Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2676 (2026)[1]

Threats to the International Criminal Court

Parliamentary Assembly

1. The Parliamentary Assembly has a long-standing commitment to international law, international justice and the importance of accountability for the most heinous atrocity crimes – genocide, war crimes, crimes against humanity and the crime of aggression.

2. The Assembly fully supports the work of the International Criminal Court ("the ICC") as the first permanent criminal court seeking accountability for such crimes – following in the steps of the Nuremberg International Military Tribunal and successive ad hoc tribunals. The Assembly recognises the crucial role that the ICC plays as a court of last resort for international crimes committed on the territory of a State Party to the Rome Statute of the ICC ("Rome Statute"), by nationals of a State Party, where jurisdiction is accepted by another State or established following a referral by the United Nations Security Council.

3. The Assembly is deeply concerned that the system of international justice, developed in the aftermath of the Second World War – to restrain brutality, to punish war crimes and to give victims a voice – is under threat. This is particularly acute in attempts to threaten and intimidate international judges and prosecutors of the ICC, by subjecting them to coercive measures for undertaking their functions as part of the international criminal justice system.

4. These actions have been taken by States that are not parties to the Rome Statute and, in particular, the United States of America and the Russian Federation. These coercive measures have been imposed on international judges and prosecutors because they were carrying out the international mandate granted to them to investigate alleged war crimes and crimes against humanity falling within the ICC's jurisdiction, specifically in Ukraine, Afghanistan and Palestine.

5. These measures have far-reaching consequences for the ICC's operational functioning, as well as for the professional and private lives of the officials concerned. Eight judges and the former Prosecutor have been sentenced *in absentia* for up to fifteen years imprisonment by the Russian Federation for their roles in investigating war crimes committed in Ukraine and issuing arrest warrants in those proceedings, including against Vladimir Putin. Half the ICC's judges, including its President, and the entire leadership of the Prosecutor's Office have been individually sanctioned by the United States of America for investigating international crimes allegedly committed in Afghanistan and Palestine. If non-States Parties wish to avoid the exercise of jurisdiction of the ICC over their nationals, there are legal ways of doing this, such as ensuring that adequate measures are in place to prevent their nationals from engaging in war crimes, crimes against humanity or genocide on the territory of one of the States Parties to the ICC and, if necessary, hold them accountable.

6. The Assembly emphasises that international judges and prosecutors should not be subject to sanctions or criminal measures merely for carrying out the functions entrusted to them under international treaties. Such action constitutes an unacceptable attack on their independence and poses a serious threat to the authority and effectiveness of the international criminal justice system. If handing down a judgment or taking another

1. *Assembly debate* on 30 September 2026 (33rd sitting) (see Doc. 16475, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Tekke Panman). *Text adopted by the Assembly* on 30 September 2026 (33rd sitting).
See also Recommendation 2314 (2026).
Provisional version subject to editorial review.

decision within the mandate of an international court in Europe is deemed to be conduct liable to sanctions, this threatens not only the ICC and its independence, but also the rule of law throughout Europe and, therefore, European fundamental values and democratic security.

7. The Assembly recalls that States Parties to the Rome Statute are under an obligation to co-operate fully with the ICC and to execute its arrest warrants, and that, in accordance with Article 27 of the Rome Statute, official capacity, including that of Head of State, does not exempt a person from criminal responsibility nor bar the ICC from exercising its jurisdiction. It deplores the failure of certain States Parties to arrest persons subject to the ICC warrants present on their territory, as found by ICC Pre-Trial Chamber II in respect of Mongolia on 24 October 2024, and calls on all States Parties to refrain from inviting, hosting or facilitating the travel of persons subject to ICC arrest warrants and to arrest and surrender them to the ICC should those persons enter their territory.

8. Attacks on international organisations central to the international rules-based order are a direct attack on the international order itself. Whilst a State can always work to improve the functioning or effectiveness of an international organisation, or challenge its decisions through the appropriate diplomatic and legal channels, this is no reason to fundamentally undermine international justice institutions or unduly interfere with their independence.

9. The Assembly is similarly concerned by media reports that foreign States are threatening to impose sanctions to try to intimidate national judges within Europe. Any such interference constitutes an affront to the rule of law and the essence of the core constitutional principle protecting the independence of the judiciary. The Assembly calls on all European States to undertake a reflection on how to better protect national and international judges from such threats of interference.

10. The Assembly emphasises the importance of establishing a climate in which international and national judicial institutions and international organisations, based in Europe, can be resilient in carrying out the mandates conferred on them by States without being indirectly paralysed by external political pressure. If European States allow foreign States to interfere in this way with judges exercising a judicial mandate and based within their territory, the very sovereignty of European States is threatened.

11. The Assembly calls on the international community, and in particular the States Parties to the Rome Statute, to take action to protect the ICC and other international institutions from such external threats. This should be achieved by ensuring that the officials' privileges and immunities are scrupulously respected, and by establishing stronger mechanisms to protect international organisations from future risks. Specifically, States Parties must ensure that third-country sanctions have no impact on the functioning of international organisations and their officials within their jurisdictions.

12. The Assembly calls on Council of Europe member States and, where applicable, on all States Parties to the Rome Statute, as well as the European Union, to:

12.1. ratify or accede to the Rome Statute and the Agreement on the Privileges and Immunities of the ICC, if they have not yet done so;

12.2. maintain and reaffirm their commitment to, or as applicable, their support for, the ICC and its integrity and independence, both in bilateral relations with third countries and in all multilateral fora, including the United Nations and other international organisations;

12.3. continue to make clear their support and solidarity for the work of the ICC, including through statements to correct misleading narratives about the work of the ICC;

12.4. provide effective support and protection to judges, prosecutors and staff members of the ICC and other international tribunals who face, or are at a foreseeable risk of facing, sanctions or other forms of external pressure as a result of the performance of their official functions. Where appropriate, these measures should also extend to former ICC officials and to the families of those affected;

12.5. take concerted action to ensure that the ICC and other international organisations and their officials based in Europe have unimpeded access to all the services – including banking, insurance, medical and IT services – they need to fulfil their international mandate, thus ensuring technological and financial autonomy for these multilateral organisations, including by:

12.5.1. providing advice and publishing guidance to service providers that access European markets, to ensure that:

12.5.1.1. there is no over compliance with third-country sanctions when service providers operate within European markets;

12.5.1.2. service providers do not arbitrarily deny – or render more difficult – the provision of services to officials working for the ICC or an international organisation based in Europe;

12.5.1.3. service providers are given the necessary legal and practical support to continue to provide services to judges, prosecutors and other officials of the ICC, as well as to officials of other international organisations based in Europe;

12.5.2. undertaking a thorough, strategic review to ensure that European institutions, international organisations based in Europe, as well as companies and governmental organisations based in Europe have access to a wider range of service providers to enable them to be independent and autonomous from external interference;

12.5.3. in the European Union, reviewing the European Union Blocking Statute to make it fit for purpose and more effective in achieving its objectives;

12.5.4. in non-European Union member States, adopting, reviewing and updating, as necessary, national legal protections, equivalent to the European Union Blocking Statute, to guarantee access to services to individuals who are unjustly subject to third-country sanctions and other coercive measures;

12.5.5. in both European Union and non-European Union member States, activating the European Union Blocking Statute and equivalent national legal measures to guarantee access to service provision, including banking and IT, so as to shield the ICC, and its judges, prosecutors and staff, from external coercive measures;

12.6. encourage innovative initiatives to enhance the strategic autonomy of institutions based in Europe, such as the development of alternative technology and banking solutions that are less vulnerable to the actions of non-member States of the Council of Europe;

12.7. ensure that the ICC continues to be provided with adequate financial and human resources, enabling it to fulfil its mandate in an independent and efficient manner, in the light of the new threats it faces;

12.8. ensure that the Office of the Prosecutor of the ICC has the resources necessary to pursue its investigation into the situation in Ukraine, co-operate fully with the ICC, the Special Tribunal for the Crime of Aggression against Ukraine and the International Centre for the Prosecution of the Crime of Aggression against Ukraine at Eurojust, including through the sharing of evidence, and take the necessary measures at national level to give effect to the ICC's arrest warrants in relation to the situation in Ukraine, including by ensuring that persons subject to such warrants cannot benefit from immunities or diplomatic invitations;

12.9. take all appropriate measures to facilitate, to the extent permitted under the applicable legal frameworks, effective co-operation and, where appropriate, co-ordination between the ICC and the Special Tribunal for the Crime of Aggression against Ukraine, including through the lawful exchange of information and evidence, with a view to enabling their distinct mandates to operate in a complementary and mutually reinforcing manner, avoiding unnecessary duplication of efforts and ensuring coherent and comprehensive individual accountability for international crimes falling within their respective mandates, while fully respecting the independence, confidentiality requirements and procedural safeguards of each institution.

13. The Assembly calls on all other States that are not Parties to the Rome Statute, including Council of Europe observer States and States whose parliaments enjoys observer or partner for democracy status with the Assembly, to:

13.1. refrain from maintaining or adopting any legal measures giving rise to sanctions or other coercive measures against judges and prosecutors of the ICC, or against other individuals on the basis of their co-operation with the ICC;

13.2. cease any action to intimidate or pressure other States to withdraw or to cease co-operation with the ICC;

13.3. respect the ICC, its mandate, integrity and independence, while maintaining dialogue with States Parties to the Rome Statute to discuss any legal or diplomatic disputes that could arise in connection with the exercise of its jurisdiction, in full respect of international law and the Rome Statute; and

13.4. respect the privileges and immunities granted to UN officials and experts under the 1946 Convention on the Privileges and Immunities of the United Nations.

14. Given that threats to individuals and entities potentially extend to all international organisations supporting the international justice system, the Assembly invites the Secretary General of the Council of Europe to:

14.1. assess the Council of Europe's level of vulnerability to external risks and threats;

14.2. take appropriate actions to ensure that the Council of Europe, its staff and experts, are adequately protected from any such threats;

14.3. draw lessons from the ICC and avoid over-reliance on companies that are at risk of having their provision of services within Europe interfered with by non-member States, especially in the banking and technology sectors, in order to reduce vulnerability to such risks.