

Washington slaps sanctions on International Criminal Court prosecutor

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US Secretary of State Mike Pompeo announced a new round of sanctions Wednesday, personally targeting the chief prosecutor of the International Criminal Court (ICC), Fatou Bensouda, for daring to proceed with an investigation into war crimes committed by US military forces and intelligence agents in Afghanistan and elsewhere in the “war on terror.”

The sanctions, which are the sort typically reserved for alleged terrorists or drug traffickers, are also being imposed against Phakiso Mochochoko, head of the ICC’s Jurisdiction, Complementarity and Cooperation Division and a senior aide to the prosecutor.

After years of blocking the prosecution, on the grounds that the pursuit of the case would be fruitless because of the refusal of Washington and its puppet regime in Kabul to cooperate, an ICC panel of judges ruled in March that Bensouda could proceed with the probe.

The Trump administration responded in June with an executive order imposing punitive sanctions, including freezing assets and imposing travel restrictions, not only against Bensouda and other ICC officials, but their family members as well.

Pompeo gave no reason for this latest escalation of the attacks on the court, outside of the charge that “they continue to target Americans.”

The US secretary of state, who acts as Washington’s lead bully boy in all such threats against international institutions and US rivals, warned that “Individuals and entities that continue to materially support those individuals risk exposure to sanctions as well.” This threat would potentially penalize anyone turning to the ICC over war crimes and human rights abuses, or anyone supporting prosecution of such crimes, in any country in the world.

Washington has treated the ICC with unconcealed hostility since its founding in 2002. Not only refusing to recognize the court’s jurisdiction, it directly threatened it with retaliation against any attempt to hold US officials or personnel accountable for the criminal acts of militarism that have killed and maimed millions across the Middle East over the past three decades.

With overwhelming bipartisan support, Congress passed legislation in 2002 cynically referred to in Washington circles as the “Hague invasion act,” named for the Dutch city where the ICC is headquartered. It authorized the use of military force to free any US citizen or citizen of a US-allied country held by the court for trial.

In a Fox News interview Wednesday night, Pompeo described the ICC as “a group of political hacks in The Hague, a place that is threatening our kids who served in Afghanistan, our young men and women who served and fought there.” He said that Washington would not allow “a rogue court with lawyers that are frankly corrupt and political” to “prosecute Americans who engaged in America’s fight for freedom in Afghanistan.”

This “fight for freedom in Afghanistan” has directly claimed the lives of at least 175,000 Afghans, while leading to many more indirect deaths, leaving many more maimed and displacing millions. The two-decade-long dirty colonial-style war has seen indiscriminate US bombings, death squad night raids and the rampant brutality exposed in the operations of the so-called Kill Team operating in the US Army’s 5th Stryker Brigade, systematically murdering civilians and mutilating their bodies, taking fingers and parts of their skulls as “trophies.”

Among the charges that are being investigated by the ICC prosecutors relating to this “fight for freedom” are

those based on evidence that US personnel “committed acts of torture, cruel treatment, outrages upon personal dignity, rape and sexual violence” against detainees in Afghanistan.

The court has ruled that the nexus of this evidence allows the prosecutor to pursue similar charges related to US “black sites” where detainees were tortured and killed, including in Poland, Romania and Lithuania. It could also extend to the infamous US torture center in Abu Ghraib, Iraq, where US military torturers were reassigned after operating in Afghanistan.

While the US does not recognize the court, Afghanistan formally did so, giving the ICC jurisdiction to investigate crimes committed on its soil, including by citizens of other countries.

For all of Pompeo’s bluster about protecting “our kids,” Washington’s real concern is that the ICC investigation will implicate officials at the highest levels of government, given the involvement of the White House, the Justice Department and the Defense Department in authorizing US war crimes in Afghanistan under the presidencies of George W. Bush, Barack Obama and Donald Trump. No one has ever been held accountable for these crimes.

The US puppet regime in Afghanistan has also sought to block the ICC prosecution, claiming that it is conducting its own investigations of war crimes. This is absurd on its face as it has granted a blanket amnesty to its own war criminals and signed a Status of Forces Agreement with the US government forswearing any prosecution of crimes committed by US occupation forces. Washington has demanded similar guarantees from governments all over the world where US troops are deployed.

The latest round of sanctions against the ICC prosecutor and her aide drew a sharp rebuke from the Court, which called the action “unprecedented.” In a statement, the ICC said that they represented “serious attacks” on the rule of law and “another attempt to interfere with the Court’s judicial and prosecutorial independence and crucial work to address grave crimes of concern to the international community.”

The European Union also condemned the action as an attempt “to undermine the international system of criminal justice by hindering the work of its core institutions.” Peter Stano, spokesman for EU diplomatic chief Josep Borrell, told the media, “We are

standing by the ICC and we are not happy to see steps which are going against the activities of the ICC.”

Even Washington’s closest European ally, the British government of Prime Minister Boris Johnson, felt compelled to issue a tepid criticism, with a spokesman saying, “The UK regrets the measures taken by the US against ICC employees. These officials must be able to carry out their work independently and impartially, without fear of sanction.” London itself could face charges before the ICC for war crimes committed by its forces in Iraq.

Until now, the International Criminal Court has confined its investigations largely to Africa, which accounts for virtually all of those indicted or arrested by the court since its founding nearly two decades ago.

That the US now confronts the possibility of being hauled before the dock has infuriated not only the Trump administration, but the American ruling establishment as a whole. Washington has repeatedly made clear that its militarist aggression in the Middle East and elsewhere will not be bound by the Geneva Conventions or any other form of international law against war crimes.

The vicious response to the ICC probe is an expression of Washington’s escalating pursuit of its predatory aims by means of unilateral military force—including against its so-called “great power” rivals. The deepening crisis of US capitalism has only made it more reliant on war crimes to defend its interests against threats both at home and abroad.



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