

Ending Impunity for Atrocity Crimes Requires Action: Words are not enough

All States Parties to the Rome Statute must cooperate fully with the International Criminal Court

Written Statement by Lawyers' Rights Watch Canada (LRWC) to the 24th Assembly of States Parties of the *Rome Statute of the International Criminal Court*, 1-6 December 2025

All States Parties to the *Rome Statute of International Criminal Court* (Rome Statute) are legally obligated to cooperate fully with the Court in its investigation and prosecution of crimes within the jurisdiction of the Court.¹ Full cooperation necessarily entails effective legal, political, and diplomatic action to ensure protection of the Court's independence and impartiality from intimidation, threats, cyberattacks,² sanctions, and other coercive measures.

The current pattern of threats, sanctions, and coercive measures against the ICC, its officials, and those who cooperate with it, comprises an unprecedented threat to the international rule of law. It is incumbent on all States Parties to the Rome Statute to join together to firmly uphold the independence, impartiality, and integrity of the ICC.

LRWC condemns the unlawful sanctions arbitrarily and selectively imposed by the United States (US) since 7 February 2025³ against the ICC Prosecutor, ICC Deputy Prosecutors, ICC judges, the United Nations (UN) Human Rights Council's Special Rapporteur on situation of human rights in the Occupied Palestinian Territories, and three leading Palestinian non-governmental organizations (NGOs). These sanctions have been imposed without any lawful purpose or due process.⁴ The sanctions are unlawful reprisals for the Court's investigations in the Situations in Afghanistan and the State of Palestine. The US is reportedly considering further unlawful sanctions.⁵ LRWC also condemns Russia's spurious prosecutions and arrest warrants against current or former elected ICC officials, which are unlawful reprisals against the Court's investigation in the Situation of Ukraine.⁶

These attacks appear to be aimed at selectively securing impunity from legal accountability for certain persons suspected to have perpetrated "unimaginable atrocities that deeply shock the conscience of humanity."⁷ The attacks threaten to deny the remedies required by law to millions of victims of "the most serious crimes of international concern," including war crimes, crimes against humanity, and genocide.⁸

The above-quoted words from the Preamble of the Rome Statute must not be rehearsed merely as familiar platitudes. To the millions of victims of Rome Statute crimes, the atrocities are not "unimaginable." They are horrific realities. Those who plead for an end to appalling suffering also call for all perpetrators to be brought to justice.

By ratifying the Rome Statute, the States Parties affirm the importance of the Court's mandate and its work to ensure impartial prosecutions, accountability, and reparative

remedies when national courts are unwilling or unable to exercise jurisdiction. Formal ratification of the Rome Statute is not enough. To end impunity for the atrocity crimes set out in the Rome Statute, States Parties must take action to ensure implementation and enforcement of its provisions.

The US sanctions, and the threat of further sanctions and reprisals, create a chilling climate for States Parties, civil society, and victims who seek to cooperate with the ICC. The work of civil society in supporting the work of the Court is crucial.⁹ Without secure and enabling environments for civil society, including lawyers, human rights defenders, and researchers in affected countries, documentation and evidence gathering for transmission to the Court is impossible. Silencing of civil society organizations that cooperate with the Court effectively silences victims of atrocity crimes seeking to have their voices heard and their right to justice and remedies fulfilled by the ICC.

LRWC regrets that many States Parties have provided only general words of support for the Rome Statute, Assembly of States Parties (ASP) resolutions, the ICC, and those who cooperate with the Court. Words are not enough. States Parties fail in their duty to cooperate fully with the Court when they fail to take effective action to prevent harms to the ICC, its judges, prosecutors, staff, and NGOs who suffer severe harms¹⁰ due to unlawful sanctions imposed to punish them for exercising their lawfully mandated duties. Several States Parties have fostered impunity for atrocity crimes by obstructing the Court's work through failures or refusals to implement ICC arrest warrants.¹¹

The sanctions against ICC judges, prosecutors, and staff violate Article 70 of the Rome Statute.¹² Sanctions against UN Human Rights Council Special Procedures mandate holders constitute violations of the *Convention on the Privileges and Immunities of the United Nations*.¹³ The sanctions also violate the *Universal Declaration of Human Rights*¹⁴ and the *International Covenant on Civil and Political Rights*¹⁵ by denying rights to freedom of expression, association, assembly, and due process. The sanctions create a chilling climate for lawyers and human rights defenders cooperating with the UN Human Rights Council's Special Procedures and the ICC who investigate and document Rome Statute crimes in many countries.

The threats and attacks also violate international human rights standards, including the UN *Basic Principles on the Independence of the Judiciary*,¹⁶ the UN *Guidelines on the Role of Prosecutors*,¹⁷ the UN *Basic Principles on the Role of Lawyers*,¹⁸ and the UN Declaration on Human Rights Defenders.¹⁹ All States are required to ensure that judges, prosecutors, lawyers, and human rights defenders are able to perform their legitimate functions without interference, intimidation, hindrance, or harassment.

LRWC calls on all States Parties to the Rome Statute to:

- Ensure full cooperation with the ICC in its investigation and prosecution of crimes within the jurisdiction of the Court, in accordance with Article 86 of the Rome Statute,;
- Comply with all rulings and requests of the Court, including prompt implementation of ICC arrest warrants;
- Take firm and unequivocal political and diplomatic stands, and put in place effective legal measures against intimidation, threats, attacks, or reprisals directed at ICC officials, or persons or entities cooperating with the Court, and, in particular, to denounce Russia's unlawful prosecutions of ICC personnel and the US sanctions against ICC judges,

prosecutors or other personnel, and those cooperating with the court, including UN Special Procedures mandate holders and human rights defenders;

- Refuse to cooperate in any implementation of the sanctions made pursuant to the US President's Executive Order 14203 or any other similar Executive Orders or laws, and make urgent, firm commitments to adopt and implement laws at national and regional levels to block the effects of these sanctions on the ICC, its personnel, or those cooperating with the Court;²⁰
- Urge the US to rescind Executive Order 14203 and to uphold all multilateral obligations under international human rights law and standards, including rights to freedom of expression, association, assembly, and due process;
- Ratify and implement the Agreement on Privileges and Immunities of the ICC;²¹
- Enact and implement laws and policies that protect human rights defenders;²²
- Ensure full and timely payment of financial contributions to the Court; and
- Promote and ensure human rights education and training²³ to ensure universal understanding of fundamental human rights and the crucial role of the ICC in upholding the international rule of law.

About Lawyers' Rights Watch Canada

Lawyers' Rights Watch Canada (LRWC) is a Canadian organization of lawyers and other human rights defenders who promote the implementation of international law and standards for protection of the independence and security of lawyers and other human rights defenders worldwide. LRWC has held special consultative status at the UN Economic and Social Council (ECOSOC) since 2005. LRWC is a member of the Coalition for the International Criminal Court (CICC). Contact: lrwc@lrwc.org.

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