

Text of letter from German Foreign Minister to Secretary of State Colin Powell Dated October 24, 2001, delivered on October 31.

Dear colleague, dear Colin:

The Senate is currently discussing the draft American Servicemembers' Protection Act (ASPA) which seeks to defeat the purpose of the International Criminal Court (ICC) and in particular to prevent any further ratifications of its Statute. This bill is a cause of great concern to Germany and its European partners. I therefore ask for your support.

As you know, the German Government is a firm advocate of the International Criminal Court. In the Common Position adopted by the Council of European Union sitting in the Foreign Ministers formation on June 11, 2001, the EU member states reaffirmed their unreserved support for the ICC and above all the objective of early entry into force of the Rome Statute and the establishment of the Court.

Adopting the ASPA would open a rift between the US and the European Union on this important issue. I would therefore like to ask you to do everything in your power to prevent such a development. Precisely in view of the international effort against terrorism. I feel that it is particularly important for the United States and the European Union to act in accord in this field too. The future International Criminal Court will be a valuable instrument for combating the most serious crimes. It will provide us with an opportunity to fight with judicial means crimes such as the mass murder perpetrated by terrorists in New York and Washington on 11 September 2001.

For these reasons I ask you to reconsider once again the decision taken recently by your Administration to support the ASPA. Constructive cooperation between the International Criminal Court and the United States will be of great significance for the Court's effectiveness. Your participation and support is therefore vital to the international endeavor to create a permanent International Criminal Court.

Sincerely Yours,

Joschka Fischer