purposes of investigating and prosecuting these individuals. But we had no expectation of it taking more than several months to find suitable jurisdiction (particularly given the hopelessness of Pol Pot finally in custody and our hope that having him in custody would spur Security Council interest in finding a means to prosecute him).

As a single senior Khmer Rouge leader was ever captured with the assistance of U.S. authorities. They cooperated with the Cambodian Government for detention of suspects. They detained Pol Pot in late May and late December 1998. Our vigorous efforts to capture Ta Mok (secure his surrender) during the rest of 1998 and into early 1999 finally were overtaken when he was captured by Cambodian forces and detained in Phnom Penh. Other senior Khmer Rouge leaders surrendered under arrangements that kept them out of prison in Cambodia, with the exception of Kang Kek Ieu (alias Comrade Duch), the chief of the notorious Tuol Sleng prison, who remains imprisoned to this day by Cambodian authorities. So the hostage concerns never were tested even under the remote circumstances that would have been presented with a joint custody arrangement.

The other story in this saga concerns my efforts to find the alternative jurisdiction before Pol Pot and the senior Khmer Rouge leaders were held until transferred to a newly established international tribunal or prosecuted for genocide and other atrocities crimes. In all of these efforts, which I will describe briefly, the fact that the United States was incapable of prosecuting the crime of genocide against Pol Pot and the senior Khmer Rouge leaders was devastatingly crippling. It forced me to concede that the United States had not stepped up to the plate itself with some reasonable application of universal jurisdiction for genocide. How could I credibly persuade other governments to stretch their domestic law to prosecute Pol Pot et al. when the United States was not prepared to do so (and had as much if not more reason to try to do so in the case of Cambodia than, say, Sweden, Denmark, Norway, or Spain). If the United States had had the leverage with which to prosecute Pol Pot, but was hampered for some political or logistical reason, at least then I could have argued with credibility that a foreign government was exercising universal jurisdiction. That U.S. position would have bolstered our other efforts and helped forward and bring this man to justice. So I was dealt a very weak hand.

I pursued two tracks of diplomatic strategy to find a jurisdiction willing and able to prosecute Pol Pot and the senior Khmer Rouge leaders. Both tracks were launched in late June 1997 when the first opportunity arose to apprehend Pol Pot. The first track was to approach countries either with some capability in their domestic criminal justice system to prosecute Pol Pot, or with some capability in their domestic criminal justice system to prosecute Pol Pot, months earlier. I pursued this track in late 1997 with the International Criminal Tribunal for Rwanda, which had jurisdiction over genocide and crimes against humanity (or we thought) might be willing to find an innovative way to prosecute Pol Pot. These countries at first included Canada and Denmark and later, in April 1998, expanded to include Germany, Spain, Norway, Sweden, Australia, and Israel. Each one of them declined the opportunity to hold Pol Pot temporarily until a suitable national court or international criminal tribunal could be found to pursue the prosecution of Pol Pot and other senior Khmer Rouge leaders.

The second track of diplomatic strategy was to persuade U.S. Security Council members to join us in approving the establishment of an international criminal tribunal for genocide and other atrocities crimes against humanity (or we thought) might be willing to find an innovative way to prosecute Pol Pot. These countries at first included just the United States. We urged the United States to exercise universal jurisdiction to prosecute Pol Pot while he was still alive. This proposal went through various stages of evolution, and included pressure on the Security Council in some respects, such as the prosecutor and the appeals chamber, with the International Criminal Tribunal for the Former Yugoslavia (ICTY). In late 1997 and early 1998 I worked closely with the U.S. Mission to the United Nations to formally present a draft resolution to the Security Council. The resolution was supported, to other Security Council members for their consideration. Concerns by other countries arose as to the emptiness of the opportunity arose to apprehend Pol Pot. The United States was incapable of prosecuting the crime of genocide against Pol Pot, but was hampered for some political or logistical reason, at least then I could have argued with credibility that a foreign government was exercising universal jurisdiction.

Without any leverage to threaten U.S. prosecution in the absence of an international tribunal, I could have argued that the United States was incapable of exercising international jurisdiction to the extent of U.S. jurisdiction. I would have benefited, however, if at key junctures in the negotiations over an international criminal tribunal I could have asked whether our colleagues on the Security Council would be more comfortable with a U.S. federal court examining the evidence or would they find more palatable a tribunal of international composition investigating Pol Pot's deeds. I never had the opportunity to press our case on this point.

By August 1999 I had exhausted my final efforts to achieve a Security Council international criminal tribunal with both the United States and other Security Council members. At that point the Clinton Administration shifted its focus to a Security Council tribunal and intensive efforts led by late 2000 to what became the Extraordinary Chambers in the Courts of Cambodia, approved initially by the Security Council in early 2001. But by August 1999 the prospect of looking to the United States as a plausible jurisdiction for prosecution of genocide in Cambodia already had become a distant memory. In conclusion, I would stress that the inability of U.S. courts to prosecute Pol Pot and the senior Khmer Rouge leaders contributed to significant delays in bringing these individuals to justice. The ability of U.S. courts to prosecute Pol Pot and the senior Khmer Rouge leaders contributed to significant delays in bringing these individuals to justice. Delays that reverberate to this day as the Extraordinary Chambers in the Courts of Cambodia struggle to bring to justice the Khmer Rouge leaders. Several key suspects died before they could be brought to trial, including Pol Pot. Ke Pann and other Khmer Rouge leaders. The absence of trials and decisions before the Khmer Rouge leaders would not have been possible if we had not chosen the path of international jurisdiction. The reality of U.S. jurisdiction for at least the crime of genocide had existed. If we seek to influence others to prosecute the crime of genocide under international jurisdiction, we must be able to demonstrate that our courts have, within reasonable parameters, the jurisdiction to prosecute the crime of genocide. Even if such jurisdiction may rest upon the discretion of, say, the Attorney General under certain extreme circumstances, we must be able to use it for the worthy purpose of securing justice for the victims of genocide.

During the final negotiations for the Rome Statute of the International Criminal Court in July 1998, I presented the U.S. position that with respect to the crime of genocide, the International Criminal Court should exercise universal jurisdiction. That U.S. position in the negotiations was partly influenced by our unfortunate experience with Pol Pot months earlier. I would have given from all of this experience of reaching back to a position that was even earlier, and given the logic that must apply to ending the crime of genocide, U.S. law at long last could reflect the illegality of the recruitment of boys, as it is in the world and the ability of our courts to prosecute the perpetrators of genocide, including when they are non-citizens who stand on U.S. soil.

Respectfully,

DAVID SCHEPFER
Mayer, Brown,Rowe & Mau/Robert A. Heban Professor of Law, Director, Center for International Human Rights, Northwestern University School of Law.

HONORING OUR ARMED FORCES

PRIVATe FIRST CLASS BRIAN BOTELLO

Mr. GRASSLEY. Mr. President, it is with sadness that I pay tribute today to a young man from Iowa who gave his life in service to his country. PFC Brian A. Botello was killed on April 29, 2007, while serving in Iraq as part of the 3rd Squadron, 61st Cavalry Regiment, 2nd Infantry Division. My prayers go out to his wife, in Alta, IA, and his father Tony in Michigan. They can be proud of their son's honorable service and the tremendous sacrifice he made for his country. All Americans owe a debt of gratitude to Brian Botello. His memory will live on through those other patriots who have laid down their lives for the cause of freedom.

I know that Brian's loss will be felt particularly deeply in the small town of Alta where he grew up. I know that flags have been flown at half mast and everyone from his neighbors to classmates from high school to members of his church are sharing stories and grieving as they remember Brian. I hope that they can find some comfort in the fact that Brian Botello died honorably as an American patriot and he is now in a better place.

GOOD FRIDAY AGREEMENT

Mrs. CLINTON. Mr. President, today marks a historic moment for Northern
Ireland and for countless people in Ireland, Great Britain, the United States, and around the world who have prayed and hoped and worked for lasting peace.

Today, the devolved Government of Northern Ireland stands up to women peacefully and democratically. The commitment of everyone involved, their constructive negotiations, their sacrifice, and their faith led us to this day of a new government and renewed hope.

I am proud of the role my husband and I were able to play in helping to bring about peace in Northern Ireland and to help make today possible.

Of course, some doubted that lasting peace could be possible. So many had lived through decades of division, hate, and ill will; so many had buried loved ones. So many were resigned to what had felt, for them, inevitable: their children and their children’s children would suffer the same fate. Their children were destined to grow up, go to school, and start their own families in the shadow of history and hostility. In recent months and years hope was fading. But not for the people of Northern Ireland who have endured hard hardships who said to their leaders, “It is time for peace.”

I remember in my visits to Northern Ireland meeting with women and men, leaders and citizens, who shared the same longing for peace, the same hopes for their children, and the same desire for a better future. It was this spirit that led to the Good Friday Agreement in 1998. It is this spirit that we honor on a historic day.

I remember when Bill, Chelsea, and I traveled to Ireland in 1996. It was an important trip for lasting peace, and it was a memorable trip for me personally—among the most special in my time in the White House. In Ireland, I met the Nobel prizewinning poet Seamus Heaney. His words would become the theme for our visit and for this moment in Irish history.

History says, Don’t hope on this side of the grave.
But then, once in a lifetime
The longed-for tidal wave
Of justice can rise up.
And hope and history rhyme.

For mothers and fathers, husbands and wives, and sons and daughters of Northern Ireland, history said to them “don’t hope.” But they hoped.

When we traveled through Ireland in 1996, I was deep in conversations with women working for peace. I was struck by so many who had suffered but did not suffer without hope; women who lost husbands and sons and loved ones but did not lose faith.

I will always carry the memory of 65-year-old Joyce McCartan, a remarkable woman who founded the Women’s Information Drop-In Center in 1987 after her 17-year-old son was shot dead by Protestant gunman. She had lost more than a dozen family members to violence. Joyce and other women had set up the center as a safe house, a place for women of both religions to convene and talk over their needs and fears. I remember Joyce saying, “It takes women to bring men to their senses.”

I met with Joyce and several women sitting around a table who described over tea how worried they were when their sons and husbands left the house and started traveling to work under the shadow of history and hostility. In recent months and years hope was fading. But not for the people of Northern Ireland who have endured hard hardships who said to their leaders, “It is time for peace.”

I also want to remember the Irish and Scots-Irish Americans who helped make the United States what it is today. Not only does today mark a victory for the people of Northern Ireland, it also marks the 60th anniversary of Victory in Europe, which helped usher in peace and prosperity across Europe and the world.

The movement toward lasting peace in Northern Ireland is a model for how we, as a nation, can engage the rest of the world. But the progress we are commemorating today represents a larger note of hope: peace is possible.

I want to honor the leaders who now assume great responsibility to govern, heal and lead Northern Ireland into a new era. America must always stand with those working on behalf of Northern Ireland, and all people working and longing for a brighter, peaceful, more hopeful future.

HONORING FORMER SENATOR ROBERT STAFFORD

Mr. HATCH. Mr. President, I wish to speak today in remembrance of former Senator Robert Stafford, who passed away this past December and for whom we will be having a memorial service this evening.

I personally remember Bob as a moderate voice in the Senate, a maverick who held fast to his principles.

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