

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

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Stop US threats against the International Criminal Court and its Prosecutor

Immediate Release

16 April 2019 - Lawyers' Rights Watch Canada (LRWC) today denounced a new United States (US) threat against the International Criminal Court (ICC), the latest in a series of threats since September 2018 against the ICC, its personnel and those cooperating with the Court. On 4 April, the US carried out its threat by revoking the US entry visa of ICC chief Prosecutor, Ms. Fatou Bensouda.

The US threat on Friday, 12 April 2019, prompted LRWC to recommend that Canada and all other States Parties to the Rome Statute of the ICC “urgently exercise concerted diplomatic efforts to insist that the US halt threats and rescind reprisals against the ICC and its personnel.” LRWC had written to the White House on [9 April 2019](#) urging the US to withdraw and refrain from threats against ICC judges, prosecutors, and other ICC personnel aimed at undermining their ability to “to carry out their judicial, prosecutorial and administrative duties free from interference, harassment, threats or reprisals.”

Friday's threat from the White House follows on the heels of the ICC decision to reject the November 2017 request of the ICC's Office of the Prosecutor (OTP) to open a formal investigation into war crimes in Afghanistan since 2003. Immediately after the release of the ICC decision, the US President Donald J. Trump issued a [statement](#) applauding the ICC's decision and threatening “swift and vigorous response” to “any attempt” at prosecution of “American, Israeli, or allied personnel.” A [statement](#) by the US Secretary of State Michael R. Pompeo on Friday drew a direct connection between today's ICC decision and Mr. Pompeo's [15 March 2019 announcement](#) of a policy to deny and revoke US visas for ICC personnel who investigate alleged crimes committed by US nationals with possible extension of the policy to ICC investigations into suspected crimes by Israeli or other US-allied personnel.

“The continuing US threats are explicitly aimed at intimidating the Court and deterring its legitimate investigations into matters within its jurisdiction, which include war crimes, crimes against humanity and genocide,” said LRWC Executive Director, Gail Davidson.

“This is a blatant attempt to prevent the ICC from impartially and independently performing their duties under the Rome Statute,” added Marjorie Cohn, a director of LRWC and Deputy Secretary General of the International Association of Democratic Lawyers.

“LRWC has no comment on whether Friday’s ICC decision was affected by US threats, because we cannot know whether the threats were in the judges’ minds as they drafted their decision,” said LRWC’s UN liaison coordinator, Catherine Morris. “However, a number of other commentators have suggested that the ICC was successfully intimidated by the US threats, which means the threats have undermined the ICC’s reputation for independence. The US threats are a dangerous assault on the independence of the judiciary and the rule of law internationally. The maintenance of the rule of law internationally depends on all States and all international organizations to uphold it in clear and robust ways,” added Ms. Morris.

Background and references:

For background and references see LRWC’s letters to the US on [9 April 2019](#) and to Canada on [12 April 2019](#). See this press release [online](#).

About LRWC:

Lawyers’ Rights Watch Canada (LRWC) is a committee of lawyers who promote human rights and the rule of law. LRWC is an NGO in Special Consultative Status with the Economic and Social Council (ECOSOC) of the United Nations (UN). For more information about LRWC, see <https://www.lrwc.org/>

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