



Lord Ahmad of Wimbledon  
Minister of State for the Commonwealth and the UN at the Foreign & Commonwealth Office  
Foreign & Commonwealth Office  
London SW1A 2AH

Rt Hon Alistair Burt MP,  
Minister of State for the Middle East at the Foreign & Commonwealth Office  
Foreign & Commonwealth Office  
London SW1A 2AH

12 September 2018

Dear Ministers,

**Re: Requesting the UK government responds to the speech made by US National Security Advisor John Bolton on the International Criminal Court (ICC)**

As lawyers committed to the protection of human rights and compliance with international law, we write to urge that the UK government appropriately respond to the speech made by US National Security Advisor John Bolton to the Federalist Society on 10 September 2018, in which he outlined the Trump Administration's clear commitment to undermine the efforts of the International Criminal Court (ICC) to provide justice for those who are victims of alleged serious international crimes.

Specific reference is made in Mr. Bolton's speech to Israel. He disturbingly criticised the possibility of an ICC investigation into alleged international crimes committed by Israel in the West Bank and Gaza, including a possible ICC investigation into the construction of illegal settlements, which he referred to as 'housing projects'. His speech also referred to the United States' decision to close the Palestinian Liberation Office in Washington DC as being partly on account of the PLO's pursuit of a criminal investigation at the ICC.

Alarming, Mr. Bolton concluded his speech with the following announcement:

*"This afternoon, we also make a new pledge to the American people. If the court comes after us, Israel or other US allies we will not sit quietly. We will take the following steps, among others, in accordance with the American Service Members Protection Act and other legal authorities. We will negotiate even more binding bilateral legal agreements to prohibit nations from surrendering US persons to the ICC and we will ensure those we already have entered are honoured by our counterpart governments. **We will respond against the ICC and its personnel to the extent permitted by US law. We will ban its judges and prosecutors from entering the United States, We will sanction their funds in the US financial system and we will prosecute them in the US criminal system. We will do the same for any company or State that assists an ICC investigation of Americans. We will take note if any countries cooperate with ICC investigations of the US and its allies and we will***



*remember that cooperation when setting US foreign assistance, military assistance and intelligence sharing levels...”*

Threats made against independent prosecutors and members of the judiciary, other States, and a legitimately constituted international court dedicated to justice and the rule of law, cannot be ignored. It calls into question the commitment that the United States has to pursuing accountability for international crimes, and as such the United Kingdom bears a responsibility to take a proactive and leadership role in supporting the critical work undertaken by the ICC.

We therefore urge the Government to consider taking the following appropriate actions:

1. Provide a public statement on the issue, reaffirming the UK’s robust and unwavering commitment to securing justice for victims and survivors of suspected war crimes and crime against humanity, regardless of any perceived threats.
2. Publicly express opposition to the steps announced by the US Government National Security Advisor, Mr. John Bolton, that the US will prosecute and place other sanctions against ICC personnel, including prosecutors and Judges, and also nations or companies who support ICC investigative efforts.
3. Encourage in its bilateral relations, public statements, and in international fora, that the US reverses its strong opposition to the ICC and to resile from adopting a course of related punitive measures.
4. Provide an assurance that the UK Government supports the work of the Office of the Prosecutor of the ICC in examining alleged serious international crimes committed in the occupied West Bank (including East Jerusalem) and Gaza and that such support would also extend, in principle, to a possible decision to open any full criminal investigation.

Yours sincerely,

Tareq Shrourou (Director) and Angelina Nicolaou  
**Lawyers for Palestinian Human Rights**

CC: Rt Hon Jeremy Hunt MP, Secretary of State for Foreign and Commonwealth Affairs