

# United States Senate

WASHINGTON, DC 20510

December 21, 2000

The Honorable William J. Clinton  
The White House  
Washington, D.C. 20500

Dear Mr. President:

The December 31 deadline for the United States to sign the Rome Treaty establishing a permanent, international criminal court (ICC) is rapidly approaching. We understand the need to safeguard innocent human life in wartime -- at the same time that we insist on protecting the rights of our military personnel -- and urge you to sign the Treaty before that date. The ICC represents an historic step forward in the international effort to punish and deter war crimes, crimes against humanity, and genocide.

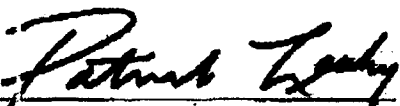
Throughout the years of negotiations on the ICC, the United States has secured significant safeguards to ensure that American soldiers are not subjected to politically-motivated actions by the Court, including: the principle of complementarity; a limited set of crimes under the ICC's jurisdiction; important due process protections for the accused; rigorous criteria for the selection of judges and prosecutors; and the ability of the U.N. Security Council to suspend investigations. By signing the Treaty we enable the U.S. to continue to play a pivotal role in shaping the ICC -- ensuring that those safeguards operate effectively and that the Court serves its intended purpose of prosecuting crimes against humanity. In the unlikely event that serious problems arise with the Court, the U.S. could take a number of actions, ranging from refusing to ratify the Treaty to withdrawing from it.

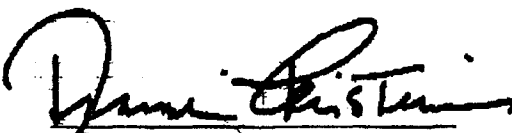
When the Treaty was approved overwhelmingly two years ago, the U.S. joined a handful of human rights violators like Libya and Iraq in voting against it. Since then, 122 nations have signed the Treaty -- including each of our NATO allies except Turkey, all the EU members, and Russia. Without your leadership, it is quite possible that we will end up as the only democratic country that is not a signatory to the Treaty. We firmly believe that if the U.S. becomes increasingly isolated, our soldiers will face greater, not less, risk. Such increasing risk is wholly unnecessary, as our Armed Forces are known globally for their strict adherence to international humanitarian law and conventions governing the proper conduct of a military in wartime. Signing the Rome Treaty would be the clearest indication possible that we are proud of this record, and are working every day to uphold it.

The ICC will have jurisdiction over nations that are not a party to the Treaty whether or not the U.S. signs. If we do not sign, and, even worse, if we seek to undermine the ICC's authority, there is a strong possibility that the Court's prosecutors and judges will see themselves in opposition to the U.S. and our official personnel. We believe the U.S. will be in a far better position to protect the rights of its citizens if the Court must answer to the United States, as its most important member, for its actions.

We urge you to sign the Treaty.

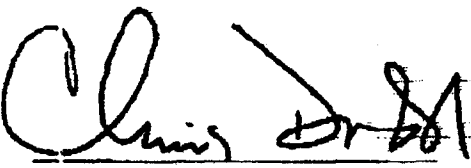
Respectfully,

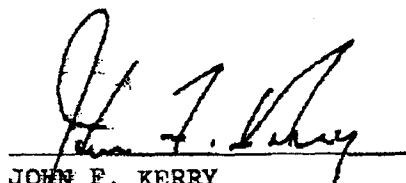
  
PATRICK LEAHY

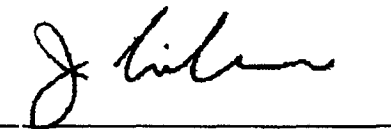
  
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