

(e) Termination of prohibitions of this subchapter

The prohibitions and requirements of sections 7423, 7424, and 7425 of this title shall cease to apply, and the authority of section 7427 of this title shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

(Pub. L. 107-206, title II, §2003, Aug. 2, 2002, 116 Stat. 901; Pub. L. 110-181, div. A, title XII, §1212(b)(1), Jan. 28, 2008, 122 Stat. 371.)

Editorial Notes

AMENDMENTS

2008—Subsecs. (a), (b). Pub. L. 110-181, §1212(b)(1)(A), (B), substituted “section 7424” for “sections 7424 and 7426” in heading and text.

Subsecs. (c)(2)(A), (d). Pub. L. 110-181, §1212(b)(1)(C), (D), substituted “section 7424” for “sections 7424 and 7426”.

Subsec. (e). Pub. L. 110-181, §1212(b)(1)(E), substituted “and 7425” for “7425, and 7426”.

§ 7423. Prohibition on cooperation with the International Criminal Court

(a) Application

The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after August 2, 2002, to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section 7427 of this title; or

(B) communication by the United States of its policy with respect to a matter.

(b) Prohibition on responding to requests for cooperation

Notwithstanding section 1782 of title 28 or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) Prohibition on transmittal of letters rogatory from the International Criminal Court

Notwithstanding section 1781 of title 28 or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) Prohibition on extradition to the International Criminal Court

Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person from the United

States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) Prohibition on provision of support to the International Criminal Court

Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(f) Prohibition on use of appropriated funds to assist the International Criminal Court

Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(g) Restriction on assistance pursuant to mutual legal assistance treaties

The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(h) Prohibition on investigative activities of agents

No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

(Pub. L. 107-206, title II, §2004, Aug. 2, 2002, 116 Stat. 902.)

§ 7424. Restriction on United States participation in certain United Nations peacekeeping operations

(a) Policy

Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.