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**AMY GOODMAN:** This is *Democracy Now!*, [democracynow.org](#), *The War and Peace Report*. I'm Amy Goodman. President Trump's national security adviser, John Bolton, has threatened U.S. sanctions against International Criminal Court judges if they proceed with an investigation into alleged war crimes committed by U.S. troops in Afghanistan. In 2016, an ICC report accused the U.S. military of torturing at least 61 prisoners in Afghanistan during the ongoing war. The report also accused the CIA of subjecting at least 27 prisoners to torture, including rape, at CIA prison sites in Afghanistan, Poland, Romania and Lithuania. John Bolton made the comments in a speech at the Federalist Society Monday.

**JOHN BOLTON:** Today, on the eve of September the 11th, I want to deliver a clear and unambiguous message on behalf of the president of the United States. The United States will use any means necessary to protect our citizens and those of our allies from unjust prosecution by this illegitimate court. We will not cooperate with the ICC, we will provide no assistance to the ICC, and we certainly will not join the ICC. We will let the ICC die on its own. After all, for all intents and purposes, the ICC is already dead to us.

**AMY GOODMAN:** John Bolton also threatened to directly target judges at the ICC.

**JOHN BOLTON:** We will respond against the ICC and its personnel to the extent permitted by U.S. law. We will ban its judges and prosecutors from entering the United States. We will sanction their funds in the U.S. financial system. And we will prosecute them in the U.S. criminal system. We will do the same for any company or state that assists an ICC investigation of Americans.

**AMY GOODMAN:** During his speech, John Bolton also announced the Trump administration would close the Palestine Liberation Organization's office in Washington in response to a Palestinian effort to push the ICC to investigate Israel for war crimes.

**JOHN BOLTON:** The Trump administration will not keep the office open, when the Palestinians refuse to take steps to start direct and meaningful negotiations with Israel. The United States supports a direct and robust peace process, and we will not allow the ICC or any other organization to constrain Israel's right to self-defense.

**AMY GOODMAN:** Palestinian diplomat Saeb Erekat criticized the move.

**SAEB EREKAT:** We were notified officially that they will close the office and lower the Palestinian flag. And this is an affirmation of the U.S. administration's determination to continue its policies of blackmail and extortion and undermining the peace process and the two-state solution. They have cut all humanitarian aid.

**AMY GOODMAN:** For more, we're joined by Jamil Dakwar, director of the American Civil Liberties Union's Human Rights Program.

Jamil, welcome to *Democracy Now!* Can you talk about what John Bolton is saying, the significance of his Federalist Society speech yesterday, on the sanctioning of the ICC, saying he will not allow ICC

, International Criminal Court, judges into the United States, because they might be investigating the United States and Israel for possible war crimes?

**JAMIL DAKWAR:** Yeah, an unprecedented attack on the rule of law. This is unheard of, that we have a government and a country that has committed acts of torture in another country, and the country itself, the United States, failed to hold any official accountable for acts of torture by the CIA, by the U.S. military, during the armed conflict in Afghanistan. And that happened during the Bush years, and then the Obama administration failed to take the comprehensive, thorough investigation into those acts, and said, “We will look forward, not backward.”

And now we’re seeing the Trump administration doubling down on their assault on international law and human rights and impunity and fighting impunity, by saying we will now go against the same body that is a last resort for victims of torture, that is the only international institution recognized as the one that is supposed to prosecute—investigate and prosecute war crimes, crimes against humanity and genocide. And the Trump administration is saying, “We will be treating your judges and prosecutors like drug traffickers, like war criminals,” instead of admitting that there was a failure in holding officials accountable.

So John Bolton basically is the same John Bolton he was when he was in the Bush administration. He was the same one. He made destroying the court a lifetime project and goal. The difference now, he is in the place where he can do more than what he was doing in the Bush years. So it’s a very dangerous attack on the international body where 123 countries are members—many of them are close U.S. allies, particularly in Europe—that is supposed to defend the independence of this body. And yet we see John Bolton perhaps wants to score points with the political base, the people who are supporting Trump in the United States, by invoking distorted and misinformation about the fact that the court is likely to investigate crimes that actually do not exist under the statute, under the law of the ICC.

So, we are in a very—the tipping point where the administration is basically saying, “We are going to have a frontal attack on judges and prosecutors and personnel.” By the way, there is no legal theory to support that. I don’t understand what is it that—how is it that they would be prosecuting judges for the mere fact of conducting their job and responsibility under an international treaty that is recognized, again, and ratified by 123 countries.

What is also concerning and very dangerous is that the threat is not just against the judges and

the prosecutors and the personnel of the court, but it's also against any state or party that is supposed to or willing to assist the ICC in its investigation of U.S. war crimes in Afghanistan. Lithuania, Romania and Poland—these are the three countries where the

CIA

had black sites where people were tortured. And that means that they are opening—they're sending this threat to anyone, virtually anyone who would be in a position to assist the ICC

. Does that include lawyers? Does that include individuals, organizations here in the United States, lawyers who represented torture victims, including us at the

ACLU

? Where does that go? What is it that the Trump administration wants to do?

But, ultimately, they're seeing that the ICC is about to open a full investigation into torture in Afghanistan. As the report said, this investigation is not only against the United States. It's the United States and Afghan forces, Taliban forces, who were part of the armed conflict in Afghanistan. What makes it so important and significant here is that the United States is the country that has the longest tradition of upholding the rule of law and having independent investigative bodies and judiciary to investigate acts of torture when they occur, and yet it failed to do so. That's why the ICC is stepping in.

The ICC is not stepping in just for the sake of, how Bolton put it, just to undermine U.S. sovereignty. This is really nonsense. They are stepping in because we failed, the United States failed, to uphold the rule of law. It failed to investigate acts of torture that were well-documented by the Senate torture report that was published, or at least partially declassified, in December of 2014.

So we are in a position where we see an escalation in attack on international bodies. This is the same administration that withdrew from the Human Rights Council. This is the same administration that is now changing the rules of engagement with regard to the use of targeted killings. This is the same administration that is pulling out of international treaties, including the issue of—like the Paris accord, which you talked about in the previous segment.

So, we're very concerned about that, but I think we also need to put it into perspective. This is the same Trump administration that has an abysmal record of human rights here in the United States and is trying to encourage other countries to follow its pattern, the pattern of disregarding a court of law, the rule of law, disregarding international law and basically saying that there are certain countries that are above international law, that they should enjoy immunity, they should—you should not be prosecuted or investigated.

The United States, after all, is the one that actually conducted these operations, military operations, intelligence operations, that were involving torture and prolonged detention of detainees in Afghanistan. And that's why I think we ought to step back and look at what is it and not buy into the false misinformation that is being spread by John Bolton, with no basis in U.S. law, to threaten prosecutors and judges and so forth.