

Trump administration threatens sanctions against International Criminal Court

By Patrick Martin
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The Trump administration announced Monday that it would retaliate against the International Criminal Court (ICC), a judicial panel established under the auspices of the United Nations, if the ICC took any action against US military or civilian officials over charges of war crimes in Afghanistan.

The announcement was made by National Security Advisor John Bolton in a speech to the Federalist Society, the corporate-financed association of ultra-right lawyers and judges that has vetted President Trump's two nominations to the US Supreme Court.

Bolton took the occasion of an appearance before a group of lawyers to declare the US government's defiance of any constraint on its actions under international law, which he characterized as an attack on American sovereignty. His main concern was not so much for front-line soldiers, as for the decision-makers, from military commanders on the battlefield to war planners and strategists in Washington, right up to the White House itself, who he said were in danger of being "intimidated" by the threat of war crimes charges.

In rejecting the ICC the Trump administration has not adopted a new policy. When the body was first created in 2002 under an accord signed in Rome, the Bush administration repudiated it, and Congress quickly passed legislation by huge bipartisan margins. The new law, the American Service-Members' Protection Act, had as its goal "to protect United States military personnel and other elected and appointed officials of the United States government against criminal prosecution by an international criminal court to which the United States is not a party."

Subsequent events demonstrated why the Bush Administration repudiated the ICC. In 2003, the United States invaded Iraq in a criminal war of aggression

launched on the basis of lies. As a direct consequence of the invasion, over a million Iraqis were killed, and the United States military engaged in sadistic torture and murder on a massive scale.

The Obama administration upheld this law as well, and Bolton hailed it, joking that it had been widely dubbed The Hague Invasion Authorization Act, since it approved in advance the use of military force to free any US citizens facing charges before the ICC, which sits in The Hague, Netherlands.

The national security advisor outlined further actions that the Trump administration was prepared to carry out in the event the ICC decided to act on a request filed in November 2017 for an investigation into war crimes in Afghanistan committed by Afghan government and outside forces, including American. The ICC has been collecting evidence on torture in US, NATO and Afghan government detention centers since 2007, without taking any action thus far, an indication of the impotence of such bodies when faced with opposition by the major imperialist powers.

These actions would include denying entry to the United States for members and employees of the ICC, financial sanctions against ICC judges and staff if they have assets in the US financial system, and the bringing of criminal charges under US law. In other words, anyone who would dare to investigate US war crimes overseas could find himself sitting in a US jail, or even in a detention center like Guantanamo Bay, treated like a "terrorist."

In perhaps the most revealing passage of his 30-minute speech, Bolton outlined what he said were five fundamental defects of the International Criminal Court. The second "defect" was that crimes of aggression were defined too vaguely. If the ICC had been in existence during World War II, he declared, it

would have found the Allies guilty of war crimes for the bombing of Germany and Japan—the deliberate creation of firestorms in Dresden, Hamburg, Tokyo and other cities, in which hundreds of thousands died, and the nuclear incineration of Hiroshima and Nagasaki.

Bolton objects to such methods being called by their right names—war crimes—because he represents a government that has already tested out such methods, in Mosul, Raqqa and other cities, and is preparing to do so on a much vaster scale, including giant metropolises like Tehran, Moscow and Beijing.

Bolton paired the declaration of war on the ICC with a directive to close the Washington office of the Palestine Liberation Organization because the Palestinian Authority has brought charges before the ICC over Israel’s building of illegal settlements on the West Bank on land seized from Palestinian farmers.

While Bolton ridiculed the ICC as an illegitimate body that was grossly exceeding its authority, he was silent on the real target of the Trump administration’s wrath: the 123 member states that participate in the ICC and accept its jurisdiction. This includes every nation in Latin America except Nicaragua, every Caribbean state except Cuba and Haiti, every European country except Ukraine, Belarus and Russia, and Pacific states like Australia, New Zealand, Japan and South Korea.

Bolton asserted that states comprising two-thirds of the world’s population and 70 percent of the world’s military force were outside the ICC, without mentioning that this consists mainly of the United States, Russia, China, India, Pakistan, the countries of southeast Asia (most under military or Stalinist dictatorship) and nearly all the countries of the Middle East and North Africa (including Iran, Egypt, Saudi Arabia, and Israel).

This list includes an array of savage US-backed dictatorships, which engage in everyday violations of human rights on a mass scale, through torture, imprisonment and executions.

In threatening the ICC, the Trump administration is not merely defying an international tribunal initially sanctioned by Washington. It is effectively laying down the law to what once were the closest allies or client states of American imperialism: the NATO countries, the Latin American countries, and the countries of the Pacific Rim. If they cross the United

States, they will be dealt with savagely.

In the person of Trump, Bolton & Co., American imperialism is dropping the pretense of the United States as the leader of the free world and the advocate of international law, a political posture that, however false, was of enormous significance in the historical period following World War II.

Instead, Trump’s America is a nakedly predatory imperialist power, openly seeking domination over all others, flouting international law and democratic scruples whenever the interests of “America First” require it to do so.

And despite their occasional protests, there is no significant dissent from the Democratic Party against this stance of defiance of international law and any accountability for US troops and operatives for their actions around the world.

On the contrary, the Democratic Party’s main criticism of Trump is that he has been insufficiently aggressive and unconstrained in the use of American military power, particularly in Syria, as well as on the periphery of Russia, in areas like Georgia, Ukraine and the Baltic states.

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