

April 29, 2010

The Honorable Barack Obama  
President  
The White House  
Washington, DC 20500

The Honorable Hillary Rodham Clinton  
Secretary of State  
2201 C Street N.W.  
Washington, DC 20520

Dear President Obama and Secretary Clinton:

We are writing to acknowledge and support your decision for the United States to attend meetings of the Assembly of States Parties of the International Criminal Court (ICC) as an observer. We welcome the respectful and skillful interventions of your representatives, War Crimes Ambassador Stephen J. Rapp and Legal Advisor Harold Koh, on behalf of the U.S., as well as their productive relations with the other State Parties at these meetings. We note with appreciation the planned participation of the United States in the ICC's Review Conference to be held in Kampala during the first two weeks of June. It is particularly encouraging that the delegation intends to join in discussions on the full agenda in Kampala. This includes issues of special importance to other countries such as the balance between peace and justice and the advancement of the overall system of international justice to which the United States has contributed so much. We urge you to continue this well-considered engagement with the Court and applaud your intention to extensively cooperate with the Court in ways which we recognize will have to deal with obstacles in current US law.

We are aware of the difficulties that the U.S. Government faces about the effort to amend the Court's Rome Statute to include the crime of aggression. We recognize in particular the pressure Ambassador Rapp and Legal Advisor Koh are under to reopen discussions on the draft definition of the crime of aggression. While our organizations may hold differing opinions on whether the Review Conference should adopt an amendment to activate the Court's jurisdiction over the crime of aggression, we are agreed that the U.S. delegation must be respectful of the consensus on the definition that has been reached by the Special Working Group on the Crime of Aggression over the last eight years, when the U.S. chose not to participate. Therefore, we feel that the U.S. delegation should not try to reopen the question of the definition of the crime of aggression at the Review Conference, but instead take advantage of the open debate on the issue of the Court's jurisdiction over the crime.

Planning for Kampala also requires careful consideration of reinstating the US signature of the Rome Statute. Taking this step during Kampala or in response to a good US experience there would mark a new US relationship with the Court. It would remove any international suspicion that your administration wishes to retain the option of hostility toward the Court.

Finally, we are pleased by your Administration's determination to see it through at the Review Conference despite difficult moments. This will preserve and enhance the ability of the United States to influence constructively the Court and its future.

Sincerely,

[Center for International Policy](#)

[Citizens for Global Solutions](#)

[Friends Committee on National Legislation](#)

[International Criminal Court Alliance](#)

[National Education Association](#)

[Presbyterian Church- U.S.A.](#)

[Unitarian Universalists- United Nations Office](#)

[United Methodist Church- General Board of Church and Society](#)

[United Nations Associations- Greater Philadelphia Area](#)

[United Church of Christ- Justice and Witness Ministries](#)

[Universal Human Rights Network](#)

CC: War Crimes Ambassador Stephen J. Rapp  
Legal Advisor Harold Koh  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520