



**Commonwealth
Lawyers Association**

Statement concerning US Sanctions Against the International Criminal Court (ICC)

The Commonwealth Lawyers Association (“CLA”) notes with grave concern the Executive Order of US President Donald Trump entitled “Imposing Sanctions on the International Criminal Court” dated 6th February 2025 (“the Executive Order”).

The CLA agrees with the UN Special Rapporteur on the independence of judges and lawyers, Margaret Satterthwaite, that the Executive Order is “a direct attack on the international justice system”.

The CLA notes the first principle of the UN Basic Principles on the Independence of the Judiciary, which states:

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.

Commonwealth members, who account for approximately one third of the world’s population, have adopted as part of their core values the Commonwealth (Latimer House) Principles on the Three Branches of Government. Principle IV states:

An independent, impartial, honest and competent judiciary is integral to upholding the rule of law, engendering public confidence and dispensing justice.

The International Criminal Court (“ICC”) is not immune from criticism or scrutiny on the discharge of its functions. It is required to adhere to well-established principles and stringent standards under international law. It must be apolitical, and it further cannot be perceived as partisan or biased in favour of anyone or any interest. It must be, and must be seen to be, independent and neutral.

Against this recognition of the importance of the independence of the judiciary and the justice system, the Executive Order directly interferes with the ICC’s independence and shows the inclination to punish an institution that aims to ensure the individuals most responsible for committing atrocities cannot escape justice.

The Executive Order is unequivocally intended to intimidate the ICC as an organisation, and those who work for it. It also refers to sanctioning people who cooperate with the ICC in its investigations. This has wide-reaching implications and will embolden those who may have committed crimes under international law to continue acting with impunity.

Interference with an international justice organisation is evidence of autocratic conduct, which profoundly erodes and undermines the rule of law. If left unchecked, this will encourage other autocratic leaders to also disregard essential principles. Such a trend would, in many countries, incalculably jeopardise the fundamental rights of citizens.

The CLA condemns the Executive Order and asserts that no one responsible for crimes under international law should be protected or aided in their attempts to escape individual or collective accountability.

UN Special Rapporteur Satterthwaite also stated that:

the ICC is a court that was set up in order to once again try to found the primacy of law over conflict, over violence, and it's a court that is set up to look at the very most grave crimes under international law. So sanctioning this entity and its principal officers is a direct attack on that rule of law institution and on the effort to end impunity for these very grave crimes.

The CLA joins her call for States to say:

... this is unacceptable. This is beyond the pale. We will not sit by while you attack an important court of the international rule of law.

Commonwealth Lawyers Association (CLA)

20th February 2025

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