

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

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14 October 2026

Right Hon. Mark Carney, Prime Minister
Hon. Sean Fraser, Attorney General and Minister of Justice
Hon. Anita Anand, Minister of Foreign Affairs
Government of Canada
House of Commons
Ottawa ON, K1A 0A6
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Re: Urgent, concrete action needed to protect the International Criminal Court (ICC): Implement Canada's blocking legislation against US sanctions imposed on the Court

Dear Prime Minister, Attorney General, and Minister,

We write on behalf of Lawyers' Rights Watch Canada (LRWC) to follow up our statements of 22 August 2025¹ and 28 August 2025,² and our letter of 10 September 2025 to Mr. Fraser and Ms. Anand³ concerning threats and sanctions against the International Criminal Court (ICC) by the United States (US) administration issued on 9 October 2026 pursuant to President Donald J. Trump's Executive Order 14203 of 7 February 2025.⁴

LRWC has participated in international advocacy for protection of the ICC, its officials, and those cooperating with the court, including recommendations⁵ that the European Union (EU) implement its Extraterritoriality (Blocking Statute)⁶ and that Canada⁷ implement its *Foreign Extraterritorial Measures Act*⁸ to halt the unlawful extraterritorial effects of the US sanctions. We note that in January 2026, the Canadian Bar Association also advocated implementation of Canada's blocking legislation.⁹

LRWC unequivocally condemns the latest escalation of unlawful US sanctions aimed at cutting off the ICC from all US-based financial, technical, and other services, setting a six-month deadline for US companies and individuals to terminate their business with the Court. The newest sanctions add to those already imposed on 14 ICC judges, prosecutors and senior staff, as well as an independent expert appointed by the United Nations (UN) Human Rights Council, and several non-governmental organizations (NGOs) that cooperate with the Court. Canadian ICC Judge Kimberly Prost is included among those who have been sanctioned without due process, for merely performing their mandated work. These actions aimed at dismantling the ICC are an attack on international human rights law and the rule of law.

While the US is not a party to the *Rome Statute of the ICC* (Rome Statute),¹⁰ the current US administration has taken measures aimed at dismantling the ICC "brick by brick"¹¹ through unlawful extraterritorial sanctions and visa restrictions, as well as pressures on States Parties to withdraw from the Rome Statute.

The ICC President Judge Tomoko Akane calls the sanctions “an attempt to obstruct the course of justice and to prevent the Court from doing what it was created to do. It is an assault on the rule of law and on the very foundations of the international legal order which strikes at the simple principle that no one stands above the law.” Judge Akane further stated:

Seeking to obstruct a court of law from fulfilling its judicial mandate is unacceptable. It is an attack on sovereign States that have created the Court. It is an attack on the international legal order more broadly. It is an attack on the victims of mass atrocities who have waited years, sometimes decades, for those responsible to be held to account. Every measure taken against the Court is ultimately felt by those victims.¹²

LRWC welcomes the joint statement of 9 October 2026 by the Foreign Ministers of Canada, Denmark, Germany, France, Italy, Japan, the Netherlands, and the UK, which reaffirms “continued and unwavering support for the independence, impartiality, and integrity of the ICC.” We note with concern, that while it expresses regret and strong disagreement with the US sanctions,¹³ the statement indicates a commitment to engage in “constructive and inclusive dialogue with non-States Parties.” The joint statement proposes no other measures.

While diplomacy is essential to persuade the US to withdraw its attacks against the Court, concrete measures to protect the Court and those who are sanctioned must be implemented immediately. The sanctions against the Court are now in operation. The US “general licence,”¹⁴ which allows a six-month period to wind down contracts and other activities with the Court, “does not authorize any transactions otherwise prohibited” by the US sanctions regulations. Therefore, the latest sanctions must not be considered as an opportunity to delay taking strong measures to curtail the existing effects of the sanctions.

The stated aim of the US campaign against the Court is to shield US nationals and allies from ICC investigation and prosecution, falsely claiming that the ICC overrides US laws. In December 2025, the US administration reportedly threatened institutional sanctions against the ICC unless the Rome Statute was amended to give immunity to President Trump and other senior US officials.¹⁵

It is well established that any State may prosecute individuals for crimes committed in their territories. In law and in practice, the ICC cannot and does not investigate or try any individuals unless they commit atrocity crimes that have taken place within the territory of a State Party. Also, the ICC is a court of last resort, and does not replace national jurisdictions; the ICC investigates only in cases where national courts with relevant jurisdiction are unable or unwilling to hold perpetrators of international atrocity crimes to account in impartial courts. The US actions aimed at dismantling the ICC are an attack on well-established international human rights law, the rule of law, and the sovereign right of every State to be a Party to the Rome Statute if they choose.

We urge Canada to be steadfast in continuing its unequivocal commitment to the current provisions of the Rome Statute, including jurisdiction over all atrocity crimes committed within the territories of States Parties, regardless of the identity or nationality of the alleged perpetrators.

LRWC strongly urges the Canadian government to act unequivocally and with utmost urgency to issue an order pursuant to the *Foreign Extraterritorial Measures Act*¹⁶ to ensure that no Canadian

corporation, entity, or person may implement the provisions of US President Trump's Executive Order 14203 against the ICC, its judges, prosecutors, officials, or those cooperating with the Court.

Contemplation of further delay in applying Canada's blocking statute would be unconscionable given the already existing and severe harmful impacts on the Court, and are tantamount to "civil death" for judges, court officials, human rights lawyers and defenders being unlawfully punished without due process merely for their work fulfilling their lawful mandates and upholding international law. The existing US sanctions on named individuals and NGOs have created severe challenges in their ability to conduct banking, airline and hotel reservations, and other day-to-day transactions with corporations that do business in the US. There is documented precautionary "overcompliance" by some corporations that fear reprisals if they provide services to persons under US sanctions.¹⁷ A number of nonprofit organizations, scholars, and human rights organizations, particularly those in the United States, have been constrained in their collaboration with the ICC for fear of exposure to civil or criminal liability for "providing services" to a person or entity designated under the sanctions.

LRWC will continue to monitor closely all attacks against the ICC, and those cooperating with the Court. We request an urgent meeting with you to discuss these matters and look forward to your immediate response.

Sincerely,

[signed]

Joey Doyle
Co-Chair, Lawyers' Rights Watch Canada

[signed]

Heather Neun
Co-Chair, Lawyers' Rights Watch Canada

[signed]

Catherine Morris
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References

¹ LRWC, “United States sanctions: Threat to independence of the International Criminal Court and Special Procedures of the UN Human Rights Council.” Statement, 22 August, <https://www.lrwc.org/us-sanctions-icc-and-special-procedures-unhrc/>.

² LRWC, “Canada must break its silence about US threats against the International Criminal Court,” Statement 28 August 2025, <https://www.lrwc.org/canada-must-break-its-silence-about-us-threats-against-icc/>.

³ LRWC, Letter to the Attorney General and Minister of Foreign Affairs, dated 10 September 2025, https://www.lrwc.org/wp-content/uploads/2026/10/Canada.US_Sanctions.ICC_UNHRC_Letter.10Sept2025.F.WEB.pdf

⁴ President of the United States, “Imposing Sanctions on the International Criminal Court,” US Executive Order 14203, 7 February 2025, <https://www.federalregister.gov/documents/2025/02/12/2025-02612/imposing-sanctions-on-the-international-criminal-court>; US Secretary of State Marco Rubio, “Imposing Sanctions in Response to the ICC’s Illegitimate Actions Targeting the United States and Israel,” 5 June 2025, <https://www.state.gov/releases/2025/06/imposing-sanctions-in-response-to-the-iccs-illegitimate-actions-targeting-the-united-states-and-israel/>; US Secretary of State Marco Rubio, “Sanctioning Lawfare that Targets U.S. and Israeli Persons,” 9 July 2025, <https://www.state.gov/releases/office-of-the-spokesperson/2025/07/sanctioning-lawfare-that-targets-u-s-and-israeli-persons>; US Secretary of State Marco Rubio, Imposing Further Sanctions in Response to the ICC’s Ongoing Threat to Americans and Israelis, 20 August 2025, <https://www.state.gov/releases/office-of-the-spokesperson/2025/08/imposing-further-sanctions-in-response-to-the-iccs-ongoing-threat-to-americans-and-israelis-2>.

⁵ LRWC, “All States Parties to the Rome Statute must cooperate fully with the International Criminal Court,” Oral statement to the Assembly of States Parties to the Rome Statute of the International Criminal Court, 4 December 2025, <https://www.lrwc.org/all-states-parties-to-the-rome-statute-must-cooperate-fully-with-the-international-criminal-court-oral-statement-to-the-assembly-of-states-parties-to-the-rome-statute-of-the-international-criminal-c/>, based on a written statement entitled “Ending Impunity for Atrocity Crimes Requires Action: Words are not enough,” 4 December 2025, <https://www.lrwc.org/ending-impunity-for-atrocity-crimes-requires-action-words-are-not-enough-written-statement-by-lrwc-to-the-24th-assembly-of-states-parties-of-the-rome-statute-of-the-icc/>.

⁶ European Union, Council Regulation (EC) No 2271/96 of 22 November 1996 [protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom](https://finance.ec.europa.eu/eu-and-world/open-strategic-autonomy/extraterritoriality-blocking-statute_en) (OJ L 309 29.11.1996, p. 1), https://finance.ec.europa.eu/eu-and-world/open-strategic-autonomy/extraterritoriality-blocking-statute_en.

⁷ LRWC, Letter, 10 September 2025, see note 3.

⁸ *Foreign Extraterritorial Measures Act* (R.S.C., 1985, c. F-29), <https://laws-lois.justice.gc.ca/eng/acts/f-29/>.

⁹ Canadian Bar Association, “Foreign Extraterritorial Measures Act in Response to U.S. ICC Sanctions, Letter to the Minister of Justice and Attorney General, and the Minister of Foreign Affairs, January 30, 2026, <https://cba.org/Our-Impact/Submissions/Foreign-Extraterritorial-Measures-Act-in-Response-to-U-S-ICC-Sanctions>.

¹⁰ Rome Statute of the International Criminal Court, opened for signature July 17, 1998, 2187 U.N.T.S. 3 (or 2187 U.N.T.S. 90, entered into force July 1, 2002, <https://www.icc-cpi.int/publications/core-legal-texts/rome-statute-international-criminal-court>.

¹¹ UN Secretary of State Marco Rubio, “Why We’re Dismantling the ICC,” July 14, 2026, <https://usunrome.usmission.gov/why-were-dismantling-the-icc/>.

¹² ICC President Tomoko Akane, ICC rejects US sanctions against the institution, Oral statement, 9 October 2026, <https://www.icc-cpi.int/news/icc-strongly-rejects-us-sanctions-against-institution>

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¹⁴ US Office of Foreign Assets Control, "International Criminal Court-Related Sanctions Regulations, 31 CFR part 528, General License No. 13 Authorizing Certain Transactions Involving the International Criminal Court <https://ofac.treasury.gov/media/937186/download?inline>.

¹⁵ Humeyra Pamuk, “US threatens new ICC sanctions unless court pledges not to prosecute Trump,” Reuters, 10 December 2025, <https://www.reuters.com/world/us/us-threatens-new-icc-sanctions-unless-court-pledges-not-prosecute-trump-2025-12-10/>.

¹⁶ *Foreign Extraterritorial Measures Act* (R.S.C., 1985, c. F-29), <https://laws-lois.justice.gc.ca/eng/acts/f-29/>.

¹⁷ CICC, *Criminalising Accountability: The US lawfare against the international justice system*, April 2026, <https://coalitionfortheicc.org/news/cicc-launches-criminalising-accountability-report>