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LAWASIA RENEWS CONCERN OVER SANCTIONS BY THE UNITED STATES ON MEMBERS OF THE INTERNATIONAL CRIMINAL COURT

LAWASIA expresses its concerns about sanctions imposed by the United States on 18 August 2026 against Tomoko Akane, president of the International Criminal Court (ICC), and Abdoulaye Seye, a senior trial lawyer within the ICC's Office of the Prosecutor.

United States President Donald Trump asserted in his 6 February 2025 Executive Order that the ICC had engaged in illegitimate and baseless actions targeting the United States and Israel and that its actions threatened United States sovereignty and national security. On 18 August 2026, Secretary of State Marco Rubio denounced the ICC for abusing its authority and exceeding its mandate.

Sanctions were previously imposed on ICC officials by the United States in 2020 and February 2025. On 15 February 2025, LAWASIA issued a statement of concern about the 2025 sanctions noting that the Executive Order called on United States allies to reject the jurisdiction of the ICC and to breach their responsibilities under international law, and describing the measures as "a direct and damaging assault on the rule of law".

LAWASIA acknowledges that there is ongoing legal and political controversy concerning the extent of the ICC's jurisdiction over nationals of States that are not parties to the Rome Statute, including circumstances where the alleged conduct is said to have occurred within the territory of a State Party. For its part, the ICC considers that, under Article 12(2)(a) of the Rome Statute, it may exercise jurisdiction over alleged crimes within the jurisdiction of the Court where the alleged conduct occurred on the territory of a State Party, irrespective of the nationality of the alleged perpetrator, and LAWASIA has previously asserted that jurisdictional hurdles may be overcome by the principle of universal jurisdiction. Following the State of Palestine's accession to the Rome Statute in 2015, the ICC has determined that its territorial jurisdiction in the Situation in the State of Palestine extends to Gaza and the West Bank, including East Jerusalem. Regardless of which position is adopted, the central issues are whether sanctions are warranted and whether the imposition of sanctions serves to undermine the rule of law.

LAWASIA notes that the ICC has labelled the sanctions as "a flagrant attack against the independence of an impartial judicial institution". Criticisms have also been raised by a spokesperson for the United Nations Secretary-General, a number of member states of the European Union, Human Rights Watch and Amnesty International.

On 19 August 2026, International Bar Association President Claudio Visco condemned the imposition of these sanctions in the following terms:

"The ICC is the court of last resort for victims of atrocity crimes. The US' continued, unilateral, coercive measures against the ICC threaten the Court's ability to fulfil its mandate

for these victims who deserve justice for the grave harms they have suffered. The ICC is a critical component of the international rules-based order, and its States Parties must take concrete actions to defend the Court and its officials.”

In its 15 February 2025 statement, LAWASIA observed:

“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 succor 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 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.”

In light of these latest sanctions against ICC officials, LAWASIA reiterates its deep concern that such measures will seriously weaken the international rule of law, jeopardize the safety of victims and witnesses in ongoing investigations as well as ICC personnel, and deter cooperation.



TL Yap

President

LAWASIA, The Law Association for Asia and The Pacific