

Resolution Opposing Political Attacks on and Moves to Neutralize the ICC: Seeking the Realization of the Rule of Law and a World Where We Can Live in Peace

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Japan Lawyers Association for Freedom (JLAF), Standing Committee

1. On 13 July 2026, US Secretary of State Marco Rubio announced a campaign that features a whole-of-government response to systematically disable the ability of the International Criminal Court (hereinafter referred to as the "ICC") to operate, target American servicemen or officials, or otherwise threaten American sovereignty. The US Department of State claims that the ICC poses an intolerable threat to US sovereignty; that the ICC claims the authority to prosecute and even imprison US servicemen and officials operating on behalf of America's national interest; and that the ICC now seeks to become the unaccountable global arbiter – positioning itself above and beyond the nation state as a supranational enforcement arm of a globalist bureaucracy empowered to persecute American servicemen and officials at will. On these grounds, the Department states that it will deploy a wide range of actions intended to ensure that the ICC is incapable of threatening US sovereignty or targeting Americans. The actions under consideration include:

- (1) Diplomatic calls from the Secretary of State, Deputy Secretary, ambassadors, and other members of senior leadership to foreign nations highlighting the abuses of the ICC and the risks posed to Americans and other nations urging them to withdraw from the ICC
- (2) Nations that partner with American law enforcement and the US military or that enjoy the benefits of the US security umbrella are called upon to reject the ICC's purported authority to prosecute American officials and servicemen
- (3) Increased scrutiny of nations that refuse to reject the ICC's false authority while relying on US assistance
- (4) Diplomatic calls urging other nations, like America, that are not party to the Rome Statute to leverage their diplomatic networks to take similar actions alongside the US
- (5) Visa revocations and travel bans for ICC personnel
- (6) Increased sanctions against the ICC and affiliated organizations

2. Fundamentally, the ICC is an international criminal justice institution established under the Rome Statute of the International Criminal Court (hereinafter referred to as the "Rome Statute") to investigate, prosecute, and punish individuals responsible for the crime of genocide, crimes against humanity, war crimes, and the crime of aggression. This framework is founded upon the recognition that "during this century millions of children, women and men have been victims of

unimaginable atrocities that deeply shock the conscience of humanity" and that "the most serious crimes of concern to the international community as a whole must not go unpunished" (Preamble and Article 5 of the Rome Statute). Pursuant to the Rome Statute, on 21 November 2024, the ICC issued arrest warrants for Israeli Prime Minister Benjamin Netanyahu and former Defense Minister Yoav Gallant on suspicion of war crimes and crimes against humanity in the Gaza conflict. The issuance of these warrants imposes an obligation on the 125 ICC States Parties to arrest these two individuals if found within their territories, representing a crucial step toward ensuring accountability for the atrocities in the Gaza Strip.

3. Although the United States has not ratified the Rome Statute, members of the international community, whether States Parties or not, bear an obligation to respect universal jurisdiction and the legitimate activities of international organizations established under treaties. Furthermore, even if the targets are individuals of a non-State Party, the effects of investigation, prosecution, and trial extend to them as long as the location of the crime falls within the ICC's jurisdiction; thus, there is absolutely no violation of international law in US citizens being subject to such jurisdiction. Nevertheless, in February 2025, alleging that the ICC had abused its power by issuing the aforementioned arrest warrants, US President Donald Trump issued Executive Order 14203, which enabled sanctions such as asset freezes and entry bans against ICC personnel and those who support their activities. Since June 2025, sanctions have actually been imposed on ICC prosecutors and judges. The moment justice is about to be served upon the United States—which has committed repeated violations of international law—and its ally Israel, the United States targets the very international criminal justice institution responsible for delivering that justice. Such conduct is an outrageous act that destroys the international legal order and can never be tolerated.

4. The Japanese Government champions a foreign policy that aims to ensure the peace and stability of the international community by strengthening the "rule of law" through compliance with international law, cooperation with international judicial organs, and the formation of international rules; accordingly, it ratified the Rome Statute in 2007 and became a State Party to the ICC. Japan is currently the ICC's greatest cooperating partner, given both its status as the largest financial contributor since becoming a State Party and the fact that Ms. Tomoko Akane is currently serving as the first ICC President from Japan. According to reports, the Japanese Government has responded to the aforementioned US campaign by emphasizing that it "has consistently supported the ICC" from the standpoint of prioritizing the eradication of serious crimes and the rule of law. The Japanese Government must severely criticize the pressure from its ally that seeks to undermine the functions of the ICC through threats and sanctions, put a stop

to such outrageous acts, and continue to support the ICC alongside other States Parties in order to realize an international legal order based on the "rule of law" through the ICC.

5. It should be noted that attacks on the ICC do not originate solely from the United States; since May 2023, as a retaliatory measure against the issuance of an arrest warrant for Russian President Vladimir Putin and others, the Russian government has placed ICC prosecutors and judges on a wanted list. If the ICC were to be dissolved due to the motives of these major powers, the era would regress to a state prior to the Nuremberg Trials. Given the current international situation, it is anticipated that establishing an institution to replace the ICC would be impossible; therefore, we must not allow this to escalate into an irreversible situation.

6. The Japan Lawyers Association for Freedom aims to defend human rights and democracy, and recognizes the significance of defending and realizing the principles of Article 9 of the Constitution of Japan. The Rome Statute, which places constraints on certain conduct in wars and international conflicts, aligns with the spirit of Article 9 of the Constitution, and we cannot sit idly by and tolerate acts of pressure against the ICC. Based on this premise, we strongly demand that all States Parties to the Rome Statute, including the Japanese Government, fulfill their extensive obligations to cooperate as set out in Article 86 *et seq.* of the Rome Statute and their role as guardians of international law, and that they explicitly express their support for the ICC without yielding to undue pressure from the United States. Furthermore, we demand that the United States immediately and unconditionally lift the unjust measures imposed under Executive Order 14203 on ICC judges, prosecutors, staff, and their families; cease the campaign aimed at the comprehensive neutralization of the ICC; and acknowledge its legal obligation to respect the independence of international criminal justice institutions.