



DSCA



AMERICAN SERVICE MEMBER PROTECTION ACT (ASPA)

6 May 2003

This briefing is UNCLASSIFIED



ASPA RULES

- **ASPA (Pub. Law 107-206) Enters into Force 1 July 2003**
- **ASPA Permits:**
 - **U.S. efforts to bring to justice foreign nationals accused of genocide, war crimes or crimes against humanity**
 - **U.S. authority to free US or allied detained persons**
 - **Presidential waivers for countries considered important to U.S. national interest**
 - **Presidential waivers for countries that sign Article 98 (Rome Statute) Agreements with the U.S.**



ASPA PROHIBITS



- **Cooperation with International Criminal Court**
 - **Direct or indirect transfers of classified national security or law enforcement information**
 - **U.S. “military assistance” to ICC members**
- **ASPA Restricts U.S. Participation in UN PKO**



IMPACT ON COUNTRIES



- **Countries not affected by ASPA:**
 - **ASPA exempts NATO members, major non-NATO allies, and Taiwan**
 - **34 countries have signed Article 98 Agreements**
 - **77 countries have not signed/ratified Rome Statute**
- **Countries affected by ASPA:**
 - **Of 90 ICC members, 55 are not exempt and have not signed Article 98 Agreements**
 - **55 remaining ICC members**



POLICY



- **DoS and DoD present policy is to encourage countries to sign Article 98 Agreements and assume nothing**
- **DoS will be the lead for policy decisions and applying the ASPA**
- **DoD actions to date**
- **Preliminary policy**
 - **FMF**
 - **IMET students**
 - **Mobile Education Teams (MET)**
 - **EDA**
 - **Drawdowns**