

17 June 2020

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Mr Diego García-Sayán

Special Rapporteur on the independence of judges and lawyers

Mr Fabian Salvioli

Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

Dear Experts,

REQUEST FOR ACTION: CONCERNING RECENT ACTIONS OF UNITED STATES TARGETING STAFF OF INTERNATIONAL CRIMINAL COURT

We refer to the [joint letter](#) of the International Commission of Jurists (ICJ) and ten other organizations dated 21 September 2018 and the UN Human Rights Experts' [joint press release of 22 March 2019](#), regarding threats made by the then US National Security Adviser, John Bolton, against the International Criminal Court (ICC) and its staff in September 2018.

We respectfully request that you take follow-up action in light of the US President's [Executive Order](#) dated 11 June 2020 declaring a national emergency and authorising the targeting and sanction of individual staff of the ICC engaged in efforts to investigate US and allied personnel, including as part of the Prosecutor's investigation of the situation in the Islamic Republic of Afghanistan.

On 11 June 2020, US Secretary of State, Michael Pompeo, [told the media](#) at a joint press conference that "*we cannot, we will not stand by as our people are threatened by a kangaroo court*" and announced that "*the Trump Administration is taking the following actions*":

- a. authorizing the imposition of economic sanctions against ICC officials directly engaged in the ICC efforts to investigate US personnel or allied personnel against that allied state's consent, and against others who materially support such officials' activities; and
- b. expanding visa restrictions for officials directly engaged in those same investigations, including to their family members.

The Executive Order and statements made during the press conference represent an escalation of the US Government's efforts to directly interfere in the independence and impartiality of the ICC and amount to an attack on the global fight against impunity, the rights of victims to redress and the rule of law. The deliberate targeting of ICC staff and their families, including through the use of economic sanctions, for merely doing their job in fulfilling the mandate of the ICC as enshrined in the Rome Statute is particularly deplorable. Such explicit attacks on an institution regarded as a "[*related organization in the United Nations System*](#)" should not go unaddressed.

Accordingly, we respectfully request you to:

1. issue a public statement condemning these actions and reaffirming the importance of the ICC and its staff being able to fulfil the Court's mandate free from interference; and
2. send a communication to the United States urging it to reverse or revoke all orders, laws, policies or practices that interfere in or undermine the work of the ICC and its staff and refrain from taking steps or making comments in the future which may amount to interference in the independence and impartiality of the Court.

Yours faithfully,



Kingsley Abbott

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CC:

Mr António Guterres, Secretary General of the United Nations
Ms Ilze Brands Kehris, Assistant Secretary-General for Human Rights
Mr O-Gon Kwon, President of the Assembly of States Parties to the Rome Statute
Judge Chile Eboe-Osuji, President of the International Criminal Court
Ms Fatou Bensouda, Prosecutor of the International Criminal Court