

Reprisals | The US must stop threatening the International Criminal Court

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The American Civil Liberties Union (ACLU), the International Commission of Jurists (ICJ), and the International Service for Human Rights (ISHR) welcome UN independent experts' condemnation today of the US' threats and attacks against the International Criminal Court (ICC) including recent policy to deny and revoke US visas to the ICC's personnel.



In a [press release](#) issued today, two UN experts appointed by the UN Human Rights Council—the Special Rapporteur on Human Rights Defenders and the Special Rapporteur on the Independence of Judges and Lawyers—have said threats against the International Criminal Court must stop.

The UN press release mentions that the experts are in touch with the US authorities. This comes on the heels of a [letter](#) sent to the UN experts on 20 March 2019 by the ACLU, ICJ and ISHR urging them to take up the situation with the US.

The NGO letter states that 'The purpose of the visa restrictions is to block and deter legitimate criminal investigation into serious crimes under international law. Not only might they have a chilling effect on ICC personnel and others advocating for accountability, but they will set a dangerous precedent with serious implications on the overall fight for impunity, especially the right of victims and their legal representatives to seek justice and reparations without fear of retaliation.'

Pompeo's announcement followed threats made by US National Security Advisor John Bolton in a 10 September 2018 speech to the Federalist Society. In that instance, Bolton explicitly threatened ICC judges, prosecutors, and personnel if they proceed with an investigation into alleged war crimes committed by US military and intelligence forces in Afghanistan, as well as any company or State that assists the ICC.^[1]

On 15 March 2019, US Secretary of State, Michael Pompeo, announced that the US would revoke or deny visas to members of the ICC involved in investigations of alleged war crimes and crimes against humanity committed by US nationals in Afghanistan or elsewhere, and threatened to take other measures including economic sanctions.[2]

Today's press release is the first public statement by UN experts on the threats and attacks.

'We welcome UN experts finally speaking out against the US' bullying of the ICC' said Madeleine Sinclair, Legal Counsel and New York Director of ISHR. 'Pompeo's threats are a blatant violation of the right to cooperate with the ICC, undermine the ICC's effectiveness and credibility, and amount to an attack on the international system itself', said Sinclair.

'The policy announced by Pompeo is part and parcel of a concerning attack by the current US administration on multilateralism, international rule of law, and global and regional bodies mandated to monitor and investigate human rights violations and fight impunity', said Sam Zarifi, Secretary General of the ICJ.

'We welcome the denunciation of an unprecedented attempt to skirt international accountability for well-documented war crimes. We urge other organs of the UN to speak clearly and loudly against this blatant effort to intimidate and retaliate against judges, prosecutors, and advocates seeking justice for victims of serious human rights abuses', said Jamil Dakwar, Director of the ACLU's Human Rights Program.

Whether the US responds to the communication by the UN experts remains to be seen. Since the election of President Trump, the US government has not extended official invitations to any UN expert to visit the United States, including the Special Rapporteur on the human rights of migrants who has repeatedly asked to visit the United States. In addition, since last May the Trump administration has stopped responding to

communications and official letters from UN experts. According to research by the ACLU, at least 22 letters were sent by several UN experts since May 2018 raising concerns about various human rights violations, none of which received a reply.[3]

'We are deeply concerned that since its misguided withdrawal from the Council last June, the Trump administration has escalated its hostility towards human rights bodies including the apparent severing of relationships with independent experts appointed by the Human Rights Council', said Dakwar.

More information [here](#).

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[1] John Bolton made the remarks at the Federalist Society on 10 September 2018 <https://fedsoc.org/events/national-security-advisor-john-r-bolton-address>.

[2] Remarks to the Press, Michael R. Pompeo, Secretary of State, Press Briefing Room, Washington, DC, March 15, 2019, <https://www.state.gov/secretary/remarks/2019/03/290394.htm>

[3] <https://www.aclu.org/aclus-statement-submitted-under-item-5-human-rights-bodies-and-mechanisms-general-debate>

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