



IAP

International Association of Prosecutors

IAP welcomes removal of sanctions on ICC Prosecutor, Staff and Families

The International Association of Prosecutors (IAP) is the only world organization of prosecutors, prosecuting authorities, and associations. It covers six continents and over 175 jurisdictions, representing over 350,000 prosecutors. The Office of the Prosecutor of the International Criminal Court (ICC) is an organizational member of the IAP.

On September 2, 2020, the then United States Secretary of State, Michael R Pompeo, announced the imposition of punitive sanctions against the ICC Prosecutor, Fatou Bensouda, and one of her senior officials, Phakiso Mochochoko, the Head of the Jurisdiction, Complementarity and Cooperation Division of the Office of the ICC Prosecutor. This move gave effect to the Presidential Executive Order 13928, issued on June 11, 2020, which declared a national emergency and authorized asset freezes and family entry bans against the ICC's personnel involved in investigating potential war crimes and crimes against humanity in Afghanistan, in accordance with their mandate under the Rome Statute.

At an earlier stage, on April 4, 2019, Secretary Pompeo had also revoked the US entry visa of Prosecutor Bensouda, in response to which she declared that she would continue to discharge her duties "without fear or favor".

On October 8, 2020, the IAP publicly condemned the punitive sanctions imposed upon Prosecutor Bensouda and Director Mochochoko, and their families. It stated that any attempt to subvert the work of independent prosecutors was intolerable, and that the fundamental principles of criminal justice always required safeguarding. It noted that the Office of the ICC Prosecutor operates independently within the ICC, and that the use of sanctions against its personnel was an affront to the rule of law. It called upon the United States to withdraw its coercive measures, and to fully respect the prosecutorial safeguards to which the Office of the ICC Prosecutor is entitled under international law and practice.

On April 2, 2021, the United States President, Joseph R Biden, announced the withdrawal of sanctions and other punitive measures against ICC Prosecutor Bensouda, Director Mochochoko, and their families. At the same time, the US Secretary of State, Antony J Blinken, ended the visa restrictions on ICC personnel, acknowledging that they were "inappropriate and ineffective".

The IAP welcomes the withdrawal of the sanctions and other punitive measures. Any attempts to prevent independent prosecutors from discharging their

responsibilities must always be unequivocally rejected. It is fortunate that those targeted by the measures were not deflected from doing their duty, and their courage and professionalism stand as an example to prosecutors everywhere of how to conduct themselves in the face of adversity.

The IAP, while expressing the hope that a situation of this type will not recur, is grateful to all concerned for ensuring that a just resolution has been achieved.

INTERNATIONAL ASSOCIATION OF PROSECUTORS

The Hague, The Netherlands, April 13, 2021