

April 4, 2005

Dear AMICC Supporters:

As many of you know, last Thursday night there was a dramatic event in the UN Security Council that will vitally affect and support our advocacy. The Security Council, acting under Chapter VII of the UN Charter, adopted Resolution 1593 referring the Darfur situation to the ICC. The Rome Statute of the ICC authorizes the Court to take jurisdiction over cases referred to it by the Security Council.

The resolution passed by a vote of 11 states in favor and four abstentions, which included the United States, Algeria, China and Brazil. The nine member countries of the Security Council who have ratified the Rome Statute stayed together as a cohesive group to insist on presenting a resolution of referral which the U.S. would either have to accept or veto. The group refused to withdraw the resolution in the face of strenuous U.S. threats to veto, thereby calling the American bluff. To make it easier for the United States to accept, the resolution purports to exempt from the Court's jurisdiction non-Sudanese citizens from States not party to the ICC Statute. This exempted group of course includes Americans.

The resolution is an extraordinary event in the Security Council and a breakthrough for the Court and for us. It will help our advocacy effort to the point of transformation. Many of our opponents' arguments will be deeply undercut. Thus, from now on, it will be impossible for the U.S. to declare that the ICC is useless. Moreover, this action demonstrates that the ICC is the only legitimate international institution able to prosecute reasonably quickly heinous atrocities when states fail to do so.

There were several elements in this change of the U.S. position on the ICC in the Security Council. By declaring the events in the Sudan genocide, the United States increased the pressure on itself to find an early, effective, and immediately useable way to punish suspected Darfur atrocity criminals. Additionally, domestic pressure inside the U.S. from conservatives and evangelicals, as well as centrists and liberals, pushed the United States, and made it politically safer for the Administration to act.

Secretary Rice played a central role in this change, which largely began with the repeated and intense exchanges she had with very senior officials during her recent trip abroad. The media has reported that she conferred by telephone with her several of her European counterparts during the final negotiations on the referral. Rice also recognized that the alternatives to the ICC proposed by the Bush administration would not be accepted and that a U.S. veto would make the United States responsible for the resulting total lack of action by the international community against atrocity criminals in Sudan.

The referral and its aftermath provide a marvelously opportune time to strengthen and take new directions in our campaign for pressure on the government to change its ICC policy, which the Security Council action has left discredited and uncertain. We will almost certainly see U.S. cooperation between the U.S. and the Court, even if it is hidden and covert. We must be ready to take advantage of and encourage this cooperation. We must build on and extend this U.S. acknowledgment that the Court is useful, and in some situations indispensable.

We should hail the referral as an indication that the U.S. position on the Court is slowly beginning to change. Please get as much local media attention as possible to the referral. Please push for local events sponsored by churches and area organizations in which the extent and historic significance of the change and U.S. position gets full interpretation and description.

This is just a start on our exploitation of this remarkable turn of events. We look forward to discussing further this watershed action and its importance to our advocacy in our meeting in late April.

