



--Media Release--

Large Bipartisan Majority of Americans Favors Referring Darfur War Crime Cases to International Criminal Court

Clear Majority Also Supports US Participation in ICC,
But Support Softening Among Republicans

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As the UN Security Council prepares to consider referring to the International Criminal Court Sudanese individuals charged with war crimes and crimes against humanity in Darfur, the Bush administration continues to oppose such a move. However, a majority of Americans (60%) favor referring these cases to the International Criminal Court rather than using a temporary tribunal, as the administration has proposed.

Adjudicating War Crimes in Darfur

As you may know in Darfur, Sudan government-backed militias have driven over a million Darfuris from their homes, with tens of thousands of them dying. The UN has determined that crimes against humanity and war crimes have been committed. Some people say that Sudanese individuals charged with these crimes should be tried by the existing International Criminal Court. Others want to create a new temporary tribunal for these cases, because they do not want to legitimize the International Criminal Court, which they oppose. Do you think it would be better to refer these cases to:

The International Criminal Court



A temporary tribunal



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In a poll of 1,182 Americans by the Chicago Council on Foreign Relations and the Program on International Policy Attitudes at the University of Maryland, respondents were given the context of the debate by being told that “the UN has determined that crimes against humanity and war crimes have been committed” in Darfur and that “some people say that Sudanese individuals charged with these crimes should be tried by the existing International Criminal Court,” while “others want to create a new temporary tribunal for these cases, because they do not want to legitimize the International Criminal Court, which they oppose.” Sixty percent favored sending the cases to the ICC while 29% favored sending them to a temporary tribunal. Support for referral to the ICC was higher among Democrats (68%), but a majority of Republicans (56%) also favored it.

Respondents who heard the Bush administration’s arguments against general US participation in the ICC were not significantly less likely to favor referral of the Darfur cases to the ICC. Half of respondents were first told that some argue that “the U.S. (United States) should not support the Court because trumped up charges may be brought against Americans, for example, US soldiers who use force in the course of a peacekeeping operation.” However, there was no significant difference in their support for referral to the ICC.

This support for referring those charged with war crimes to the ICC is consistent with even higher levels of support for trying terrorists in the International Criminal Court. In a July 2004 CCFR, poll 82% of respondents (including 83% of Republicans) favored doing so.

At the same time, support for US participation in the ICC—while still a clear majority—appears to have softened among Republicans over the last months. In July 2004 CCFR found 76% support for US participation in the ICC, while in September PIPA found 74% support. However, in the current poll this support dropped to 69%. This is primarily due to a sharp drop among Republicans from 71% in July to 61% today.

Erosion in support may be due to growing awareness among Republicans that President Bush opposes US participation in the court. In September PIPA found that 68% of Republicans believed, incorrectly, that Bush favored US participation in the court. However in October, after the President stated his position in the presidential debates, this perception dropped to 50%.

The President's argument against the ICC also appears to be getting more traction with Republicans. In 2002, when CCFR presented a question on the ICC that included the argument against ICC participation based on the potential for trumped charges against the US military, 61% of Republicans supported ICC participation. However in the current poll, when Republicans heard this argument (and were possibly reminded of the President's position) their support was far lower—only 47%. This suggests that if the President were to actively make the case against US participation in the court support among Republicans could erode further. Democrats, however, were not significantly less supportive when they heard the argument in the current poll.

Yet this does not necessarily mean that Republicans would oppose referring the Darfur war crimes cases to the ICC. In the current poll, though only 47% of Republicans who first heard the case against US participation in the ICC favored the court, 53% still supported referral to the ICC over sending the cases to a temporary tribunal.

Steven Kull, director of PIPA, comments, "Consistent with their general support for multilateral institutions and international law, Americans tend to support the International Criminal Court. It appears that President Bush has succeeded in sowing doubt among some Republicans about whether the US should participate in the ICC, given its far flung military forces. However these doubts about US participation do not appear to have spilled over into opposition to the ICC itself; Republicans largely dismiss concerns about legitimizing the court and favor referring the Darfur war crimes cases to the court."

The poll was fielded February 18-25 with a nationwide sample of 1,182 respondents. The margin of error is plus or minus 2.9% for questions presented to the full sample and 4.1% for questions presented to half samples. To view the questionnaire, visit www.pipa.org or www.cfr.org.

The poll was fielded by Knowledge Networks using its nationwide panel, which is randomly selected from the entire adult population and subsequently provided internet access. For more information about this methodology, go to www.knowledgenetworks.com/ganp.

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