

[Reprisals | UN should act on case of intimidation and threat of reprisal by US Secretary of State Michael Pompeo regarding cooperation with the ICC](#)

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Threats of reprisal by the US Secretary of State against lawyers, judges, prosecutors and investigators examining alleged violations by the US or by US allies undermine human rights and the rule of law and demand a strong response from the UN.



In a [letter](#) to Assistant Secretary-General for Human Rights (ASG), Andrew Gilmour, the American Civil Liberties Union (ACLU), the International Commission of Jurists (ICJ) and the International Service for Human Rights (ISHR) call on the UN to address a clear case of intimidation and threat of reprisal by US Secretary of State Michael Pompeo.

In remarks to the press on 15 March 2019, Pompeo explicitly threatened to revoke or deny visas to International Criminal Court (ICC) personnel who attempt to investigate or prosecute alleged violations committed by American nationals or against citizens of U.S. allies.[1]

The ASG is mandated to lead efforts within the UN system to end all intimidation and reprisals against those cooperating with the UN on human rights. In keeping with this mandate, the ACLU, ICJ and ISHR call on the ASG to take urgent action, including by publicly denouncing the comments, and urging U.S. representatives to refrain from adopting any legislation, policy or practice that has the effect of undermining unhindered access to and communication with the ICC and other international bodies.

The letter states that ‘the purpose of the visa restrictions is to block and deter legitimate criminal investigation into serious crimes under international law. Not only might they have a chilling effect on ICC personnel and others advocating for accountability, but they will set a dangerous precedent with serious implications on the overall fight for impunity, especially the right of victims and their legal representatives to seek justice and reparations without fear of retaliation.’

A [similar communication](#) has also been sent to three UN experts—the Special Rapporteurs on the situation of human rights defenders, on the independence of judges and lawyers, and on the promotion of truth, justice, reparation and guarantees of non-recurrence. The experts are similarly called on to publicly denounce the comments and send a formal communication to the U.S.

‘The policy announced by Pompeo is part and parcel of a concerning attack by the current U.S. administration

on multilateralism, international rule of law, and global and regional bodies mandated to monitor and investigate human rights violations and fight impunity', said Sam Zarifi, Secretary General of the ICJ.

Pompeo's announcement comes on the heels of threats made by U.S. National Security Advisor John Bolton in a 10 September 2018 speech to the Federalist Society. In that instance, Bolton explicitly threatened ICC judges, prosecutors, and personnel if they proceed with an investigation into alleged war crimes committed by U.S. military and intelligence forces in Afghanistan, as well as any company or state that assists the ICC.[2]

'This is an unprecedented attempt to skirt international accountability for well-documented war crimes. It reeks of the very totalitarian practices that are characteristic of the worst human rights abusers, and is a blatant effort to intimidate and retaliate against judges, prosecutors, and advocates seeking justice for victims of serious human rights abuses', said Jamil Dakwar, Director of the ACLU's Human Rights Program.

The letter cites Human Rights Council Resolution 36/21 and the UN Declaration on Human Rights Defenders, which reaffirm the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies.

'This latest attack by the U.S. demands the strongest response from the UN, which until now has remained silent on the U.S.' bullying of the ICC,' said Madeleine Sinclair, Legal Counsel and New York Director of ISHR. 'Pompeo's threats are a blatant violation of the right to cooperate with the ICC, undermine the ICC's effectiveness and credibility, and amount to an attack on the international system itself', said Sinclair.

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Background:

In October 2016, then Secretary-General Ban Ki-Moon designated the Assistant Secretary-General for Human Rights, Andrew Gilmour, to lead efforts within the UN system to end all intimidation and reprisals against those cooperating with the UN on human rights.[3] The Assistant Secretary-General primarily fulfills this work through outreach and engagement with victims and those who may be in a position to prevent and address reprisals. He also raises awareness about the need to prevent reprisals more generally during speeches and statements and encourages other UN agencies to adopt a zero tolerance policy against reprisals. When the Assistant Secretary-General receives allegations, he sends confidential letters to, and meets bilaterally with, high-level government officials, and occasionally makes public statements. The letters to, and meetings with, government officials have the objective of engaging the government on an alleged case or patterns, and governments are encouraged to investigate and respond to the allegations.

[1]Remarks to the Press, Michael R. Pompeo, Secretary of State, Press Briefing Room, Washington, DC, March 15, 2019, <https://www.state.gov/secretary/remarks/2019/03/290394.htm>

[2]John Bolton made the remarks at the Federalist Society on 10 September 2018 <https://fedsoc.org/events/national-security-advisor-john-r-bolton-address>.

[3]<https://www.un.org/sg/en/content/sg/press-encounter/2016-10-03/transcript-secretary-generals-press-conference-palais-des>