

## Statement of the President of the Osaka Bar Association in Support of the Independence of the International Criminal Court (ICC) and Calling for Respect of Its Judgments, Decisions, Orders, and Operations

### 1. The Raison d'être of the International Criminal Court

The International Criminal Court (ICC) is a judicial body established in The Hague, Netherlands, based on the Rome Statute adopted by the United Nations Diplomatic Conference of Plenipotentiaries on July 17, 1998, to prosecute individuals for the most serious crimes of concern to the international community as a whole, namely, genocide, crimes against humanity, war crimes, and crimes of aggression. The ICC was established as a permanent court in response to the unimaginable cruelty committed against countless people during the two world wars of the 20th century, with the recognition that crimes such as genocide are among the most serious crimes in the international community and must not go unpunished, and with the determination to ensure the lasting respect for and the achievement of international justice by not tolerating any situation in which perpetrators of such crimes escape accountability. It prevents harms caused by war crimes, etc., and provides relief to victims, thereby maintaining international peace and security. As such, its reason for existence is of the utmost importance.

The ICC currently has 125 member states. Japan joined in 2007, and since then it has made various contributions to the ICC, including in terms of human resources and finances, by providing judges and staff members to the ICC, and by promoting the identification and training of legal professionals. The current President of the ICC is Judge Tomoko Akane of Japan.

### 2. Sanctions against the ICC, etc. and the Impact on the ICC's Activities

On November 21, 2024, the ICC issued arrest warrants for Israeli leaders accused of war crimes and crimes against humanity in the Palestinian Gaza Strip.

In response, on January 9, 2025, the U.S. House of Representatives passed a bill aimed at preventing citizens of the U.S. or its allies from being investigated or prosecuted by the ICC as suspects or defendants. The bill seeks to impose sanctions, including suspending all transfers of funds from individuals and corporations to the ICC, blocking the assets of ICC officials who were directly involved in the illegitimate investigation, arrest, or prosecution of citizens of the U.S. or its allies, prohibiting those officials from entering the U.S., and suspending the issuance of visas to them. Subsequently, the U.S. Senate rejected the bill on January 28. However, on February 6 of the same year, the U.S. President signed an executive order that included the above-mentioned asset block, prohibition on entry into the U.S., and suspension of fund transfers, all involving ICC officials, etc., thereby making it possible to impose sanctions on those officials and, by extension, on the ICC itself.

Such sanctions against the ICC and its officials run the risk of threatening the survival of the

ICC, allowing the most serious crimes to go unpunished, and leading to a significant undermining of the maintenance of peace and security in the international community. Furthermore, these sanctions would leave behind the victims, including many young children, who lost their lives, sustained serious injuries, lost family members, or suffered great harm through the loss of their property, livelihoods, and communities as a result of war crimes and other atrocities, and would disregard the history that led the international community to establish the ICC, as well as the principles of the Rome Statute.

### 3. Violation of the International Standard of Judicial Independence

The international community has called on all national governments to uphold the rule of law and respect judicial independence. With regard to the operation of international judicial bodies, the standard required of governments in the international community is that no restrictions, undue influence, coercion, pressure, threats, or interference, whether directly or indirectly, be imposed on judicial bodies, and that the judicial independence of the relevant judicial body must be respected. It is also a fundamental premise of judicial independence that judicial officials who have assumed a professional position as legal experts and are engaged in their duties should be able to fulfil their responsibilities without being subjected to intimidation, hindrance, harassment, or improper interference. It is also a universally recognized standard in the international community that the judicial officials should not be subjected to sanctions for actions taken in accordance with their professional duties and legal standards.

Sanctions against the ICC and those involved could undermine the very principle of independence of the judiciary and the rule of law, which are such international standards, and must not be overlooked.

### 4. The Position of the Osaka Bar Association and Requests to the Japanese Government

In light of the above, we strongly urge that the independence of the ICC, as well as the legal professionals who work at the ICC, be respected and protected, and that restrictions, undue influence, coercion, pressure, threats, or interference with judicial bodies that uphold the rule of law must not be tolerated. We further emphasize the independence of the judiciary in the international community, together with the respect for and upholding of the rule of law.

We urge the Japanese government to support and assist the ICC at this critical time when its independence is being threatened, based on the principle of international cooperation enshrined in the Preamble to the Constitution of Japan, in accordance with the principle of the independence of the judiciary as a universal standard of the international community and as stipulated in Article 76 of the Constitution, and as a member state to the Rome Statute. In order to fulfil its mission of guaranteeing lasting respect for and enforcement of international justice, the ICC must be able to operate smoothly as an independent judicial body without being subject to any restrictions or undue

pressure.

We, the Osaka Bar Association, as a legal professional organization with a mission—in alignment with that of the ICC—to protect fundamental human rights and achieve social justice, hereby declare that we will spare no effort in strongly supporting and upholding the independence of the ICC, which plays a vital role in maintaining the rule of law in the international community.

March 7, 2025

Hiroyuki Osuna, President

Osaka Bar Association