Actions to Protect U.S. Personnel from Illegitimate Investigation by the International Criminal Court

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U.S. Department of State

<https://www.state.gov/actions-to-protect-u-s-personnel-from-illegitimate-investigation-by-the-international-criminal-court/>

Today, the United States is taking action to protect Americans from unjust and illegitimate investigation by the International Criminal Court (ICC), which threatens our sovereignty and poses a danger to the United States and our allies. The United States is a strong advocate for justice around the world but is not a party to the Rome Statute that created the ICC, nor have we ever accepted its jurisdiction over our personnel. The ICC’s recklessness has forced us to this point, and the ICC cannot be allowed to follow through with its politically-driven targeting of U.S. personnel. The sanctions and visa restrictions announced today apply to individuals who have directly engaged in ICC efforts to investigate U.S. personnel without the consent of the United States or have materially supported individuals who are designated for such actions.

To that end and pursuant to Executive Order (E.O) 13928, the United States is designating ICC Prosecutor Fatou Bensouda for having directly engaged in an effort to investigate U.S. personnel, and the ICC’s Head of the Jurisdiction, Complementarity and Cooperation Division Phakiso Mochochoko for having materially assisted Prosecutor Bensouda. Both Fatou Bensouda and Phakiso Mochochoko have been added to the U.S. Department of the Treasury’s Office of Foreign Assets Control’s List of Specially Designated Nationals and Blocked Persons. Individuals and entities that continue to support Prosecutor Bensouda and Mr. Mochochoko materially risk exposure to sanctions. Additionally, under section 4 of E.O. 13928, individuals designated under the E.O. are subject to visa restrictions and may subsequently be found ineligible for a U.S. visa. In practical terms, for individuals subject to these authorities, their travel to the United States is restricted.

Today’s announcement reflects the American commitment to real justice and accountability. From the Nuremberg and Tokyo trials after World War II to the more recent Yugoslavia, Lebanon, and Rwanda tribunals, the United States has consistently sought to uphold good and punish evil under international law. We will continue to do so. Americans are proud to stand for truth and justice. We have no intention of letting the ICC’s illegitimate activities become a barrier to that pursuit.