

**Mandate of the Special Rapporteur on the independence of judges and lawyers**

Ref.: AL USA 7/2025  
(Please use this reference in your reply)

20 February 2025

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolution 53/12.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning allegations that the U.S. president summarily dismissed and reassigned a considerable number of prosecutors and staff of the Department of Justice (DOJ) soon after taking office. These actions follow public statements by the president characterizing judges, prosecutors, and other justice and law enforcement officials as weapons of the former administration against himself. The president also indicated he was using prosecutorial power for "retribution."

These actions may amount to interference with the independence and work of justice officials, and risk undermining public trust in the justice system. The unjustified dismissal of government lawyers threatens judicial independence and the rule of law.

Concerns regarding then-presidential candidate Donald Trump's threatening and demeaning messages on social media against judges and prosecutors were sent in a previous communication (AL USA 19/2024) to your Excellency's Government on 24 June 2024. However, I remain gravely concerned about threats to the independence and work of justice actors, which have been exacerbated in light of the new developments referred to below.

According to the information received,

*Context of attacks and harassment of justice operators*

Reports indicate that while still a candidate, President Trump continued to verbally attack judges and prosecutors until the time he took office. For instance, he labeled the special counsel tasked with conducting criminal investigations into his actions as a "nut job" and "deranged", among other insults. He asserted that the prosecutor should be removed from the United States and inveighed against his family members.

Following President Trump's electoral victory, such rhetoric against justice officials ramped up, focusing especially on the prosecutions against Mr. Trump and his supporters in cases related to the 6 January 2021 attack on the United States Capitol. This attack was reportedly meant to stop the certification of Joseph Biden's electoral victory in 2020 and his swearing in as President of the United States.

President Trump publicly called for the disbarment of the judge who presided over the Manhattan criminal trial that resulted in his conviction, summarizing the case as “a fake, made-up charge by a corrupt judge”. Concerning other cases, he asserted that “Corrupt judge[s]” were “making a mockery of the United States Judicial System”. He described another New York judge as “so nasty, so horrible, such a brute, the most vicious, vile person”.

Reports suggest that since 2022, when he began preparing for the presidential campaign, Mr. Trump has issued more than 100 threats to investigate, prosecute, imprison or otherwise punish his perceived opponents. His statements repeatedly indicated his intention to use federal law enforcement for “retribution” against the former administration and his political opponents once he took office.

### *Executive Orders*

Since taking office, President Trump has issued multiple executive orders relevant to the workings of the justice system. These include:

- An executive order entitled “Ending the Weaponization of the Federal Government”<sup>1</sup>, which referenced the prior administration’s “weaponization of prosecutorial power to upend the democratic process” and instructed the Attorney General to review the activities of federal agencies, including the DOJ, for any “past misconduct” and recommend remedial actions;
- Executive orders entitled “Restoring Accountability to Policy-Influencing Positions within the Federal Workforce”<sup>2</sup> and “Restoring Accountability for Career Senior Executives”<sup>3</sup>, which instructed agency heads to respectively reclassify “policy-related” federal employees in a manner that will strip those employees of their civil service protections, and to reassign executives for better implementation of the President’s agenda, which may impact the prosecutorial career; and
- An executive order entitled “Restoring the Death Penalty and Protecting Public Safety,” in which President Trump accused judges of “subverting” and “obstructing” the law by finding, in specific cases, that the death penalty cannot be lawfully implemented.<sup>4</sup>

### *Actions since taking office*

On 20 January 2025, the day of President Trump’s inauguration, around 20 senior career lawyers in the DOJ were reassigned to new posts. Allegedly, senior officials in the environment, civil rights, and other divisions were

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<sup>1</sup> <https://www.whitehouse.gov/presidential-actions/2025/01/ending-the-weaponization-of-the-federal-government/>

<sup>2</sup> <https://www.whitehouse.gov/presidential-actions/2025/01/restoring-accountability-to-policy-influencing-positions-within-the-federal-workforce/>

<sup>3</sup> <https://www.whitehouse.gov/presidential-actions/2025/01/restoring-accountability-for-career-senior-executives/>

<sup>4</sup> <https://www.whitehouse.gov/presidential-actions/2025/01/restoring-the-death-penalty-and-protecting-public-safety/>

reassigned to a newly formed task force focused on countering “sanctuary cities”. Such reassignments were widely seen as punishment likely to lead to resignations. At least two of these attorneys have reportedly subsequently resigned.

On the same day, President Trump instituted a 90-day federal hiring freeze, which may impact the DOJ’s capacity to meet its staffing needs. Allegations have also been made that White House staff are playing a role in employment decisions related to career civil servants and are examining those civil servants’ social media accounts to ascertain their personal political leanings.

Also on 20 January 2025, four senior career officials at the DOJ’s Executive Office of Immigration Review (EOIR), which oversees U.S. immigration courts, were summarily dismissed. They include the chief immigration judge, the acting director of the EOIR, the general counsel of EOIR, and the head of policy. Their removal occurred on the heels of multiple immigration-related executive orders.

The information suggests these individuals are not able to appeal their dismissal and can only consider filing a wrongful termination lawsuit.

On 27 January 2025, the acting Attorney General summarily dismissed more than a dozen prosecutors at the DOJ, who reportedly worked on criminal investigations into President Trump. In his letter of dismissal to the prosecutors, the acting Attorney General stated that “Given your significant role in prosecuting the president, I do not believe that the leadership of the department can trust you to assist in implementing the president’s agenda faithfully.”

The information suggests these individuals are not able to appeal their dismissal and can only consider filing a wrongful termination lawsuit.

On 31 January 2025, the interim U.S. Attorney for the District of Columbia dismissed dozens of prosecutors from the DOJ’s Washington D.C. office. Some other prosecutors were reportedly transferred to different offices.

The prosecutors had been assigned to work on criminal prosecutions stemming from the attack on the United States Capitol on 6 January 2021. The termination announcement appended a memo by the acting U.S. Deputy Attorney General, which alleged that prosecutors had been improperly hired to permanent posts after being assigned to investigate the 6 January attack through the department’s probationary hiring program. The acting deputy wrote that he “will not tolerate any subversive personnel actions by the previous Administration at any U.S. Attorney’s Office” and pledged to investigate the previous government’s actions in hiring the prosecutors.

On 5 February 2025, the newly appointed Attorney General issued a memo entitled “Restoring the Credibility and Integrity of the Department of Justice”.<sup>5</sup>

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<sup>5</sup> <https://www.documentcloud.org/documents/25514904-doj-memo-integrity-and-credibility/>

The memo announced the establishment of a “Weaponization Working Group”, tasked with reviewing the activities of all departments and agencies exercising civil or criminal enforcement authority of the United States over the last four years. The memo explicitly stated that the review will examine investigations and prosecutions of President Trump, and investigations and prosecutions arising out of the attack on the U.S. Capitol on 6 January 2021.

Without prejudging the accuracy of the information received, I wish to express concern at reports indicating that lawyers, prosecutors and at least one immigration judge are being subjected to reassignment, transfer or dismissal, without following standard procedures, in what appears to be retaliation for doing their job. In this connection, I recall that the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (27 August to 7 September 1990), state in Guideline 15 that “Prosecutors shall give due attention to the prosecution of crimes committed by public officials, particularly corruption, abuse of power, grave violations of human rights and other crimes recognized by international law and, where authorized by law or consistent with local practice, the investigation of such offences”.

I am disturbed that many of the actions described in this letter appear to have been taken in reprisal against justice personnel for their work in investigating or prosecuting allegations and criminal accusations against the current U.S. President and individuals who reportedly identify as his supporters.

In other cases, the aim seems to be to purge the Department of Justice of individuals whose political views do not align with the government’s. I recall that selection criteria for judges and prosecutors should exclude discrimination based on political or other opinions. Furthermore, judges, prosecutors and lawyers, like other citizens, are entitled to freedom of expression, belief, association and assembly.

Within the justice system, judges, lawyers and prosecutors must be free to carry out their professional duties without political interference and must be protected, in law and in practice, from attack, harassment or persecution as they carry out their professional activities.

I recall that according to international human rights standards, lawyers, judicial officers and prosecutors must be able to perform their professional functions without intimidation, hindrance, harassment, improper interference or unjustified exposure to civil, penal or other liability. In addition, it seems that domestic law provisions which preclude at-will and arbitrary dismissal, or reassignment of these justice professionals have been disregarded.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please explain how the aforementioned measures are compatible with international human rights standards, binding on the United States, that relate to ensuring the security of tenure for justice officials, and the prohibition against intimidation or improper interference with prosecutors in the performance of their professional functions.
3. Please explain how these measures are in line with international human rights standards relating to the legal profession, and its free exercise.
4. Please explain how decisions on the selection and dismissal of lawyers, prosecutors and judges employed by the Department of Justice safeguard against discrimination on the basis of political or other opinions.
5. Please confirm what mechanisms are available to afford independent review of the dismissal decisions described above.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

I may publicly express my concerns in the near future as, in my view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. I also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that I have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of my highest consideration.

Margaret Satterthwaite  
Special Rapporteur on the independence of judges and lawyers

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, I would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above. In particular, I would like to highlight the relevant provision of the International Covenant on Civil and Political Rights (ICCPR), which the United States of America ratified on the 8 June 1992, as well as the Universal Declaration of Human Rights, which reflects customary international law.

As it relates the right to a fair trial, article 14(1) of the ICCPR sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law. In addition, article 14 of the ICCPR encompasses the right of access to the courts in cases of determination of criminal charges and rights and obligations in a suit at law. Access to administration of justice must effectively be guaranteed in all such cases to ensure that no individual is deprived, in procedural terms, of his/her right to claim justice; and provides a set of procedural guarantees that must be made available to all persons, including the right of accused persons to have access to, and communicate with, a counsel of their own choosing.

Article 14 of the ICCPR establishes the right to fair proceedings before a competent, independent and impartial tribunal established by law. In this regard, general comment No. 32 (2007) of the United Nations Human Rights Committee notes that the element of independence requires the judiciary to be free from political interference by the executive branch, as well as the legislature. The Committee notes in particular that a situation where the executive is able to control or direct the judiciary is incompatible with the notion of an independent tribunal (general comment No. 32, para. 19).

I would like to bring attention to the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Milan, Italy), 26 August-6 September 1985).

- Principle 1 provides that the independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.
- Principle 2 provides that the judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.
- Principle 4 states that there shall not be any inappropriate or unwarranted interference with the judicial process, nor shall judicial decisions by the courts be subject to revision. This principle is without prejudice to judicial review or to mitigation or commutation by competent authorities

of sentences imposed by the judiciary, in accordance with the law.

- Principle 6 entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected.

Regarding the measures taken against prosecutors, I would like to refer your Excellency's Government to the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, and in particular:

- Guideline 4, which states: "States shall ensure that prosecutors are able to perform their professional functions without intimidation, hindrance, harassment, improper interference or unjustified exposure to civil, penal or other liability";

- Guideline 8, which states: "Prosecutors like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional disadvantage by reason of their lawful action or their membership in a lawful organization. In exercising these rights, prosecutors shall always conduct themselves in accordance with the law and the recognized standards and ethics of their profession."

- Guideline 9, which states: Prosecutors shall be free to form and join professional associations or other organizations to represent their interests, to promote their professional training and to protect their status."

- Guideline 11, which states: "Prosecutors shall perform an active role in criminal proceedings, including institution of prosecution and, where authorized by law or consistent with local practice, in the investigation of crime, supervision over the legality of these investigations, supervision of the execution of court decisions and the exercise of other functions as representatives of the public interest";

- Guideline 15, which states: "Prosecutors shall give due attention to the prosecution of crimes committed by public officials, particularly corruption, abuse of power, grave violations of human rights and other crimes recognized by international law and, where authorized by law or consistent with local practice, the investigation of such offences";

- Guideline 17, which states: "In countries where prosecutors are vested with discretionary functions, the law or published rules or regulations shall provide guidelines to enhance fairness and consistency of approach in taking decisions in the prosecution process, including institution or waiver of prosecution."

- Guideline 21, which states: “Disciplinary offences of prosecutors shall be based on law or lawful regulations. Complaints against prosecutors which allege that they acted in a manner clearly out of the range of professional standards shall be processed expeditiously and fairly under appropriate procedures. Prosecutors shall have the right to a fair hearing. The decision shall be subject to independent review”; and
- Guideline 22, which states: “Disciplinary proceedings against prosecutors shall guarantee an objective evaluation and decision. They shall be determined in accordance with the law, the code of professional conduct and other established standards and ethics and in the light of the present Guidelines”

I would further like to refer your Excellency’s Government to the UN Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba) from 27 August to 7 September 1990, and in particular:

- Principle 16 requires Governments to take all appropriate measures to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, and to prevent that lawyers be threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.
- Principle 17 provides that where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.
- Principle 18 provides that lawyers must not be identified with their clients or their clients' causes as a result of discharging their functions.
- Principle 20 establishes that lawyers must enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority.
- Principle 23 provides that lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.
- Principle 27 provides that charges or complaints made against lawyers in their professional capacity shall be processed expeditiously and fairly

under appropriate procedures. Lawyers shall have the right to a fair hearing, including the right to be assisted by a lawyer of their choice.