



THE PERMANENT MISSION  
OF THE  
UNITED STATES OF AMERICA  
TO THE  
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS  
IN GENEVA

July 22, 2019

Mr. Michael Forst

Special Rapporteurs on the situation of human rights defenders  
Human Rights Council  
United Nations  
Geneva, Switzerland

Mr. García-Sayán,

Special Rapporteurs on the independence of judges and lawyers  
Human Rights Council  
United Nations  
Geneva, Switzerland

Mr. Michael Forst and Mr. García-Sayán,

Thank you for your letter of March 20, 2019. We also note your press release of March 22, 2019. Please find enclosed a U.S. response to your letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "DKronenfeld", with a stylized flourish at the end.

Daniel Kronenfeld  
Human Rights Counselor

## **SUBJECT: U.S. Response to letter regarding the International Criminal Court**

The United States has long been a strong advocate for human rights, and it has long recognized that accountability mechanisms are crucial to address the impunity that facilitates human rights violations and abuses, including those directed against human rights defenders.

The United States has been a substantial supporter of UN mechanisms established to collect, preserve, and analyze evidence of atrocities. Most recently, the United States has been an active supporter of such mechanisms for Burma and Syria—the International, Impartial, and Independent Mechanism (IIIM) concerning Syria as well as the Independent Investigative Mechanism for Myanmar (IIMM). Regarding Burma, in November 2018 the United States co-sponsored a UN General Assembly Third Committee Resolution on the Situation of Human Rights in Myanmar, welcoming the establishment of the IIMM, the work of the Independent International Fact-Finding Mission on Myanmar, and the report by the Special Rapporteur on the situation of human rights in Myanmar. The United States has also continued its work toward ensuring the success of the IIIM concerning Syria, providing both significant practical and financial support to the mechanism’s efforts over the course of its existence as the IIIM assists in the investigation and prosecution of persons responsible for the most serious international crimes committed in the Syrian Arab Republic.

Historically, the United States has played and continues to play critical roles in the establishment and operations of international and hybrid tribunals for the former Yugoslavia, Rwanda, Sierra Leone, Cambodia, Lebanon, and others.

With regard to the International Criminal Court (ICC), the United States is not a party to the Rome Statute of the ICC and rejects any assertion of ICC jurisdiction over nationals of States that are not parties to the Rome Statute, absent a UN Security Council referral or the consent of that State. Dating back to the 1990s, the United States has consistently objected to any exercise of jurisdiction by the ICC over U.S. personnel. 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 citizens under the court’s jurisdiction will also be respected. Statements by U.S. National Security Advisor John Bolton and U.S. Secretary of State Mike Pompeo concerning the ICC neither represent a generalized threat to accountability, which the United States strongly supports, nor do they undermine the goal—shared by the United States—of ending impunity.