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Trump Sanctions Top ICC Officials Probing US War Crimes in Afghanistan

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Save



ICC Chief Prosecutor Fatou Bensouda. (ICC)

The White House opposes the Hague-based court’s investigation of not only Afghanistan but also alleged crimes committed by Israeli officials against Palestinians.

By [Jessica Corbett](#)
Common Dreams

Human rights advocates the world over condemned the Trump administration on Wednesday for imposing sanctions on two top officials at the International Criminal Court—just the latest act of retaliation for the Hague-based ICC’s ongoing investigation into war crimes allegedly committed by U.S. forces and others in Afghanistan during the so-called War on Terror.

The Trump administration’s perverse use of sanctions, devised for alleged terrorists and drug kingpins, against prosecutors seeking justice for grave international crimes, magnifies the failure of the U.S. to prosecute torture,” said Richard Dicker, international justice director at Human Rights Watch. “The administration’s conjuring up a ‘national emergency’ to punish war crimes prosecutors shows utter disregard for the victims.”

U.S. Secretary of State Mike Pompeo has been a lead adversary of the ICC probe, which moved forward in March after a series of delays. During a Wednesday press conference, Pompeo announced the government's sanctions targeting Fatou Bensouda and Phakiso Mochochoko, the court's chief prosecutor and prosecution jurisdiction division director, respectively.

“The United States has never ratified the Rome Statute that created the court, and we will not tolerate its illegitimate attempts to subject Americans to its jurisdiction,” Pompeo declared.

Pompeo further called the court “a thoroughly broken and corrupted institution,” and said the administration is imposing the sanctions “because the ICC continues to target Americans, sadly.”

The ICC investigation — which has provoked various threats and actions from the administration — includes crimes allegedly committed by members of the U.S. armed forces, the Central Intelligence Agency, the Taliban, affiliated armed groups, and Afghan government forces both within Afghanistan and at CIA black sites in Poland, Lithuania and Romania.

The probe has been welcomed by human rights activists and advocacy groups such as the U.S.-based Center for Constitutional Rights (CCR), which denounced the sanctions as “an unprecedented targeting of an international prosecutor seeking to enforce international law and universally-recognized prohibitions on the commission of war crimes and torture.”

The Trump administration opposes the ICC's investigation of not only Afghanistan but also alleged crimes committed by Israeli officials against Palestinians. CCR, which represents victims in both cases, said in a statement Wednesday that the administration's latest retaliatory move against Bensouda and Mochochoko “is a full frontal attack on the rule of law.”

“Throughout its tenure, the Trump administration has consistently waged a campaign against international justice and the independence of the judiciary,” the group added, taking aim at President Donald Trump's June executive order that established the framework for sanctions as well as Pompeo's remarks to reporters.

CCR warned “the vague and broad scope of the executive order, which invokes the International Emergency Economic Powers Act (IEEPA) and the civil and criminal penalties thereunder, and Pompeo's use of ‘material support’ language, which invokes the U.S. government's sweeping and overbroad deployment of that concept in the ‘terrorism’ context, is intended to chill judicial proceedings and international justice.”

Daniel Balson, advocacy director at Amnesty International USA, issued a similar warning Wednesday, blasting the administration's “reckless” decision as “another brazen attack against international justice” that “is designed to do what this administration does best — bully and intimidate.”

“Grotesquely, the White House’s actions may dissuade survivors of human rights abuses from demanding justice, and create a chilling effect on those who would support their efforts,” Balson said. “It penalizes not only the ICC, but civil society actors working for justice alongside the court worldwide.”

“No one responsible for the most serious crimes under international law should be able to hide from accountability, under a cloak of impunity,” he added, calling on federal lawmakers to “stand up for international justice and object to this transparent abuse of the executive’s congressionally mandated sanctions power.”

Jamil Dakwar, director of the ACLU’s Human Rights Program, called the sanctions a “very troubling development” clearly designed to obstruct the ICC probe. Dakwar said the move “should be widely condemned as the worst assault on the rule of law and global accountability mechanisms.”

At least one member of Congress swiftly spoke out on Twitter. Sen. Bernie Sanders (I-Vt.) wrote that “sanctioning the International Criminal Court shows once again that Trump is on the side of authoritarians around the world. The United States should be working to strengthen international human rights standards, not targeting officials who uphold them.”

A spokesperson for United Nations Secretary-General António Guterres said that he took note of Pompeo’s statement “with concern” and urged the administration to ensure that any future actions comply with a host country agreement regarding the U.N. headquarters in New York City.

The sanctions also elicited concern from O-Gon Kwon, president of the Assembly of States Parties, the management oversight and legislative body of the ICC. Kwon said he strongly rejects “such unprecedented and unacceptable measures against a treaty-based international organization” that will “only serve to weaken our common endeavor to fight impunity for mass atrocities.”

“We stand by our court and its staff as well as those cooperating with it in implementing its judicial mandate,” Kwon vowed. He called on state parties and stakeholders “to reiterate once again our unwavering commitment to uphold and defend the principles and values enshrined in the [Rome] Statute and to preserve its integrity undeterred by any measures and threats against the court and its officials, staff, and their families.”

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