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France's Decision Not to Execute ICC Arrest Warrants: A Weakening of International Human Rights Law

ACAT-France, FIACAT and ACAT Canada express their deep concern at France's decision not to execute the arrest warrants issued by the International Criminal Court (ICC) against Israeli Prime Minister Benyamin Netanyahu and former Defence Minister Yoav Gallant. This decision, justified on the grounds of diplomatic immunity, represents a significant step backwards for international law and for the obligations of States parties to the Rome Statute.

Article 27 of the Rome Statute¹, on which the ICC is founded, states that immunities cannot be invoked to evade the Court's jurisdiction. The position adopted by France undermines the very principles on which the international criminal justice system is based. Although customary international law recognizes immunities for heads of state and government before national courts, the ICC was precisely designed to overcome these obstacles in the case of serious crimes, such as war crimes, crimes against humanity and genocide. By choosing not to execute the arrest warrants issued against the Israeli Prime Minister and his former Minister of Defense, France appears to be putting political considerations ahead of its international legal obligations.

Beyond the specific case of France, this decision compromises the credibility of all States Parties to the Rome Statute, which have committed themselves to supporting the fight against impunity by adhering to this international treaty. In a context where several countries, including Mongolia, have recently been called to order by the ICC for their lack of cooperation, the French position sends out a negative signal and could encourage other states to neglect their international obligations.

FIACAT, along with ACAT France and Canada, strongly reminds all States Parties to the Rome Statute of their legal obligation to fully cooperate with the ICC. Refusing to execute arrest warrants weakens the fight against impunity and betrays the commitments made by States to uphold human rights.

FIACAT, ACAT France, and ACAT Canada call on civil society, NGOs, and human rights defenders to firmly denounce this decision and reaffirm their trust in the ICC. International justice can only be effective if States fully assume their responsibilities.

Press Contact - FIACAT:

+33 1 58 64 10 47 - communication@fiacat.org

Press Contact - ACAT-France:

+33 1 40 40 40 25 - direction-communication@acatfrance.fr

List of Signatory Organisations

ACAT Canada
ACAT France

¹ Article 27, Rome Statute of the International Criminal Court, July 17, 1998, A/CONF.183/9