



# SOCIETÀ ITALIANA DI DIRITTO INTERNAZIONALE E DI DIRITTO DELL'UNIONE EUROPEA

## **On the US sanctions against the International Criminal Court and the consequent position of Italy**

On Feb. 6, 2025, U.S. President Donald J. Trump adopted an [Executive Order](#) “Imposing Sanctions on the International Criminal Court,” based on the serious allegation that the ICC “has engaged in illegitimate and baseless actions targeting American and our close ally Israel.” Accusing the Court of engaging in actions that would constitute “an unusual threat to the national security and foreign policy of the United States,” the U.S. President ordered heavy sanctions targeting “officials, employees and agents, as well as their immediate family members”; these are very similar to measures adopted in 2019 by the first Trump administration and then revoked by his successor in 2021.

On Feb. 7, the ICC and its President Judge Tomoko Akane [condemned](#) the Executive Order as undermining “its independent and impartial judicial work.” On the same day, 79 Member States of the United Nations and the ICC—at the joint initiative of Slovenia, Luxembourg, Mexico, Sierra Leone and Vanuatu—adopted a [declaration](#) expressing “unwavering support” for the Court, described as “a vital pillar of the international justice system.” Italy did not sign the joint declaration, which was instead endorsed by the other EU member states (with the exception of Hungary and the Czech Republic), as well as the vast majority of states with which our country shares values and cooperation goals.

We believe that this position of Italy marks a serious and dangerous drift away from traditional and fundamental choices of our country in foreign affairs matters. Those choices have always been inspired by respect for the founding values of the Republican Constitution and at the basis of international institutions, to which Italy has made a relevant and noble contribution in the eighty years after World War II. The delegitimization of international institutions witnessed today adds to the violation of international obligations on which our Society has already expressed its [official position](#). Specifically, those acts and statements represent a serious attack on the ICC which has no precedents, especially considering that Italy played an essential and decisive role in the establishment

of that mechanism. It must be recalled that the treaty that gave birth to the ICC was concluded at the end of the 1998 Diplomatic Conference, led by Italy and chaired by Professor Giovanni Conso. That treaty is known throughout the international community—and now goes down in history—as the “Rome Statute.” In our view, therefore, Italy has not only specific legal obligations, but also *moral* ones. The reputational damage resulting from the attacks on the Court results in a serious threat to our country's credibility.

Finally, we believe it is incumbent upon our country to reaffirm its support for the choices made by the governments of the Italian Republic in the past decades, when it was a protagonist of important political and legal processes that gave rise to extraordinary achievements of institutionalized multilateralism, as the President of the Republic Sergio Mattarella has firmly [recalled](#) in Marseilles. At this time in history when international law is being violated even by major world Powers, it is crucial that other States take authoritative initiatives to call for enduring compliance and respect for the values that underlie the international legal order as it stands today—peace, security, justice and international cooperation.

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