

Strasbourg, 17 July 2025

CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

STATEMENT

regarding the Statement of the Presidency Committee of the International Association of Judges (IAJ)

The Consultative Council of European Judges (CCJE) was informed of the Statement¹ of the Presidency Committee of the International Association of Judges (IAJ) of 18 February 2025 which highlighted that judges of the International Criminal Court (ICC) are being threatened with sanctions which affect their independence and role.

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.

According to its terms of reference, the CCJE is concerned with the situation of judges in the framework of national legal systems of member states of the Council of Europe. The CCJE has therefore addressed in its Opinions only sanctions against judges which may be imposed under national legal systems.

In its Opinion No. 3 (2002) on the principles and rules governing judges' professional conduct, in particular ethics, incompatible behaviour and impartiality, the CCJE established that the need for caution in the recognition of any judicial liability arises from the fact that judicial independence and freedom must be protected from undue pressure.²

¹ Please see here: <https://www.iaj-uim.org/iuw/statement-adopted-by-the-presidency-committee-of-the-iaj-against-the-sanctions-addressed-to-the-icc-and-in-favour-of-the-constant-promotion-of-the-independence-of-justice/>.

² Opinion No. 3 (2002) of the CCJE, para 51.

As regards civil liability, the CCJE considered that, bearing in mind the principle of judicial independence, the remedy for judicial errors (whether in respect of jurisdiction, substance or procedure) should lie in an appropriate system of appeal. Any remedy for other failings in the administration of justice lies only against the state. It is not appropriate for a judge to be exposed, in respect of the purported exercise of judicial functions, to any personal liability, even by way of reimbursement of the state, except in a case of wilful default.³

As regards disciplinary liability, the CCJE recently adopted Opinion No. 27 (2024), dedicated to the disciplinary liability of judges. It stressed that disciplinary liability must not undermine judicial independence. Member states must have robust safeguards at constitutional or legislative level and must implement such safeguards in practice.⁴

The CCJE also underlined that in all cases, the potential “chilling effect” that a certain sanction may have on the individual judge and on other judges must be considered when assessing the adequate sanction.⁵

As stated above, the alleged imposition of sanctions against the ICC judges is a specific situation which goes beyond national jurisdictions and national legal systems and practices with which the CCJE is competent to deal. But, at the same time, the CCJE considers that the principles behind those standards should be given due consideration in other contexts, such as international courts, considering that their aim is to serve judicial independence and as such may prove relevant *mutatis mutandis*.

In the circumstances, noting that sanctions were imposed on 5 June 2025 on four judges of the ICC, the CCJE shares the concerns rightfully expressed by the Presidency Committee of the IAJ about the potential detrimental effects such sanctions may cause.

³ Opinion No. 3 (2002) of the CCJE, para 76.

⁴ Opinion No. 27 (2024) of the CCJE, Chapter VIII. Recommendations, paras 2 and 4.

⁵ Opinion No. 27 (2024) of the CCJE, Chapter VIII. Recommendations, para 22.