President's Statement Strongly Protesting U.S. Government Sanctions Against the International Criminal Court (ICC) and Calling for the Rule of Law to Be Upheld Internationally

1. Recent Developments Concerning the ICC

On November 21, 2024, the International Criminal Court (Hereinafter referred to as the "ICC.") issued arrest warrants for Israeli Prime Minister Benjamin Netanyahu and another Israeli official on suspicion of crimes against humanity and war crimes. In response, the U.S. government, pursuant to an executive order dated February 6, 2025, imposed a succession of sanctions on ICC officials, on August 18, 2026, designated ICC President, Tomoko Akane and other senior officials for sanctions, and announced on October 9 of the same year that it would also designate the ICC itself for sanctions. According to reports, Secretary of State Marco Rubio stated that the U.S. would "dismantle the ICC, brick by brick," and, true to his words, the U.S. continues its attacks on the ICC.

The series of U.S. sanctions, including the recent campaign targeting the ICC itself as well as sanctioning judges and other officials of an international judicial institution for performing their duties, intimidates the ICC in its judicial activities and undermines the independence of international justice.

2. The Significance of the ICC

The ICC was established by the Rome Statute of the International Criminal Court (Hereinafter referred to as the "Rome Statute."), which was adopted at a conference of plenipotentiaries held in Rome on July 17, 1998, and entered into force on July 1, 2002.

The ICC is an important international criminal justice institution that holds individuals criminally responsible for the most serious crimes of concern to the international community as a whole, that is, the crime of genocide, crimes against humanity, war crimes, and the crime of aggression (Article 5, (1) of the Rome Statute), and works to realize the "rule of law" in the international community. In countries afflicted by the devastation of war or civil war, it is difficult to punish these crimes in domestic courts. Still less is it possible for a small country that has been invaded to hold the leaders of the invading major power accountable. Under the principle that the ICC prosecutes these crimes when the state in question is unable to try them (complementarity; Preamble, Article 1, and Article 17 of the Rome Statute), the ICC is on the mission to pursue accountability on the basis of law and evidence. It is a lifeline for these countries and their peoples in protecting their own survival and dignity, and offers the international community an opportunity to restore the international order that has been lost.

On October 9, 2026, it was announced that former ICC judge Navanethem Pillay would be awarded the Nobel Peace Prize, and the ICC's activities are internationally recognized as efforts to advance peace and international law.

For the ICC to fulfill these responsibilities, its investigations, prosecutions, and trials must not be swayed by pressure from states or political authorities. Judicial independence is the fundamental principle underpinning the significance of the ICC.

3. U.S. Government Sanctions Constitute a Grave Infringement of Judicial Independence and the Rule of Law

Israel and the U.S. objected to the ICC's issuance of arrest warrants for Prime Minister Benjamin Netanyahu and other Israeli official, arguing that the ICC lacks jurisdiction because Israel is not a State Party to the Rome Statute. The ICC, however, is exercising jurisdiction pursuant to Article 12 (2) (a) of the Rome Statute because, although Israel is not a State Party to the Statute, these crimes has been occurring in the territory of Palestine, which is a State Party. Nevertheless, the U.S. has imposed sanctions on President Tomoko Akane and other ICC officials to intimidate them and is even seeking to dismantle the ICC.

Article 1, item 1 of the United Nations Charter makes the peaceful adjustment or settlement of international disputes "in conformity with the principles of justice and international law" a purpose of the United Nations, while Article 2, item 3 requires Member States to settle international disputes by peaceful means, thus placing an order based on international law at the foundation of international peace.

The ICC's work of addressing international crimes through judicial proceedings based on law and evidence achieves accountability through legal process rather than retaliation by power and is consistent with this principle of the Charter.

However, for the U.S., a country with one of the world's greatest levels of political, economic, and military influence, to exert such pressure on an international judicial institution constitutes a trampling of international law and the international order by the U.S. and shakes to its foundations the order based on international law that the international community has built since World War II, that is, the rule of law.

4. The Responsibility of the Japanese Government

The Preamble to the Constitution of Japan declares as follows: "We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in peace, free from fear and want."

The Constitution expressly calls for the elimination of war from the earth and the pursuit of peace in

cooperation with the international community. On this basis, the Japanese government has made the rule of law in the international community an important foreign policy objective and has actively cooperated in strengthening international judicial institutions through personnel and financial contributions. With respect to the ICC as well, Japan acceded to the Rome Statute in 2007 and has actively supported the ICC's activities. Moreover, the current ICC President, Tomoko Akane, became the first Japanese person to assume that office. In this way, the Japanese government and the Japanese people have worked to realize the "rule of law" in the international community and have fulfilled their responsibilities. Accordingly, the Japanese government has a responsibility to take a clear stand to defend the "rule of law" in the international community and judicial independence.

On October 9, 2026, the Japanese government released a message from the Minister for Foreign Affairs expressing deep concern about the U.S. sanctions against the ICC itself and stating that Japan would continue to support the ICC; on October 10, it issued a joint statement by foreign ministers strongly opposing those sanctions and expressing support for the ICC's activities. Also on October 10, the Bureau of the Assembly of States Parties to the ICC, which includes Japan, issued a statement calling for the immediate withdrawal of those sanctions.

Japan's responsibility under international law is also clear. Article 86 of the Rome Statute provides: "States Parties shall, in accordance with the provisions of this Statute, cooperate fully with the Court in its investigation and prosecution of crimes within the jurisdiction of the Court." Article 26 of the Vienna Convention on the Law of Treaties further provides that every treaty in force is binding upon the parties to it and must be performed by them in good faith. As a State Party to the Rome Statute, Japan is in a position in which it should fulfill its specific obligations to cooperate with the ICC, oppose measures that impede the ICC's performance of its mandate, and defend the Statute's purposes and effectiveness.

In light of the foregoing, the Chiba Bar Association calls on the Japanese government to take the following actions:

1. Continue to protest unequivocally against the U.S. government's sanctions on ICC officials and undertake diplomatic efforts to seek their withdrawal;
2. Provide the necessary diplomatic and practical support so that President Tomoko Akane and other ICC officials targeted by the sanctions are not prevented by political pressure from performing their duties; and
3. To protect the ICC's independence and the rule of law internationally, continue Japan's active support for the ICC, including financial and personnel support, as a major State Party to the Rome Statute.

5. Conclusion

At a press conference on August 26 of this year, President Tomoko Akane stated, “There are absolutely no reason for imposing sanctions” and “The ICC will not be defeated,” making clear that neither the ICC as an institution nor she as an individual would yield an inch in the face of U.S. sanctions. Furthermore, in response to the decision on October 9 of this year to impose the above U.S. sanctions, she called for solidarity, stating, “The States Parties, including Japan, that have embraced and supported the ICC’s philosophy must now reaffirm their solidarity and stand together to defend the ICC,” and renewed her resolve, saying, “I will do my utmost to that end.”

We are deeply moved by her pride and resolve as a legal professional seeking to uphold the rule of law, and we, as fellow legal professionals, express our profound support and solidarity.

October 30, 2026

Chiba Bar Association

President Kentaro Makita