

SENT TO HOUSE AND SENATE APPROPRIATIONS, CONFEREES:

The Honorable Tim Johnson_
Senate Committee on Appropriations_
Mr. Todd Stubbendieck, Legislative Assistant_
Fax: 228-5765

June 18, 2002

Dear Senator:

The European Union is strongly in favor of the International Criminal Court (ICC) and is committed to ensuring that it fulfills the purpose for which it was established in the international system.

Although the EU regrets the decision of the United States not to become a party to the Rome Statute establishing the ICC, it fully respects the sovereign rights of the US.

The EU is concerned about provisions in the ASPA text going to the Conference on Appropriations that could restrict US participation in certain United Nations peacekeeping operations (Sec. 3005), prohibit transfer of information to the ICC (Sec. 3006), and prohibit US military assistance to parties to the ICC (Sec. 3007).

Moreover, the EU finds itself particularly concerned by Section 308, which authorizes the President to use "all means necessary and appropriate to bring about the release of any person who is being detained or imprisoned by, on behalf or at the request of the ICC."

The EU is confident that the US harbors no intention of ever using force against a friendly and allied country; nonetheless, the theoretical implication that such force could be used against an EU member state is inappropriate to the longstanding and deep transatlantic bonds of friendship.

Addressing the subject of the ICC, on May 6, 2002, a senior administration spokesman explicitly stated that "the President of the United States has made a decision that we will not aggressively attack, seek to undermine, or wage war against the ICC." We respectfully ask the US to explain that apparent inconsistency between the President's stated policy and the possible enactment of the ASPA.

In light of these concerns, the EU urges that the proposed ASPA legislation not be enacted.

Sincerely,

Javier Ruperez
Ambassador of Spain

Karster Ankjaer Jensen
Deputy Chief of Mission
Embassy of Denmark

Gunter Burghardt_

Ambassador to the Delegation of the European
Commission