

Statement Denouncing Actions Harming the Independence and Impartiality of the International Criminal Court and Calling for the Rule of Law to be Upheld

1. The International Criminal Court (ICC) is the world's first permanent international criminal tribunal. Its mission is to prosecute and punish individuals accused of the gravest crimes of concern to the international community, namely genocide, crimes against humanity, war crimes, and the crime of aggression, pursuant to international law. The ICC was established in The Hague, Netherlands, following the adoption of the Rome Statute of the International Criminal Court (hereinafter, the "Rome Statute") on July 17, 1998 at an international diplomatic conference convened in Rome by the United Nations General Assembly. As of April 2025, 125 nations are parties to the Rome Statute.

Japan became a party to the Rome Statute in October of 2007, and since its accession to the ICC, Japan has contributed in various ways, sending significant numbers of personnel, including judges, collaborating in the acquisition and development of human resources, and remaining actively involved in its operations, including trials. More specifically, Japan is the largest contributor to the ICC's budget, providing approximately 15% of all financial contributions as of 2024. Moreover, Japan has sent three judges to the ICC to date, and the current President of the ICC, Judge Tomoko Akane, is Japanese.

2. Recent years have seen striking efforts by State actors to undermine the ICC's independence and impartiality.

In March of 2023, the ICC issued arrest warrants against Russian President Vladimir Putin and Russia's Commissioner for Children's Rights on the basis that the transfers of large numbers of children from occupied areas of Ukraine to

Russia constituted war crimes under international law. The Russian government then retaliated by placing ICC officials, including Chief Prosecutor Karim Khan and Judge Akane, on its wanted list.

Then, on November 21, 2024, the ICC issued arrest warrants against Israeli President Benjamin Netanyahu and another individual for war crimes and crimes against humanity, alleging the use of starvation against civilians, among other crimes, in connection with the war in Gaza and Palestine. On February 6, 2025, U.S. President Donald Trump responded by signing an executive order targeting persons with connections to the ICC for sanctions including freezing assets, barring entry to the United States, and prohibiting others from contributing or receiving funds from such persons. At the same time, the U.S. imposed designated Chief Prosecutor Khan as a target for sanctions.

3. Such sanctions against ICC personnel and related individuals constitute illegitimate interference with the independence of a judicial institution established pursuant to international law, and represent a significant threat to the continued existence of the ICC. Furthermore, they represent barriers to the punishment of genocide and other most serious international crimes as well as the protection of the victims of these crimes, and run the risk of substantially impairing the ongoing peace and security of the international community.

Judge Akane condemned these actions by President Trump in a Statement released February 7, 2025, stating in part: “I note with deep regret the issuance by the United States of an Executive Order seeking to impose sanctions on the officials of the International Criminal Court (ICC, Court), harm the Court’s independence and its impartiality ... We firmly reject any attempt ... to politicise our judicial function.” On the same day, 79 of the States which are parties to the Rome Statute released a Joint Statement criticizing the actions of the U.S.

President, stating that “[s]uch 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.” Despite this, Judge Akane’s home country of Japan has not endorsed this Joint Statement.

Japan has cited the strengthening of the rule of law across the international community as one of the central pillars of its foreign policy, and made substantial contributions of both human and financial resources in support of the ICC. Japan’s lack of participation in the Joint Statement criticizing President Trump’s executive order cannot be ignored, as it is incongruous with Japan’s fundamental posture of emphasizing the importance of the rule of law in the international community.

4. As an association of legal professionals whose mission, like that of the ICC, is to protect basic human rights and promote social justice, the Sapporo Bar Association strongly supports the independence of the ICC and its role in promoting the international rule of law, and simultaneously denounces improper attempts to interfere, obstruct, and otherwise put pressure on the ICC and persons connected to it, which harm the independence and impartiality of that judicial body and threaten to erode the international rule of law.

Furthermore, the Constitution of Japan pronounces our national commitment to international collaboration in its preamble, and imposes the obligation to faithfully observe our treaties in Article 98, Paragraph 2. Therefore, Japan has the duty as a party to the Rome Statute to work actively within the international community to maintain the independence and impartiality of the ICC’s officials, as guaranteed under the Rome Statute.

Accordingly, the Sapporo Bar Association calls upon the Government of Japan

to declare a stance which clearly opposes any actions or sanctions that harm the independence and impartiality of the ICC. We further exhort our government, in the face of this existential threat to the ICC, to provide expanded support for the purpose of strengthening the ICC, in the form of both personnel and material contributions.

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Sapporo Bar Association

President Yosuke Kishida