

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

Ref.: AL U.SA 15/2025
(Please use this reference in your reply)

6 May 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 President, other officials of the executive branch of the U.S. government, and allied members of Congress are targeting judges, lawyers and law firms in an apparent organized effort to interfere in the independence of the U.S. legal and judicial system. In relation to judges, these actions include the labeling, denigration and calls for impeachment of judges who have ruled against the Executive in cases before the federal courts. Concerning law firms, executive officials have made public statements that characterize legal professionals as adversaries and threats, and the President has issued a number of executive orders purporting to ban certain law firms from entering government buildings, obtaining government contracts, stripping firm lawyers' security clearances, and barring the hiring of lawyers from the named firms. Such measures appear to be aimed at directly interfering with the independence of the judiciary and the legal profession, undermining the ability of lawyers to represent their clients and eroding public trust in the judicial system. The targeting of legal professionals solely for performing their role in the justice system poses a significant and direct threat to the integrity and fairness of legal proceedings in the United States and could jeopardize the right to a fair trial.

Concerns regarding U.S. President Donald Trump dismissing and reassigning a considerable number of federal prosecutors and some immigration judges soon after taking office were expressed in a previous communication (AL U.SA 7/2025) to your Excellency's Government on 17 February 2025. As of the date of this communication, no response has been received from your Excellency's Government. 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 U.SA 19/2024) to your Excellency's Government on 24 June 2024.

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 for attacks against judges and lawyers

While still a candidate, the President repeatedly verbally attacked judges and prosecutors. 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 his electoral victory, the President’s 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 and his swearing in as President of the United States.

The President 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, the then-candidate 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.

Since his inauguration, the President has used his prominent position to denigrate, label and threaten numerous judges and prosecutors with removal, and he has continued to attack specific lawyers in press statements and social media posts. For example, on 14 March 2025, in addressing the staff at the Department of Justice, the President referred to specific lawyers as “scum”, labelled judges who haven’t ruled in his favor as corrupt, and vilified particular prosecutors as “deranged”.

Actions to impeach judges

In addition to these verbal and written attacks, the U.S President and other executive branch officials have recently called for the removal of judges solely on the basis of their decisions in cases properly before them. On 18 March 2025, he publicly called for the impeachment of a long-serving federal judge who ordered a temporary halt to the deportation of alleged Venezuelan gang members, labeling the judge a “Radical Left Lunatic of a Judge, a troublemaker and agitator”.¹ President Trump’s close adviser used his social media platform X to demand the impeachment of judges who had ruled against specific

¹ <https://truthsocial.com/@realDonaldTrump/posts/114183576937425149>.

executive actions. At the time of the preparation of this communication, several allied Members of Congress have filed articles of impeachment against a number of federal judges; new articles have been sequentially filed following court rulings that set limits on executive actions.

While the filing of articles of impeachment is only one step in the impeachment process, it is one with great significance. The calls by the Executive, and actions by executive allies in Congress were so unusual that Chief Justice John Roberts released a statement that read in part: “For more than two centuries, it has been established that impeachment is not an appropriate response to disagreement concerning a judicial decision. The normal appellate review process exists for that purpose”.

Attacks against law firms and lawyers

Since his inauguration, the new President has used executive orders to pursue actions that appear aimed at exacting retribution on law firms with links to lawyers and prosecutors whose actions the President does not like.

On 25 February 2025, an executive order entitled “Suspension of Security Clearances and Evaluation of Government Contracts” was issued, which instructs a number of executive agencies and personnel to take action against a specific law firm, a named attorney, and the firm’s other lawyers and employees who assisted a former Special Counsel charged with investigating and prosecuting crimes allegedly committed by the President. The order instructs the Attorney General and other relevant heads of executive agencies to terminate the firm’s lawyers’ and employees’ security clearances pending a review of their roles and responsibilities in support of the former Special Counsel’s work, which is characterized in the order as “the weaponization of the judicial process”. The order also directs the termination of any engagement of the firm by federal agencies and the review of all government contracts with the firm.

On 6 March 2025, executive order 14230 was issued. This order alleges that a specific law firm was responsible for egregious activity related to the 2016 presidential election, including “manufactur[ing] a false ‘dossier’ designed to steal an election” and working with activist donors to “judicially overturn popular, necessary, and democratically enacted election laws, including those requiring voter identification.” The order requires the Attorney General, the Director of National Intelligence, and all other relevant heads of executive departments and agencies to suspend any active security clearances held by individuals at the law firm, pending their review. The order also requires government agencies to terminate any contract with the firm and limits government employees from engaging with the firm’s employees. The order further alleges that the law firm engaged in racial and other illegal discrimination in its execution of a diversity fellowship and other programs, and it tasks the Equal Employment Opportunity Commission Chair to “review the practices of representative large, influential, or industry leading law firms” for compliance with title VII of the Civil Rights Act of 1964, which prohibits employment discrimination. Finally, the order requires that government agencies refrain from hiring employees of the law firm.

On 14 March 2025, the President issued executive order 14237, which begins by asserting, in a section titled “Background”, that “[g]lobal law firms have for years played an outsized role in undermining the judicial process and in the destruction of bedrock American principles.” The order, which targets another named law firm, makes clear that it was adopted in reprisal for two matters: a pro bono suit filed by a firm partner on behalf of the D.C. Attorney General concerning the storming of the Capitol on 6 January 2021, and another former firm attorney’s work on the prosecution of President Trump before his second inauguration. The order also accuses the firm of racial and other illegal discrimination under diversity, equity and inclusion (DEI) policies. It instructs relevant agencies to suspend security clearances held by individuals at the firm pending a review and cease the provision of government goods, property, material and services. Agencies are also instructed to terminate all contracts with the firm, limit firm employees’ access to federal government buildings, limit government employees from engaging with employees of the firm, and refrain from hiring employees of the firm.

On 17 March 2025, the U.S Equal Employment Opportunity Commission (EEOC) sent a letter to 20 law firms requesting extensive information, including identifying personal information about individual lawyers, in connection with the firms’ diversity-related employment practices, alleging that such programs violate title VII of the Civil Rights Act of 1964.

On 22 March 2025, the President published a memorandum, entitled “Preventing Abuses of the Legal System and the Federal Court”, addressed to the Attorney General and the Secretary of Homeland Security. The memo singles out a specific lawyer who it alleges was “deeply involved” in the creation of a “false ‘dossier’ by a foreign national designed to provide a fraudulent basis for Federal law enforcement to investigate a presidential candidate in order to alter the outcome of the presidential election.” The memo also states that “the immigration bar, and powerful Big Law pro bono practices, frequently coach clients to conceal their past or lie about their circumstances when asserting their asylum claims, all in an attempt to circumvent immigration policies enacted to protect our national security and deceive the immigration authorities and courts into granting them undeserved relief.” The memo instructs the Attorney General to sanction those attorneys engaging in what it labels as “frivolous, unreasonable, and vexatious” litigation against the U.S government or its agencies, and requires executive agencies to refer suspected violators for discipline, particularly in cases that implicate national security, homeland security, public safety, or election integrity. The memo also tasks the Attorney General to review conduct by attorneys or their law firms in litigation against the government over the preceding eight years, with the aim of identifying misconduct, frivolous or fraudulent practices, and proposing remedial steps, including reassessment of security clearances held by attorneys or termination of any contract.

On 25 March 2025, executive order 14246, targeting another specific law firm was issued. The order begins, in a section titled “Background”, by asserting that the Executive is “committed to addressing the significant risks associated with

law firms, particularly so-called ‘Big Law’ firms, that engage in conduct detrimental to critical American interests.” The order states that “[m]any firms take actions that threaten public safety and national security, limit constitutional freedoms, degrade the quality of American elections, or undermine bedrock American principles,” and maintains that firms regularly conduct these activities through their “powerful pro bono practices.” The order accuses the specific, named law firm of having “abandoned the profession’s highest ideals, condoned partisan ‘lawfare’, and abused its pro bono practice to engage in activities that undermine justice and the interests of the United States.” Specific examples of the firm’s conduct are given, including engaging in partisan representation to achieve political ends, backing “the obstruction of efforts to prevent illegal aliens from committing horrific crimes and trafficking deadly drugs within our border” and supporting “attacks against women and children based on a refusal to accept the biological reality of sex,” as well as engaging in discrimination against its employees through diversity policies. Additionally, the order focuses on the firm’s rehiring of an attorney who investigated Russian interference into the 2016 U.S election, who is characterized as “unethical”. The order instructs relevant agencies to suspend security clearances held by individuals at the firm pending a review and cease the provision of government goods, property, material and services. Agencies are also instructed to terminate all contracts with the firm, limit firm employees’ access to federal government buildings, limit government employees from engaging with employees of the firm, and refrain from hiring employees of the firm.

On 27 March 2025, executive order 14250 was issued, targeting another well-known U.S law firm. The order repeats the concerns about “Big Law” firms expressed in executive order 14246 and names the specific firm as “yet another law firm that has abandoned the profession’s highest ideals.” The order names specific lawyers who “weaponize the prosecutorial power to upend the democratic process and distort justice,” through actions including working on an official investigation into foreign interference in the 2016 presidential elections. The order instructs relevant agencies to suspend security clearances held by individuals at the firm pending a review and cease the provision of government goods, property, material and services. Agencies are also instructed to terminate all contracts with the firm, limit firm employees’ access to federal government buildings, limit government employees from engaging with employees of the firm, and refrain from hiring employees of the firm.

On 9 April 2025, executive order 14263 was issued, targeting an additional U.S law firm, which the order states has engaged in “egregious conduct”, including “efforts to weaponize the American legal system and degrade the quality of American elections.” The order asserts that the firm “also funds groups that engage in dangerous efforts to undermine the effectiveness of the United States military through the injection of political and radical ideology” and that it engages in unlawful discrimination through the operation of DEI programs to advance diversity in the legal profession. This order, like previous ones, directs the suspension of security clearances, cessation of provision of goods, property, material and services, the termination of contracts, and limitation of access to federal buildings and engagement with or hiring of firm employees.

A memorandum was sent on 9 April 2025 to all U.S Department of Justice employees from the Deputy Attorney General concerning the American Bar Association (ABA). The memo noted that while the DOJ had, in the past, collaborated with the ABA, the organization had recently taken positions that did not align with the Department of Justice. For this reason, and because the ABA had “recently filed a lawsuit against the United States”, DOJ leadership had decided to prohibit the use of public funds to engage with the ABA. The memo instructs all ABA personnel not to, “when acting in their official capacities, speak at, attend, or otherwise participate in events hosted by the ABA”. It also directs policy employees not to hold leadership positions in the ABA, not to speak at ABA events without authorization, and not to renew their existing membership.

In the weeks since the executive orders and memoranda discussed above were issued, a number of the targeted law firms have filed suit, seeking protection of the courts. These suits have challenged the executive actions as violations of, *inter alia*, the constitutional rights to freedom of speech and association, due process, right to counsel, and equal protection. A number of judges have enjoined specific executive actions in response to these filings. The cases are proceeding.

Without prejudging the accuracy of the information received, I wish to express my serious concern about what appears to be an organized, deliberate effort to harass and punish judges, legal professionals, law firms, and associations of lawyers in retaliation for their judicial and legal work. International law and standards protect judicial independence and the independent functioning of the legal profession.

Publicly maligning and vilifying specific judges for unfavorable rulings, characterizing them as acting outside their legal charge, and calling for their impeachment appears to be a direct attack on the independence of the federal judiciary and the judges who constitute the court system. The characterization of many law firms as engaging in conduct detrimental to critical American interests, the singling out of particular law firms for public opprobrium, the denigration of specific lawyers, and the withdrawal of security clearances and access to federal buildings for employees of those firms seems to be a coordinated effort to intimidate the legal profession. Labeling as discriminatory and subjecting to review firms’ past pro bono service, efforts to increase fair entry to the profession, and work to improve access to justice for vulnerable communities, appears to be an effort to punish firms and lawyers for work the Executive finds distasteful. Instructing government lawyers not to engage with the largest voluntary bar association in the world seems to be an attempt to retaliate against the association due to its organizational positions on matters of public importance.

If confirmed, the allegations described would amount to a serious breach of a number of international human rights legal standards. The International Covenant on Civil and Political Rights, which the United States has ratified, protects the right of all persons to a fair trial before an independent and impartial tribunal (art. 14). To ensure this independence, “judges may be dismissed only on serious grounds of misconduct or incompetence” and they must be protected from “any form of political influence in their

decision-making”.² Public excoriation of judges by officials of the executive branch may amount to harassment and could have a direct, intimidating effect. Similarly, the filing of articles of impeachment solely for judicial decisions disfavored by the Executive or legislature may pressure judges by threatening to remove them from the bench.

In a similar vein, the allegations concerning executive actions taken against named lawyers and law firms would violate human rights law if confirmed. The International Covenant on Civil and Political Rights guarantees to those charged with a crime access to a lawyer of their choice (art. 14). Depriving lawyers of security clearances without any process and barring them from federal buildings could deprive individuals of their chosen lawyer by depriving lawyers of their ability to access sensitive documents necessary for effective representation or discussion with opposing counsel. Such actions also appear to punish attorneys solely for their work as lawyers, contravening the Basic Principles on the Role of Lawyers. Article 16 of the Basic Principles specify that “Governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference” and that lawyers “shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics”. Steps taken by a Government to prohibit law firms from ensuring equal access to the profession would appear to contravene the guarantee of equality that is a bedrock guarantee of all international human rights law.

Reprisal against lawyers and bar associations for their positions on matters of public interest would contravene the freedom of expression to which lawyers and members of Bar Associations, like all other persons, are entitled. Without the protection provided by an independent bar association, lawyers are extremely vulnerable to attack and to restrictions on their independence, especially from State authorities. Professional associations of lawyers are also intended to ensure effective and equal access to legal services for all, in accordance with recognized professional standards and ethical principles. The kind of interference with the legal profession described may not only impede the work of the American Bar Association; it may also harm the right of people in the United States of America to be informed of legal and judicial affairs, as well as their right to a fair trial.

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 all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please explain how the aforementioned measures are compatible with international human rights standards, binding on the United States, that relate to ensuring the independence of the judiciary and judicial security

² Human Rights Committee, “General Comment 32: Article 14, Right to equality before courts and tribunals and to fair trial”, UN Doc. CCPR/C/GC/32 (23 Aug. 2007), paras. 19-20.

of tenure, and prohibiting improper interference with judges and in the performance of their professional duties.

2. Please explain how these measures are in line with international human rights standards relating to the legal profession, and its free exercise.
3. Please explain how the decisions to suspend security clearances and bar specific law firms and their employees from entering federal buildings protect the right to a lawyer of one's choice and against discrimination on the basis of political opinion.
4. Please explain how these executive orders, which impose broad sanctions on law firms and mandate reviews of past legal work, serve the interests of justice rather than solely aiming to limit or interfere in the legal system's independence.

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.

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). These principles provide that it is the duty of all governmental and other institutions to respect and observe the independence of the judiciary (principle 1); 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 2); that there shall not be any inappropriate or unwarranted interference with the judicial process (principle 4); and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected (principle 6).

As it relates to 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. With respect to their conditions of service and freedom of expression, the Guidelines provide that prosecutors shall be able to perform their

professional functions without intimidation, hindrance, harassment, improper interference or unjustified exposure to civil, penal or other liability (guideline 4); that like other citizens, prosecutors are entitled to freedom of expression, belief, association and assembly. In particular, the guidelines specify that 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 without suffering professional disadvantage because of their lawful action or their membership in a lawful organization (guideline 8).

With respect to their role in criminal proceedings, the Guidelines on the Role of Prosecutors provide that prosecutors shall perform an active role in criminal proceedings 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 11); and that they 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 15).

With respect to disciplinary proceedings, the Guidelines on the Role of Prosecutors provide that prosecutors shall be subjected to disciplinary offences based on law or lawful regulations; that 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; that prosecutors shall have the right to a fair hearing; and that the decision shall be subject to independent review (guideline 21); and that disciplinary proceedings against prosecutors shall guarantee an objective evaluation and decision, determined in accordance with the law, the code of professional conduct, and other established standards and ethics, and in light of the present Guidelines (guideline 22).

As it relates to lawyers, I 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. With respect to the guarantees for the functioning of lawyers, the Principles require that Governments 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 16); that where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities (principle 17); that lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions (principle 18); and that lawyers shall 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 20).

With respect to their freedom of expression and association, the basic principles on the Role of Lawyers provide that lawyers, like other citizens, shall be 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 23).

With respect to disciplinary proceedings, the Basic Principles on the Role of Lawyers provide that charges or complaints made against lawyers in their professional capacity shall be processed expeditiously and fairly under appropriate procedures; that lawyers shall have the right to a fair hearing, including the right to be assisted by a lawyer of their choice (principle 27); that disciplinary proceedings against lawyers shall be brought before an impartial disciplinary committee established by the legal profession, before an independent statutory authority, or before a court, and shall be subject to an independent judicial review (principle 28); and that all disciplinary proceedings shall be determined in accordance with the code of professional conduct and other recognized standards and ethics of the legal profession and in the light of these principles (principle 29).

Finally, I would like to refer Your Excellency's Government to the report on the independence of judicial systems in the face of contemporary challenges to democracy, which was presented by this mandate before the Human Rights Council in June 2024 (A/HRC/56/62). In particular, I wish to highlight paragraph 3 and 4: "Justice systems promote and protect a fundamental principle that undergirds participatory governance: the rule of law. This principle insists, *inter alia*, that all people, even State actors, are subject to the same laws, applied fairly and consistently. In general, the realization of the rule of law involves dividing State power into distinct branches, with the judiciary serving to ensure that executive and legislative actions do not exceed the limits of the constitution and law. To carry out such work effectively, justice systems must be independent of political control. At times, politicians have contested the importance of independent judicial checks on their power, arguing that judicial institutions undermine the will of "the people". The Special Rapporteur observes that constraints on elected power ensure that officials act within the law and remain answerable to the people once they are elected. Such constraints are also necessary for the fundamental rights and diverse interests of everyone living in a State, including marginalized people and communities who may otherwise be overlooked, excluded or persecuted by the majority. Those constraints also protect civil society organizations and minority political parties that are critical of the government. By upholding the rights of all, independent judiciaries, along with other institutions of democracy, ensure that a plurality of perspectives are given voice in society, that governments are accountable and responsive to everyone and that the dignity of individuals is preserved against the might of the State."