

03 September 2020

STATEMENT

USA: Sanctions against ICC officials “gravely undermines” the rule of law

The Bar Human Rights Committee of England and Wales (BHRC) condemns the designation and imposition of economic sanctions by the United States on the International Criminal Court’s (ICC) Prosecutor, Fatou Bensouda and Head of the Court’s Jurisdiction, Complementarity and Cooperation Division, Phakiso Mochochoko. BHRC further condemns the announcement of measures to restrict the issuance of visas to certain unnamed individuals involved in the Court’s investigation of the alleged involvement of United States personnel in war crimes.

These acts constitute severe and improper interference with the independence of the ICC, and with the legal duties of its lawyers involved in ICC proceedings.

BHRC reiterates its statement of 26 June 2020 and its concern that such measures risk emboldening others, including other States, who would seek to prevent accountability for the most serious crimes in the international legal order, through the deployment of intimidation and coercive measures against judges, lawyers, investigators, human rights defenders, witnesses and victims. These measures pose a chilling risk to those individuals and also gravely undermines and jeopardises their work to uphold justice and the international rule of law.

BHRC again strongly urges the United States to rescind the Executive Order 13928 of 11 June 2020 and to rescind the decision to impose economic sanctions on Ms Bensouda and Mr Mochochoko.

Further, BHRC urges all States and stakeholders in the ICC to condemn the actions of the United States and to reiterate their unwavering commitment to international criminal justice, to uphold the principles and values enshrined in the Rome Statute, and to preserve the integrity of the ICC unhindered by attempts to undermine the court’s process.

BHRC Chair, Schona Jolly QC, said: “This act represents an attack on the rule of law itself, as well as the international institutions committed to upholding it. Imposing sanctions on such senior officials of the ICC is a perverse reversal of the use of sanctions, a critical tool to be deployed against those who commit and support the most egregious human rights violations across the world. We support our colleagues at the International Criminal Court in their vital work which they must be able to carry out without interference and fear of sanction.”

ENDS.

NOTES FOR EDITORS

1. For an interview with our spokesperson, please contact Josie Fathers, Project Coordinator on coordination@barhumanrights.org.uk or +44 (0)7854 197862
2. For more information on the Bar Human Rights Committee (BHRC), visit our website at <http://www.barhumanrights.org.uk>
3. The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.