COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

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CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

COMMENTS

on the Recommendation 2314 (2026) of the Parliamentary Assembly of the Council of Europe entitled "Threats to the International Criminal Court"

1. The Committee of Ministers of the Council of Europe, at its 1572nd meeting on 14 October 2026, decided to communicate Recommendation 2314 (2026) of the Parliamentary Assembly of the Council of Europe (PACE) entitled "Threats to the International Criminal Court"[1] to the Consultative Council of European Judges (CCJE) for information and possible comments.

2. Because of its direct relevance to the matter at hand, the CCJE wishes to refer first to its own Statement of 17 July 2025, where it voiced serious concerns about the potential detrimental effects of sanctions against the ICC judges, affecting their independence and role.[2]

3. The CCJE also wishes to draw attention to the Statement on measures affecting the independence of the International Criminal Court (ICC) jointly adopted by the European Network of Councils for the Judiciary (ENCJ), ACA-Europe – Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union, International Association of Judges (IAJ) and the Network of Presidents of the Supreme Judicial Courts of the European Union (NPSJCEU) on 12 August 2026. Two of these organisations, namely the

[1] See at https://pace.coe.int/en/files/36421/html.
[2] CCJE Statement of 17 July 2025.

ENCJ and the IAJ, have formal observer status to the CCJE and a long history of fruitful co-operation with it.

4. The above-mentioned Statement underlines that the ICC work is of critical importance for international justice and notes that, on 13 July 2026, the Secretary of State of the United States of America announced the possibility of further sanctions on ICC judges, in addition to those already imposed on some of ICC judges in 2025. This was unequivocally condemned by the judicial community, including by the aforementioned organisations.

5. The CCJE recalls that the independence of judges is one of the fundamental requirements of Article 6 of the European Convention on Human Rights and is a cornerstone of the rule of law. In previous opinions, it has stressed that the potential "chilling effect" that a certain sanction may have on the individual judge concerned as well as on other judges must be considered when assessing any sanctions.[3]

6. The CCJE notes that, according to its terms of reference, it is concerned with the situation of judges in the framework of national legal systems of member states of the Council of Europe, and it has stressed that the principles behind its standards regarding sanctions against judges at national level should be given due consideration in other contexts, such as international courts, as they serve the principle of independence of the judiciary which is a prerequisite of the rule of law both at the national and international levels.

7. Therefore, the CCJE concurs with the PACE that judges of courts established by international treaties should not be subject to sanctions or criminal measures merely for carrying out the functions entrusted to them under the said treaties. In the case of the ICC, it risks jeopardising the international criminal justice system.

8. In conclusion, the CCJE considers that measures seeking to undermine the ICC by threatening its judges with sanctions undermine seriously the rule of law and the independence of judges, which are championed by the CCJE. This is equally in direct contradiction with the democratic principles promoted by the Council of Europe, not only within its member states but also internationally. For these reasons and those set out above, the CCJE considers that such threats of sanctions against judges of the ICC should be condemned unambiguously. Based on its relevant standards, the CCJE also stands ready to assist in any future work concerning the protection of the status and independence of judges of courts established by international treaties.

[3] Opinion No. 27 (2024) of the CCJE, Chapter VIII. Recommendations, para 22.