



UN Kangaroo Court Has U.S. Troops in Crosshairs

The United Nations' [self-styled "International Criminal Court,"](#) a would-be global judicial branch widely ridiculed as a kangaroo court because it doesn't adhere to Western judicial standards, is examining the actions of U.S. soldiers in Afghanistan to determine whether a full investigation and possible prosecution is warranted, ICC "Chief Prosecutor" Fatou Bensouda announced with the release of an [explosive report](#) this week. Despite the fact that the U.S. government never ratified the agreement creating the UN "court," the Hague-based body continues to act as if it has universal jurisdiction over every person on Earth — including Americans. According to an ICC report about its ongoing "preliminary examinations" of "international forces" in Afghanistan, with U.S. military members specifically cited for the first time, the ICC is focusing on allegations of detainee torture. In 2011, the [ICC prosecutor also claimed to be probing the actions of U.S. forces in Libya.](#)



In the report, the ICC prosecutor's office claims to have a "reasonable basis to believe" that a wide range of potential UN-defined crimes were perpetrated in Afghanistan. Among the alleged crimes: murder, imprisonment, cruel treatment, outrages upon personal dignity, intentional attacks on civilians, and "treacherously" killing or wounding a combatant adversary. Citing the UN mission in Afghanistan, the prosecutor also claimed more than 17,500 civilians had been killed since 2007, with "pro-government forces," which include U.S. troops, being responsible for at least 3,500 of those. Special emphasis, though, is placed on alleged ill-treatment of detainees by U.S. forces, which the ICC said were documented in declassified U.S. government reports. It also said the techniques were approved by "senior" U.S. commanders in Afghanistan.

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"The [ICC prosecutor's] Office has been assessing available information relating to the alleged abuse of detainees by international forces within the temporal jurisdiction of the Court," states the 2014 report, which was released on December 2. "In particular, the alleged torture or ill-treatment of conflict-related detainees by US armed forces in Afghanistan in the period 2003-2008 forms another potential case identified by the Office." According to unspecified "available information," the ICC suggested that "members of the US military in Afghanistan used so-called 'enhanced interrogation techniques' against conflict-related detainees in an effort to improve the level of actionable intelligence obtained from interrogations."



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Among the U.S. government-approved “interrogation techniques” cited by the ICC prosecutor and outlined in official U.S. government documents were food deprivation, deprivation of clothing, environmental manipulation, sleep adjustment, use of individual fears, use of stress positions, sensory deprivation, and sensory overstimulation. “Certain of the enhanced interrogation techniques apparently approved by U.S. senior commanders in Afghanistan in the period from February 2003 through June 2004, could, depending on the severity and duration of their use, amount to cruel treatment, torture or outrages upon personal dignity as defined under international jurisprudence,” the report argued. In addition, the self-styled UN prosecutor said there was “information available” supposedly showing that U.S. interrogators perpetrated other abuses beyond even what was approved by U.S. officials — severe beatings, suspension by the wrists, and threats to shoot or kill, for example. The ICC probe is apparently in its third phase out of four.

The prosecutor’s office said the ICC was continuing to examine the seriousness of the allegations. It is also “analyzing the relevance and genuineness of national proceedings by the competent national authorities for the alleged conduct.” In other words, the UN’s kangaroo court is monitoring U.S. government investigations and prosecutions of U.S. troops to determine whether they are “relevant” and “genuine.” With the Obama administration having already acted to shield Bush-era officials from prosecution for allegedly perpetrating or approving torture, it remains to be seen whether the ICC will consider U.S. government efforts to be adequate. The report also said the available information did not suggest that U.S. forces had perpetrated the war crime of intentionally targeting civilians.

Ironically, perhaps, the ICC is also leveling accusations at various “anti-government” forces in Afghanistan that are [being funded — at least indirectly — by U.S. taxpayers](#). Most prominent among those groups is the Haqqani Network, an Islamist group that top U.S. officials have long complained was being run by the government of Pakistan and its intelligence agency. Pakistani authorities, of course, are among the largest beneficiaries of U.S. foreign aid on the planet. The U.S. government-funded and -supported Afghan regime, meanwhile, is also the target of multiple ICC probes for a wide range of alleged crimes, including brutal torture of detainees, the report said.

According to the ICC document, U.K. forces that served in Iraq are also being examined, based on an allegation that they “systematically abused hundreds of detainees in different UK-controlled facilities across the territory of Iraq over the whole period of their deployment from 2003 through 2008.” The document cites alleged crimes against prisoners — ranging from sensory deprivation and electrocution to murder — that occurred at 14 military detention facilities. Unlike the United States, however, the British government consented to give the UN’s court jurisdiction over its troops — potentially allowing them to be prosecuted by a global body dominated by ruthless autocracies that recognize none of the fundamental rights traditionally associated with being a British subject.

Meanwhile, the UN court bases its purported claim of jurisdiction over U.S. troops in Afghanistan on the fact that the dubious U.S.- and UN-installed regime in Kabul ratified the Rome Statute, which created the global body in the first place. “Afghanistan deposited its instrument of ratification to the Rome Statute on 10 February 2003,” the report claims. “The ICC therefore has jurisdiction over Rome Statute crimes committed on the territory of Afghanistan or by its nationals from 1 May 2003 onwards.” Ironically, the document even points out that the UN Security Council passed a resolution purporting to establish the “International Security Assistance Force” that led the occupation U.S. troops were forced to participate in and now may be prosecuted for.

Despite the fact that the self-styled UN court [recognizes none of the God-given rights enshrined in the](#)



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[U.S. Constitution](#), the controversial body in The Hague continues to accumulate power. Indeed, as *The New American* has documented extensively, the Obama administration and its Council on Foreign Relations comrades have been [fervent supporters of empowering the ICC](#) — even though the global agreement purporting to create it in the first place has never been approved by the U.S. government. Incredibly, globalists of various varieties have even suggested that the court could prosecute American presidents. In other words, if the internationalist establishment gets its way, a dictator-dominated UN court with purported universal jurisdiction could someday begin prosecuting Americans for vague and undefined crimes ranging from “aggression” to “gender persecution.” The ICC does not use a jury system, putting U.S. troops at the mercy of autocratic anti-American regimes.

According to the establishment-minded *Foreign Policy* magazine, the first media outlet to pick up the story about ICC probes of U.S. troops, Obama’s ambassador on “global justice,” Stephen Rapp, expressed “disappointment” about the latest report. “The position of the U.S. in 1998 was that the ICC should not have jurisdiction over non-parties, and that remains, as a policy matter, something that we believe,” Rapp told the magazine, adding that even if the ICC somehow had “jurisdiction,” the U.S. military justice system had already examined and dealt with the allegations. Of course, earlier this year, *Foreign Policy* also reported that the Obama administration was [supporting ICC prosecution of alleged war criminals in Syria](#), despite the fact that the Syrian regime never ratified the agreement.

After the report was released, legal and defense experts lambasted the ICC’s theatrics. “For years, opponents of the ICC have claimed that the prosecutor was dangerously unchecked and could wreak havoc on sensitive matters of international affairs,” wrote Ryan Vogel, a visiting assistant professor of law at Chicago-Kent College of Law who formerly served in the Office of the Secretary of Defense, adding that the ICC has no jurisdiction, the United States has already dealt with the allegations, and federal law may also preclude U.S. cooperation with ICC prosecutions of U.S. troops. “With the aimless and public manner in which this preliminary examination is being conducted, the ICC prosecutor may now be proving these critics right.”

Of course, it is possible and even likely that at least some U.S. military personnel committed crimes during the occupation of Afghanistan. In fact, based on U.S. government documents, it appears that senior administration officials even purported to authorize some of those crimes, leading George W. Bush’s terror czar Richard Clarke to [claim earlier this year that the ICC could prosecute his ex-boss Bush for war crimes](#). The reality, however, is that the UN court, in addition to its illegitimacy and lack of jurisdiction, is the worst possible place to search for “justice.” Indeed, as countless experts have explained, it recognizes none of the God-given rights Americans take for granted, and acknowledges no bounds on its purported power.

Dr. Charles Rice, a professor of law at Notre Dame University, for example, called the ICC “a monster” that essentially “repudiates the Constitution, the Bill of Rights, and the Declaration of Independence and cancels the 4th of July.” Especially troubling, he said, is that the court acknowledges no boundaries to its supposed authority. “In our system, law is supposed to be a rule of reason which, in a sense, controls the state and compels the state to operate under the law,” Dr. Rice explained. “What are the limits on the ICC? There are none. It’s insane!”

The U.S. Constitution and federal laws already provide a solid foundation for alleged criminals and war criminals to be prosecuted in U.S. civilian and military courts, as appropriate. Congress ought to defund the entire UN and once again make clear that the “dictators club” has no authority to prosecute Americans in its pseudo-court. The rest of the civilized world should do the same.



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