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## UNITED STATES SENATE

November 8, 2002

Mr. \_\_\_\_\_

Virginia 22308

Dear Mr. \_\_\_\_\_:

Thank you for contacting me regarding the International Criminal Court (ICC) Treaty. I appreciate your thoughtful inquiry.

As you know, this treaty would establish an International Criminal Court. Under the terms of this treaty, the Court would be a permanent institution and would have the power "to exercise its jurisdiction over persons for the most serious crimes of international concern", and shall be complementary to national criminal jurisdictions. The jurisdiction and functioning of the Court shall be governed by the provisions of the ICC Treaty.

The United States was one of only 7 countries in the United Nations to vote against formation of an International Criminal Court at a July 1998 UN conference on the establishment of an ICC in Rome, Italy.

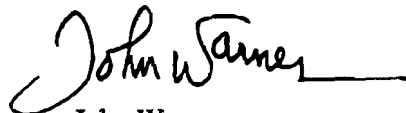
Former President Clinton, however, signed the ICC Treaty, citing the United States' ability to influence the formation of the court and its procedures. Nevertheless, I have given reservations about any document that may compromise the efficacy of the United States Constitution, which is indeed the supreme law of the land. President Bush, who has also consistently opposed the Treaty, recently withdrew the United States as a party to the ICC.

As a member of the Senate Armed Services Committee, I am further disturbed by the ICC's potential to try our military officers and government officials. As a result, on June 6, 2002, I offered an amendment, along with Senator Helms, titled the American Servicemembers Protection Act. This Amendment would protect United States military personnel and *other* elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party. The amendment was agreed to 75-19. In addition, I have supported efforts to prohibit the availability of funds for cooperation with the International Criminal Court.

Please *be* assured that I *will* keep your views in mind should any legislation pertaining to the ICC treaty ever come before the Senate, and thank you again for contacting me.

With kind regards, I am

Sincerely,

  
John Warner

JW/wpb