

## **U.S Sanctions on ICC Officials**

### **Why in news?**

The U.S. President Trump has authorised sanctions against the International Criminal Court (ICC) officials involved in investigations into possible war crimes by US troops or those of its allies.

### **What is the rationale?**

- The Trump administration has long considered the international law forum, the ICC, a threat to US sovereignty.
- The US Justice Department is said to have received substantial credible information in this regard.
- It alleged of serious concerns about a long history of financial corruption and malfeasance at the highest levels in the office of ICC.
- US officials have also blamed Russia for manipulating the ICC in its favour.

### **What is the ICC?**

- The ICC is a permanent judicial body based at The Hague in the Netherlands.
- It was created by the 1998 Rome Statute (ICC's founding and governing document).
- The ICC began functioning on 1 July 2002 when the Statute came into force.
- The forum was established as a court of last resort to prosecute offences that would otherwise go unpunished.
- It has jurisdiction over four main crimes:
  1. genocide
  2. crimes against humanity
  3. war crimes
  4. crime of aggression
- 123 nations are States Parties to the Rome Statute and recognise the ICC's authority.
- The notable exceptions to this are the US, China, Russia, and India.

### **How is it different from the ICJ?**

- Unlike the International Court of Justice (ICJ), the ICC is not part of the United Nations system.

- The UN-ICC relationship is governed by a separate agreement.
- The ICJ is among the UN's 6 principal organs, and mainly hears disputes between nations.
- The ICC, on the other hand, prosecutes individuals.
- ICC's authority extends to offences committed in a member state or by a national of such a state.
- The ICC has been criticised for not pursuing investigations in Western countries as well as for working inefficiently.
- Notably, all 4 of its guilty verdicts pronounced so far are in trials from Africa.
- In 2019, the court ordered an independent expert review of its own functioning to address these concerns.

### **How has U.S.-ICC relationship been?**

- The Clinton administration (1993-2001) was involved in Rome Statute negotiations, and signed the document in 2000.
- However, the next president, George W. Bush in 2002 had the US "unsign" the Statute.
- He then signed into law the American Service-Members' Protection Act to protect US nationals from the ICC's reach.
- Notwithstanding the differences with the ICC, Washington adopted a positive approach towards the forum during several instances.
- E.g. in 2005, it did not veto a UN Security Council request to the ICC to investigate crimes during the Darfur crisis in Sudan
- Likewise, in 2011, it voted for Libya's referral to the court.
- The US also provided critical support in transferring suspects from Africa to the ICC for trial.

### **What happened in Trump's term?**

- Since the election of President Donald Trump, the U.S.'s relations with the ICC have again soured.
- Trump declared at the UN General Assembly in 2018 that the US would provide no support or recognition to the ICC.
- He emphasized that as far as America was concerned the ICC had no jurisdiction, no legitimacy, and no authority.
- In 2019, the ICC's chief prosecutor Fatou Bensouda asked for a formal probe into alleged atrocities committed during the Afghanistan War between 2003 and 2014.
- This led to possible indictments of CIA officials and the US military.
- This came much to the disappointment of Washington.
- In March 2020, ICC judges approved Bensouda's request.

## What is the recent decision?

- Washington broadened the visa restrictions on ICC officials directly involved in probes against its nationals or those of its allies.
- It also includes anyone who has “materially assisted, sponsored, or provided financial, material, or technological support” to these officials.
- The restrictions also extend to the officials’ family members.
- Economic sanctions is said to be decided on a case-by-case basis.

## What is ICC's stance?

- Following U.S.'s move, the ICC reacted by declaring support for its officials.
- It called Washington’s move an “unacceptable attempt to interfere with the rule of law”.
- The Court observed that an attack on the ICC also represents an attack against the interests of victims of atrocity crimes.

## What is the global response?

- Israel welcomed the US decision.
- Its Prime Minister Benjamin Netanyahu accused the ICC of fabricating “outlandish charges” against his country.
- Except for Israel, many came out in support of the ICC.
- The UN said that it had “taken note with concern” about reports of the US order.
- The European Union’s foreign policy chief, Josep Borrell, expressed concerns at the US decision.
- Germany and France also expressed their displeasure.
- The Dutch foreign minister Stef Blok called the ICC “crucial in the fight against impunity and in upholding international rule of law.”
- The international NGO Human Rights Watch noted that in penalising war crimes investigators, the Trump administration was openly siding with those who commit and cover up human rights abuses.

**Source: Indian Express**