Pompeo signals impending action against ICC for investigating alleged U.S. war crimes

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Secretary of State Mike Pompeo on Monday previewed imminent action by the Trump administration aimed at countering the International Criminal Court’s investigation of alleged war crimes committed by U.S. personnel in Afghanistan.

In an interview on the “What the Hell Is Going On?” podcast, produced by the conservative-leaning American Enterprise Institute think tank, Pompeo said he is “very concerned” about the probe being conducted by the Hague-based tribunal.

“You’ll see in the coming days a series of announcements not just from the State Department, [but] from all across the United States government that attempt to push back against what the ICC is up to,” he said.

The warning from America’s top diplomat comes after ICC judges in March authorized an investigation into war crimes and crimes against humanity allegedly perpetrated by Afghan government forces, the Taliban, American troops and U.S. foreign intelligence operatives. The inquiry marks the first time the court’s prosecutor had been allowed to scrutinize U.S. forces.

Pompeo noted at the time that the U.S. is not a consenting “party” to the ICC and said the court had “stumbled into a sorry affirmation of every denunciation made by its harshest critics over the past three decades.”

On Monday, Pompeo asserted the ICC had “become corrupted” and was attempting to target the “young men and women of the United States of America who fought so hard … under the rule of law in the most civilized nation in the world.”

The tribunal’s officials “think that the ICC ought to be able to haul these young men and women in,” Pompeo added. “We will never let that happen. We’re working along many fronts to prevent it from happening.”

Pompeo’s remarks echo the criticism President Donald Trump and top administration officials have leveled at intergovernmental organizations and multinational institutions as they seek to advance their “America First” brand of foreign policy.

On Friday, Trump announced the U.S. would withdraw from the World Health Organization, accusing the United Nations agency of fealty to China and of giving insufficient warnings to the international community about the coronavirus threat.

Republicans have long been skeptical of the ICC, in particular. The George W. Bush administration, for instance, rejected the tribunal altogether and worked to arrange bilateral immunity agreements with countries to shield U.S. forces from prosecution.

In 2002, when the Bush administration announced it would withdraw from the treaty establishing the court, “it was the happiest moment of my government service,” John Bolton, then a top State Department official, said.

Later, during his tenure as national security adviser under Trump, Bolton blasted the ICC as a threat to “American sovereignty and U.S. national security.”

“We will not cooperate with the ICC,” Bolton said in a September 2018 speech. “We will provide no assistance to the ICC. We will not join the ICC. We will let the ICC die on its own. After all, for all intents and purposes, the ICC is already dead to us.”