



The UIA Institute for the Rule of Law

STATEMENT

Paris, July 20, 2020

Renewed and Worsening Threats against the ICC Must Stop

UIA-IROL reiterates its profound concern at the announcement by the Government of the United States of further threats and coercive actions, including financial measures, against the International Criminal Court (ICC) and its officials¹.

The recently issued Executive Order signed by U.S. President Donald Trump on June 11, Executive Order on Blocking Property Of Certain Persons Associated With The International Criminal Court, authorizes the freezing of assets and visa bans against “any foreign person determined(A) to have directly engaged in any effort by the ICC to investigate, arrest, detain, or prosecute any United States personnel without the consent of the United States; (B) to have directly engaged in any effort by the ICC to investigate, arrest, detain, or prosecute any personnel of a country that is an ally of the United States without the consent of that country’s government; (C) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any activity described in subsection (a)(i)(A) or (a)(i)(B) of this section or any person whose property and interests in property are blocked pursuant to this order; or (D) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order.

The imposed sanctions also apply to family members of those who fall within the purview of the Executive Order.

UIA is particularly concerned that the language of the Executive Order is overly broad and vague. For example, it could be invoked to freeze the assets of a researcher at a human rights group whose work is cited by the ICC.

This Executive Order is the latest in a series of unprecedented attacks on the ICC by the United States, following the ICC’s probe into allegations of war crimes committed in Afghanistan by U.S. and Afghan forces, as well as by the Taliban.

UIA-IROL denounces this unacceptable attempt to interfere with the rule of law and the ICC’s functioning, with the declared aim of influencing the actions of ICC officials in the context of the Court’s independent and objective investigations and impartial judicial proceedings.

As recently stated by ICC President Judge Chile Eboe-Osuji, even the threat of such action may have a chilling effect on the only court in the world permanently authorized to prosecute individuals for war crimes, including genocide, because private companies or human rights organizations may become U.S. targets solely for cooperating with the Court’s inquiries².

¹ <https://www.uianet.org/en/actions/states-must-reaffirm-unwavering-support-icc-face-recent-threats-trump-administration>

² <https://time.com/5860568/10-questions-for-international-criminal-court-chief-chile-ebae-osuji/>

Ten ICC States Parties members of the UN Security Council, also reconfirmed their "unwavering support for the Court as an independent and impartial judicial institution"³.

EU foreign affairs Chief Josep Borrell stated, "For sure, this is a matter of serious concern as you can understand because we, as the European Union, are steadfast supporters of the International Criminal Court. For sure, I can reiterate our support to this institution. The Court has been playing a key role in providing international justice and addressing the gravest international crimes. It is a key factor in bringing justice and peace, it must be respected and supported by all nations"⁴.

The President of the Assembly of States Parties reiterated its support for the Court,⁵ and more than 60 States Parties to the Rome Statute noted that "The ICC, as the world's first and only permanent international criminal court, is an essential component of the multilateral architecture upholding the rule-of-law. It embodies our collective commitment to fight impunity for international crimes. By giving our full support to the ICC and promoting its universal reach, we defend the progress we have made together towards an international rules-based order, of which international justice is an indispensable pillar"⁶.

UIA-IROL is dismayed to see that the Trump administration has chosen to impose sanctions on those engaged in the investigation of allegations of war crimes. The assault that the U.S. has launched on the International Criminal Court is not merely an attack on a valuable and necessary institution, it is an attack on the very protection of human rights itself. As noted by several UN Special Rapporteurs: "[T]hese threats constitute improper interference with the independence of the ICC and could also have potential adverse impacts on human rights defenders, civil society organizations and victims' representatives who might be discouraged from cooperating with the ICC and, consequently, hinder the possibility of victims of atrocity crimes to access justice"⁷.

UIA-IROL stands with the many nations and international organizations that support the ICC and its work.

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.

For more information go to: www.uianet.org - uiacentre@uianet.org
Press contact: Marie-Pierre LIENARD, Communication Officer mplienard@uianet.org

³ <https://www.youtube.com/watch?v=FVEKk1hcRhA>

⁴ https://eeas.europa.eu/headquarters/headquarters-homepage/80769/videoconference-eastern-partnership-foreign-affairs-ministers-remarks-high-representativevice_en

⁵ <https://www.icc-cpi.int/Pages/item.aspx?name=pr1527>

⁶ <https://onu.delegfrance.org/We-remain-committed-to-an-international-rules-based-order>

⁷ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25997&LangID=E>