

15 February 2025

LAWASIA STATEMENT OF CONCERN ON THE SANCTION OF THE INTERNATIONAL CRIMINAL COURT BY THE UNITED STATES OF AMERICA

LAWASIA expresses its concerns about sanctions imposed on the International Criminal Court (ICC) by the United States of America by Executive Order on 6 February 2025.¹ The Executive Order imposing sanctions is broad and punitive, and calls on its allies to reject the jurisdiction of the ICC and to breach their responsibilities under international law. The order represents a direct and damaging assault on the rule of law.

The Executive Order rejects the jurisdiction of the ICC on the United States and the State of Israel and states that the United States will “impose tangible and significant consequences on those responsible for the ICC’s transgressions, some of which may include the blocking of property and assets, as well as the suspension of entry into the United States of ICC officials, employees, and agents, as well as their immediate family members, as their entry into [the] Nation would be detrimental to the interests of the United States”.

The United States previously imposed similar sanctions on the ICC on 11 June 2020.² Those sanctions were also unequivocally condemned by member states of the ICC³ and international legal organisations supporting the rule of law.⁴

Member States of the Rome Statute have issued a statement criticizing the 2025 Executive Order.⁵ The statement notes that:

“Such measures increase the risk of impunity for the most serious crimes and threaten to erode the international rule of law, which is crucial for promoting global order and security. Moreover, sanctions could jeopardize the confidentiality of sensitive information and the safety of those involved—including victims, witnesses, and Court officials, many of whom are our nationals.”⁶

The International Bar Association has also denounced the sanctions and has called on all states to do the same and respect the judicial independence of the Court.⁷

LAWASIA notes that the ICC has been carrying out its mandate under the Rome Statute 1998.⁸ The ICC is an integral part of the international justice system because it seeks to deal with and prevent crimes against humanity and holds persons responsible accountable for their actions. There are 125 members of the Statute of Rome. The United States of America is not a member of the Rome Statute and rejects the jurisdiction of the ICC.

¹ <https://www.whitehouse.gov/presidential-actions/2025/02/imposing-sanctions-on-the-international-criminal-court/>

² <https://www.ibanet.org/article/91b435ac-2ab3-4dad-b8b2-2f6c18d8aecd>

³ <https://onu.delegfrance.org/We-remain-committed-to-an-international-rules-based-order>

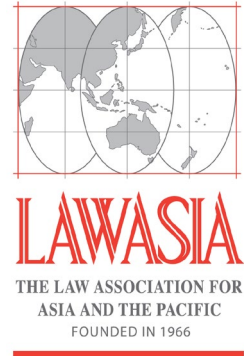
⁴ <https://www.ibanet.org/article/91b435ac-2ab3-4dad-b8b2-2f6c18d8aecd>

⁵ https://www.international.gc.ca/world-monde/international_relations-relations_internationales/icc-cpi/2020-06-23_icc-cpi.aspx?lang=eng

⁶ <https://un.mfa.ee/joint-statement-in-support-of-the-international-criminal-court-icc>

⁷ <https://mailchi.mp/int-bar/us-sanctions-against-the-international-criminal-court-are-denounced-by-the-iba>

⁸ <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>



It is one matter to reject the jurisdiction of the ICC, but it is an entirely different matter to attack and impose sanctions on members of the ICC and their families for carrying out their lawful duties in accordance with generally accepted international law. Such action gives succour to those who seek to avoid responsibility for crimes against humanity and thus undermines the work done by the international community to prevent such atrocities from occurring again.

LAWASIA also notes the statement of the UN Special Rapporteur on the independence of judges and lawyers, who has condemned the sanctions as a direct assault to the international justice system and called upon the 125 member states of the ICC to take concrete steps to oppose the same.⁹

The ICC has itself condemned the sanctions imposed on it and has stated that it stands firmly by its personnel and pledges to continue providing justice and hope to millions of innocent victims of atrocities across the world, in all situations before it.¹⁰

LAWASIA expresses deep concern that such a sanction will seriously weaken the international rule of law, jeopardize the safety of victims and witnesses in ongoing investigations and ICC personnel, and deter cooperation. This Executive Order not only obstructs the investigations of the ICC, but also undermines the commitment of the United States of America and the State of Israel to adhere to international human rights law and international humanitarian law.

LAWASIA joins the international law community in supporting the role of the ICC and requesting the reconsideration of this Executive Order. It also calls on all member States of the ICC, all Bar Associations of Member States and all Bar Associations in the Asia Pacific region to similarly condemn the Executive Order.

LAWASIA urges the United States of America to respect the judicial independence of the ICC and reaffirm its obligations to international human rights, international humanitarian law and the international rule of law.

A handwritten signature in blue ink, which appears to read 'Shyam Divan', is positioned above the typed name.

Shyam Divan

President

LAWASIA, The Law Association for Asia and The Pacific

⁹ <https://www.aa.com.tr/en/americas/un-special-rapporteur-slams-trumps-sanctions-on-icc-as-direct-attack-on-international-justice/3482644>

¹⁰ <https://www.icc-cpi.int/news/icc-condemns-issuance-us-executive-order-seeking-impose-sanctions-court>