvard Law School.

The Task Force also received advice and assistance from an Advisory Group of eminent experts, including: **John B. Bellinger, III** (Arnold & Porter LLP and former State Department Legal Adviser), **Elizabeth Evenson** (Human Rights Watch), **Charles Jalloh** (Florida International University and Member, International Law Commission), **Tod Lindberg** (Hudson Institute), **Elisa Massimino** (Georgetown University Law Center), **Stephen Rapp** (U.S. Holocaust Memorial Museum and former Ambassador-at-Large for War Crimes Issues), **Natalie Reid** (Debevoise & Plimpton LLP), **David Scheffer** (Northwestern Pritzker School of Law and former Ambassador-at-Large for War Crimes Issues), **Jane Stromseth** (Georgetown University Law Center), **William H. Taft IV** (Former State Department Legal Adviser and former U.S. Ambassador to NATO), and **Clint Williamson** (McCain Institute and former Ambassador-at-Large for War Crimes Issues).

The project was undertaken with support from the Open Society Foundations.

Download the Report and learn more about the Task Force at <https://www.asil-us-icc-task-force.org/>.

ABOUT ASIL

The American Society of International Law is a nonprofit, nonpartisan, educational membership organization founded in 1906 and chartered by Congress in 1950. The mission of the American Society of International Law is to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice. ASIL holds Category II Consultative Status to the Economic and Social Council of the United Nations and is a constituent society of the American Council of Learned Societies.

The Society's 3,500 members from more than 100 nations include attorneys, academics, corporate counsel, judges, representatives of governments and nongovernmental organizations, international civil servants, students and others interested in international law. Through our meetings, publications, information services and outreach programs, ASIL advances international law scholarship and education for international law professionals as well as for Broader policy-making audiences and the public.

###