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U.S. Policy on the International Criminal Court Remains Unchanged

PRESS STATEMENT**MICHAEL R. POMPEO, SECRETARY OF STATE**

OCTOBER 9, 2019

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In April, the International Criminal Court (ICC) resoundingly rejected the ICC Prosecutor's request to open an investigation into Afghanistan, including allegations against U.S. personnel. More recently, the ICC Prosecutor asked the judges for permission to appeal aspects of that rejection. On September 17, the Court partially granted the Prosecutor's request, allowing a limited appeal to proceed. Last week, the ICC Prosecutor submitted a brief to appeal

the April decision. In the meantime, the earlier decision stands, rejecting any Afghanistan investigation.

The United States remains committed to protecting its personnel from the ICC's wrong-headed efforts spearheaded by a few grandstanders. The judges were right to reject the Prosecutor's outrageous request to investigate U.S. personnel on April 12, and the appeal process is pointless as far as we are concerned. The United States is not a party to the ICC's Rome Statute and has consistently voiced its unequivocal objections to any attempts to assert ICC jurisdiction over U.S. personnel. An investigation by the ICC of U.S. personnel would be unjustified and unwarranted, and any ICC effort to re-open this case would be a waste of its time and resources – something the ICC judges recognized when they stated in their decision that such an investigation would be “inevitably doomed to failure.”

As previously stated, the United States will take all necessary steps to defend its sovereignty and protect U.S. and allied personnel from unjust investigation and prosecution by the ICC. On March 15, we announced a policy restricting issuance of visas to any and all ICC officials determined to be directly responsible for an ICC investigation of U.S. personnel, or of allied personnel without our allies' consent. We will remain vigilant in applying this policy. The United States respects the decision of those nations that have chosen to join the ICC, and in turn, we expect that our decision not to join and not to place our people under the court's jurisdiction will also be respected.

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