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***With the revocation of the ICC Chief Prosecutor's US visa, Pompeo and Bolton are trying to make sure that high-level US government officials are never prosecuted for war crimes committed in Afghanistan or elsewhere, says Law Prof. Francis Boyle***

**GREG WILPERT:** It's The Real News Network and I'm Greg Wilpert in Baltimore. The U.S. revoked the visa of Fatou Bensouda, the International Criminal Court's Chief Prosecutor, this week. Her U.S. visa was revoked in response to her intention to investigate potential war crimes by U.S. soldiers in Afghanistan. Three weeks ago, U.S. Secretary of State Mike Pompeo had already announced the administration's plans to revoke visas of I.C.C. personnel.

**MIKE POMPEO:** I'm announcing a policy of U.S. visa restrictions on those individuals directly responsible for any I.C.C. investigation of U.S. personnel. This includes persons who take or have taken action to request or further such an investigation. These visa restrictions may also be used to deter I.C.C. efforts to pursue allied personnel, including Israelis, without allies' consent.

**GREG WILPERT:** I.C.C. Prosecutor Bensouda said that the action would not deter her from continuing her investigations or her travel to the U.N. headquarters in New York. Joining me now to discuss the U.S. government's rejection of the I.C.C. is Professor Francis Boyle. He is a professor of international law at the University of Illinois, College of Law. Also, he is the author of numerous books on international law and his latest book is *Poems Against the Empire*. Thanks for joining us again, Professor Boyle.

**FRANCIS BOYLE:** Well, Greg, thank you very much for having me on again on Real News, my best viewing audience. I did want to correct one thing, Greg. I know these are technical legal matters, but the I.C.C. investigation, despite what Pompeo said, is not really against U.S. soldiers in Afghanistan. The I.C.C. does not have jurisdiction as it were to go after low-level soldiers. Basically, the I.C.C. in the case the United States, would be going after the President,

the Secretary of Defense, the Secretary of State, the head of the C.I.A. Second, which basically would go back to the Bush Sr. administration—secondly, the I.C.C. is also investigating the Bush Jr. administration's policy and practice of extraordinary rendition which is basically a euphemism for the forced disappearances of human beings and their consequent torture. So this is the real reason Pompeo is revoking her U.S. visa. It is not, he's out there trying to protect low-level soldiers. He's out there trying to protect the ringleaders certainly in the Bush Jr. administration. Remember, Pompeo used to be head of the C.I.A. himself. So I think it's somewhat misleading, indeed grossly misleading, for Pompeo to be taking the position he is.

**GREG WILPERT:** Well thanks for that clarification. He did mention the U.S. military personnel, but I think that's a good point that's very important to make, that it's actually the top levels of the U.S. government that have to be held responsible.

**FRANCIS BOYLE:** John Bolton, as you know, he's now Trump's National Security Adviser. President Clinton signed the I.C.C. statute. The moment Bush Jr. came in there as president, John Bolton unsigned it and indeed eventually he conceded publicly that he unsigned it not to protect low-level U.S. soldiers, but in fact the I.C.C. could be going after the President, the Secretary of Defense, the head of the C.I.A., and the Secretary of State. So no, he's just trying to whitewash this whole thing as best he can to the American people by making it appear that he's protecting low-level soldiers.

**GREG WILPERT:** Now the U.S., as you mentioned, has been opposing the International Criminal Court ever since it was first created in 2002. Meanwhile, it has 124 member countries. What would you say is the significance of this move of Bolton and Pompeo to revoke the U.S. visa of Fatou Bensouda, the Chief Prosecutor of the I.C.C. What does this action mean actually for the work of the I.C.C.?

**FRANCIS BOYLE:** Well once again, just a slight correction there. In fact, the Clinton administration did participate in the drafting of the I.C.C. at the Rome Statute and then signed the I.C.C. just before President Clinton left office. But then, what happened is Bush Jr. came in and Bolton, who is a graduate of Yale Law School about my age, he understands the significance of this unsigned. So what Pompeo was trying to do here is intimidate the I.C.C., to bully them, and intimidate them into cease and desist from continuing investigation of basically, Bush Jr. officials— the highest level officials: President Bush, Vice President Cheney, the Secretary of Defense, the head of the C.I.A. Tenet, Secretary of Defense Rumsfeld, Condoleezza Rice, National Security Adviser and later Secretary of State— for a gross and consistent pattern of torture in Afghanistan, number one. And that has already been documented by the late Professor Cherif Bassiouni at DePaul Law School, who undertook an

investigation on behalf of the United Nations and filed his results with the United Nations Security Council. And then second, this policy of extraordinary rendition that these Bush officials orchestrated all over Europe, the Middle East, and the United States. We do have that executive committee executive summary by the Senate Intelligence Committee. It's about 600 pages long. I have read it. It's based upon a 4,000-page report that still has not been released.

**GREG WILPERT:** Well this concludes our first segment. Please join us for our second segment, where we will delve deeper into a discussion of the I.C.C. and its relationship to the U.S. government.

***Francis Boyle is a Professor of Law at the University of Illinois School of Law, where he currently teaches courses on Public International Law and International Human Rights. He was a part of the prosecution team that tried former US President George W. Bush, Dick Cheney, Donald Rumsfeld and their legal advisors in absentia in Malaysia.***