



The UIA Institute for the Rule of Law

STATEMENT

Paris, April 10, 2020

States must reaffirm unwavering support of the ICC in the face of recent threats by Trump administration

The UIA-IROL was disturbed by recent threats made against the International Criminal Court (“ICC” or the “Court”), generally, and two ICC staff members, specifically, by U.S. Secretary of State Mike Pompeo on March 17. Calling out the two ICC staff members by name, Secretary Pompeo alleged they were putting Americans at risk, and threatened that the U.S. could retaliate against them, as well as other ICC personnel and their families.

These threats were made after the ICC Appeals Chamber authorized the Prosecutor to commence an investigation *“in relation to alleged crimes committed on the territory of Afghanistan in the period since 1 May 2003, as well as other alleged crimes that have a nexus to the armed conflict in Afghanistan and are sufficiently linked to the situation and were committed on the territory of other States Parties in the period since 1 July 2002”*¹.

ICC judges authorized the Court’s prosecutor to open an investigation into grave crimes committed in connection with the conflict in Afghanistan. Over the past 18 months, the prospect of an ICC investigation which may involve U.S. military personnel conduct has led the U.S. government to threaten retaliatory action in an effort to intimidate the Court and deter the investigation.

Pompeo’s threats are serious. Last year, the U.S. revoked the ICC prosecutor’s entry visa – an extraordinary measure usually reserved for the worst human rights violators. Additional threats of economic sanctions were invoked, should the ICC move forward with investigations of U.S. nationals.

Today the UIA-IROL welcomes the statement from the Assembly of States Parties (ASP) President, O-Gon Kwon expressing the strong support of the ASP for the ICC and its staff. He reaffirmed full confidence in the Court as an independent and impartial judicial institution and reiterated a strong commitment to uphold and defend the principles and values enshrined in the Rome Statute and to preserve its integrity undeterred by any threats against the Court².

He recalled that ***“The ICC embodies our collective commitment to fight impunity for the most serious crimes of international concern”*** and that *“one of the cornerstones of the Rome Statute system is that it recognizes the primary jurisdiction of States to investigate and prosecute atrocity crimes. As a court of last resort, the ICC is complementary to national jurisdictions”*.

¹Judgment on the appeal against the decision on the authorization of an investigation into the situation in the Islamic Republic of Afghanistan, March 5, 2020, https://www.icc-cpi.int/CourtRecords/CR2020_00828.PDF ; In her November 2017 request, the prosecutor alleged that there were also crimes committed in clandestine CIA detention facilities in Poland, Romania, and Lithuania – all ICC members.

² <https://www.icc-cpi.int/Pages/item.aspx?name=pr1521>

The UIA-IROL joins with the ASP President in support of the exceptional work of the Court, a judicial body whose actions are strictly governed by the legal framework of the Rome Statute, its founding treaty. The UIA-IROL especially notes the impartiality and independence of the Court and will continue to support and defend the vital role of the Court in international legal matters.

More about the UIA-IROL

The Institute for the Rule of Law of the International Association of Lawyers (UIA-IROL) promotes the Rule of Law and supports and defends, in particular, (1) lawyers, judges and human rights defenders who are harassed, threatened and/or persecuted in the exercise of their professions, (2) the independence of the legal and judicial professions, and (3) the UN Basic Principles on the Role of Lawyers, especially in defense of human rights.

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