

CCBE Statement in support of the International Criminal Court in response to sanctions imposed by the US administration

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The Council of Bars and Law Societies of Europe (CCBE) represents the Bars and Law Societies of 45 countries, and through them more than 1 million European lawyers.

1. The independence of courts and tribunals is a cornerstone of the rule of law

The CCBE considers the independence of courts and tribunals to be a cornerstone of the rule of law and a prerequisite for the effective administration of justice. Against this background, the independence and impartiality of the International Criminal Court (ICC) constitutes a foundational principle of the international justice system. The Court's ability to exercise its judicial functions free from any form of undue influence, interference, or coercion is fundamental to the integrity of the Rome Statute system and to the broader international commitment to justice and accountability. Safeguarding this independence remains a shared responsibility of all States Parties and stakeholders committed to the rule of law.

2. The adoption of restrictive measures targeting the ICC

Since the adoption of Executive Order 14203 “Imposing Sanctions on the International Criminal Court” in early 2025 a series of sanctions have been imposed against several members of the ICC. Among others, these sanctions have included restrictions on access to essential digital communication and collaboration tools. As a result, the ICC was required to transition from commercial US based services to an alternative European software solution. The CCBE further notes recent statements by the United States Government, including the announcement of a campaign aimed at what was described as ‘dismantling’ the ICC and limiting its ability to operate in matters involving United States personnel and officials.

3. The impact of sanctions adopted

Designated judges are subject to asset freezes and are banned from entering the United States territory, a ban that also extends to their family members. These measures have also resulted in

service providers, particularly financial and digital service providers, which are in principle subject to US law, restricting the designated individuals' access to their services.

This dynamic creates a climate of legal uncertainty and puts indirect pressure on judges, lawyers and other legal professionals, who may be deterred from fully participating in the work of the ICC.

The predominant position held by key US economic operators in many areas of the service sector amplifies the scope and impact of these measures. Beyond the chilling effect that these sanctions may have on the rest of civil society, their implementation is not limited to US operators. It has been extended to include European actors that, without being obliged to do so, have adopted a stance of overcompliance.

The need to ensure that EU operators act in accordance with Union law, rather than automatically giving effect to unilateral third-country restrictive measures, is also reflected in the case law of the Court of Justice of the European Union. In its judgment of June 2026 in Case C-81/24, Jenec, the Court held that the inclusion of a person on a third-country sanctions list does not, in itself, justify the automatic refusal by an EU bank to open a basic payment account where such refusal would be contrary to obligations arising under Union law. This judgment underlines the importance of ensuring that economic operators established within the Union assess their legal obligations under EU law independently and do not engage in unjustified overcompliance with third-country sanctions.

4. Threat to the independence and proper functioning of international justice, and the interests and sovereignty of the European Union

Sanctions directed against international judges for acts performed in the exercise of their judicial functions threaten the independence of international justice and create a concerning precedent. Such sanctions obstruct the ICC's ability to work for the recognition, prosecution and punishment of the most serious international crimes and, thereby, to combat impunity. The sanctions also demonstrate how dependence on non-European digital infrastructure can impair the functioning of international judicial institutions.

These measures further demonstrate the high degree of vulnerability arising from the European Union's and its Member States' dependence on US service providers holding dominant positions in digital infrastructure and financial services, including payment and transaction systems. They highlight the urgent need to develop alternative, sovereign and reliable European solutions in both the digital and financial spheres over the short, medium and long term.

Considering their excessively broad scope, together with the European Union's and its Member States' dependence on US digital operators and financial service providers, these measures constitute a clear source of vulnerability for the European Union and its Member States. They undermine the EU's interests, values and sovereignty and, if repeated, may ultimately weaken the Union's capacity to safeguard its legal order, strategic autonomy and the effective functioning of its institutions.

5. Possible responses to extraterritorial sanctions

Upholding international justice and the Rule of law through legal means is consistent with the objectives of the Union's external action and lies at the core of the CCBE's mission.

Considering, on the one hand, the increasing pressure exerted by the US administration on international justice, regulatory autonomy and European sovereignty, and, on the other hand the tangible consequences that such measures have for the privacy of European citizens, the effective implementation of mechanisms to safeguard the European Union's interests and values has become imperative. Equally necessary is the development of new tools to strengthen European strategic autonomy, promote European solutions, and reduce external dependencies and vulnerabilities.

As part of the Common Position 2003/444/CFSP on the ICC, repealed by Common Position 2011/168/CFSP, the EU affirms that the implementation of the Rome Statute – and consequently, the guarantee of compliance with its provisions on the independence of judges – requires effective measures that the EU and its Member States should support without any reserve. This position also aims to preserve the integrity of the ICC, to help ensure its independence, its effective and efficient functioning, by providing, where appropriate, assistance to the judges, the prosecutors, the staff and the lawyers involved in the work of the ICC.

On 24 April 2006, the EU and the ICC concluded a Cooperation and Assistance Agreement. Article 4 provides an obligation of cooperation and mutual assistance which the Union must now honour, in accordance with Article 216(2), which states that agreements concluded by the European Union are binding on the institutions.

Finally, the CCBE considers that extraterritorial sanctions raise significant concerns regarding the respect of state sovereignty, as they extend the application of national measures beyond territorial jurisdiction and may affect the legitimate economic activities of operators governed by other legal systems. In this context, the European Union should ensure the effective protection of European companies which fall under the scope of EU law. It is important that Member State authorities and EU institutions work towards reducing legal uncertainty and addressing the adverse effect that the risk of secondary sanctions may have on the strategic conduct of European economic operators' activities within the Single Market.

6. The importance of political and institutional commitment from States and international organisations

The CCBE reiterates its full support for the International Criminal Court as a key institution in the international criminal justice system and an essential component of the fight against impunity. The independence and effectiveness of the Court depends not only on legal frameworks and effective operational cooperation, but also on the continued political and institutional commitment from States and international organisations.

In this regard, the CCBE considers that States and international organisations have a responsibility not only to support the ICC in principle, but also to actively defend its independence, authority and legitimacy when these are challenged. Such support helps to build confidence in the international rule of law and affirm the universality of accountability for the most serious crimes.

As the representative of the Bars and Law Societies of Europe, the CCBE recalls that the protection of judges, lawyers and other legal professionals before international courts is a non-negotiable element of the rule of law.

7. The CCBE calls for the following actions

In the immediate term:

- To provide support and protection for judges and staff members of the ICC. This protection should not be limited to situations where individuals are already directly targeted by sanctions or restrictive measures, but should also extend to preventive safeguards where risks are foreseeable or emerging. Early and comprehensive consideration of such risks is necessary to prevent indirect pressure, preserve judicial independence, and safeguard the effective functioning and institutional integrity of the Court. This support and protection should also extend, where appropriate, to former judges and staff members of the ICC who face risks arising from, or as a consequence of, their work for the ICC.
- The EU and Member States should intensify dialogue between States Parties and Non-States Parties and systematically condemn any attacks or threats aimed at compromising the functioning of the Court.
- The European Commission should comply with its international commitments under the Cooperation and Assistance Agreement concluded with the ICC on 24 April 2006, and effectively fulfil its obligation to assist and support the ICC, in accordance with Article 4 of the Agreement and Article 216(2) of the TFEU.
- To consider that the deliberate use by a third country of the extraterritorial effects of certain of its laws and regulations hindering trade liberalisation (sanctions, export controls) constitutes a form of economic coercion requiring countermeasures.
- To adopt a non-legislative act (recommendation or communication) providing guidance to economic operators within the single market on the risks and limitations of the zealous and extensive application of non-European laws and their practical consequences.

In the medium term:

- To ensure sufficient funding for the development and deployment of EU digital tools and technologies at a European Union level under the “Justice” Programme of the 2028-2034 multiannual financial framework.
- To reduce the level of dependence of the European Union and its Member States towards dominant US actors in the digital services market by developing and securing sovereign and reliable digital tools and digital infrastructure.
- To accelerate the implementation of the economic security strategy presented on 20 June 2023, and revised on 3 December 2025, notably by making more coordinated and strategic use of trade defence instruments, prioritising funding for projects aimed at reducing the EU’s dependencies, and speeding up the adoption of initiatives currently under negotiation.
- To develop a European framework of legal obligations requiring the Commission and/or Member States to periodically assess the level of dependence of operators in certain critical sectors, as well as to identify the risks of coercion to which European operators may be exposed in strategic sectors (cyber, AI, cloud, banking services, new technologies, etc.).

8. Conclusion

The CCBE reaffirms its full support for the International Criminal Court as a key institution in the international criminal justice system and an essential element in the fight against impunity. The Court's effectiveness depends not only on sound legal frameworks and effective operational cooperation, but also on the continued political and institutional commitment of States and international organisations.

The CCBE notes with concern the broader implications of extraterritorial restrictive measures, in particular where they expose structural vulnerabilities arising from the European Union’s dependence on foreign digital infrastructure and financial services, including payment and transaction systems.

In this context, the CCBE underlines the need for a coordinated and ambitious European response, capable of preserving the independence of international courts and tribunals, protecting judges, lawyers and other legal professionals, and ensuring the effective administration of international justice. The European Union and its Member States must act without delay to defend the ICC, assert their strategic autonomy and protect the fundamental values on which their legal order is based.