

May 22, 2024

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Re: Threats to the International Criminal Court

Dear President Biden:

We write as organizations with a steadfast commitment to justice for grave international crimes and therefore to the success of the International Criminal Court (ICC). We urge your administration to oppose the threats and calls for punitive actions against the Court that several U.S. lawmakers have recently made. Acting on these calls would do grave harm to the interests of all victims globally and to the U.S. government's ability to champion human rights and the cause of justice, which are stated priorities of your administration.

Accountability is important for its own sake and protects against the commission of future atrocity crimes. Acting where it has jurisdiction and within its mandate as a court of last resort, the ICC works together with national authorities to ensure perpetrators of such crimes are held to account and that victims and affected communities find some measure of justice. While the United States is not an ICC member country, Republican and Democratic administrations have supported the Court in specific cases, and the U.S. has assisted arrest operations to bring justice to victims in central Africa. Your own administration has recognized the Court's essential role to address serious crimes in Ukraine and Darfur.

We are alarmed by threats that U.S. lawmakers have aimed at the Court in recent weeks including the letter sent on April 24 by Senators, threatening to sanction the ICC prosecutor's "employees and associates," if steps were taken to pursue arrest warrants against Israeli officials. On May 20, the ICC prosecutor requested warrants for leaders of Hamas and Israeli officials stemming from his ongoing Palestine investigation; ICC judges will assess the request to determine whether to issue warrants.

The previous administration's sanctions against the prosecutor's predecessor were an affront to justice and threatened to undermine the ICC's effective functioning. A U.S. federal district judge held that the sanctions threatened the First Amendment rights of U.S. citizens working to support justice before the ICC. Regrettably, those sanctions aligned the United States with authoritarian tactics of threatening judges and independent judicial institutions.

The ability of the ICC to provide justice for victims requires full respect for its independence. A selective approach to judicial decisions undermines the credibility, and ultimately, the force of the law as a shield against human rights violations and abuses. Your administration appeared to recognize this in repealing the Trump-era sanctions, noting that U.S. concerns "would be better addressed through engagement with all stakeholders in the ICC process." We urge you to ensure

that any disagreement about the Court's process is pursued through proper judicial channels under the Court's treaty.

We welcomed press statements by your administration in recent weeks indicating that it does not support "threats or intimidation" of ICC officials. U.S. allies have condemned the threat of sanctions and expressed support for the Court, as have 45 United Nations experts on human rights in a joint statement. We urge you to oppose any legislative efforts to undermine the ICC, and to make clear that regardless of its views on specific ICC investigations, the United States continues to support independent international justice mechanisms.

Sincerely,

Action Corps (US)

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The Advocates for Human Rights (US)

The African Centre for Justice and Peace Studies (Sudan)

African Francophone Coalitions for the ICC

Alliance for Peacebuilding

American Association for the International Commission of Jurists

American Friends Service Committee

Amnesty International USA

Aotearoa Lawyers for Peace (New Zealand)

Arab Canadian Lawyers Association (Canada)

Asociación Nacional de Centros de Investigación, promoción social y desarrollo (Peru)

Asociación Pro Derechos Humanos (Peru)

Association of Reintegration of Crimea (Ukraine and France)

Atrocities Watch Africa

Australian Centre for International Justice (Australia)

ayus Network of Buddhists Volunteers on International Cooperation (Japan)

Barah Aamen (Egypt)

Basel Peace Office (Switzerland)

BDS Tokyo (Japan)

Brooklyn For Peace (US)

Caminos de la Memoria (Peru)

Canadians for Justice and Peace in the Middle East (Canada)

Center for Civilians in Conflict

Center for Constitutional Rights (US)

Center for Egyptian Women's Legal Assistance (Egypt)

Center for International Policy

Centro de Desarrollo Étnico (Peru)

Centro de Investigación de Crímenes Atroces (Mexico)

Centro de Investigación y Promoción de los Derechos Humanos (Honduras)

Centro de Prevención Tratamiento y Rehabilitación de las Víctimas de la Tortura y sus Familiares (Honduras)

Centro Investigación Capacitación Asesoría y Promoción (Peru)

Chernobyl Hibakusha Support, Kansai (Japan)

Citizens for Global Solutions (US)
Colectivo por los Derechos de las Personas Adultas Mayores (Peru)
Comisión de Derechos Humanos de El Salvador (El Salvador)
Comisión de Justicia Social (Peru)
Corporación Humanas Centro Regional de Derechos Humanos y Justicia de Género (Colombia)
Darfur Women Action Group
Demand Progress Education Fund (US)
Derechos Humanos y Medio Ambiente (Peru)
Dominican Leadership Conference (US)
Due Process of Law Foundation (US)
Egyptian Commission for Rights and Freedoms (Egypt)
Egyptian Human Rights Forum (France)
Egyptians Without Borders Foundation (Egypt)
Eleanor Lives! (US)
Ensaaf (US)
Fundación Ecuménica Para el Desarrollo y la Paz (Peru)
Ganoubia Hora (Egypt)
Global Centre for the Responsibility to Protect
Global Justice Center
Grupo de Iniciativa Nacional por los Derechos del Niño
Historians for Peace and Democracy (US)
Human Rights Center, UC Berkeley (US)
Human Rights First (US)
Human Rights Now (Japan)
Human Rights Watch
iACT
Institute for Genocide and Mass Atrocity Prevention
Institute for the Study of Genocide
Instituto de Defensa Legal (Peru)
Instituto de Democracia y Derechos Humanos de la Pontificia Universidad Católica del Perú
International Criminal Court Alliance (US)
International Federation for Human Rights
J Street (US)
Japan Campaign to Ban Landmines (Japan)
Japan International Volunteer Center
Just Foreign Policy (US)
KYOTO AALA (Japan)
Laboratorio de Paz (Venezuela)
Law and Democracy Support Foundation (Germany)
Lawyers Alert (Nigeria)
Legal Pact for the Future
Media Initiative for Human Rights (Ukraine)
Middle East Democracy Center
Minnesota Peace Project (US)
Movement Medicine Japan
Movimiento Jatarishun (Peru)

MPower Change Action Fund
National Advocacy Center of the Sisters of the Good Shepherd United States
Network Against Japan Arms Trade
Network for Peace in Syria (Japan)
Never Again Coalition (US)
No Business With Genocide (US)
No Peace Without Justice
Parliamentarians for Global Action
Passionists International (US)
Pax Christi (US)
Paz y Esperanza (Peru)
Peace Action (US)
Peace Direct (US)
Piece of Syria (Japan)
Plataforma de Comercio Justo y Consumo Ético Perú (Peru)
Plataforma por la Democracia (Peru)
Presbyterian Church (USA)
Programa Venezolano de Educación Acción en Derechos Humanos (Venezuela)
Red para la Infancia y la Familia – Peru
REDRESS Trust
The Regional Coalition for Women Human Rights Defenders in Southwest Asia and North Africa
Réseau Equitas Côte d’Ivoire
Robert F. Kennedy Human Rights
The Sentry
Sinai Foundation for Human Rights (Egypt)
Sisters of Mercy of the Americas – Justice Team
StoptheDrugWar.org (US)
Sudan Human Rights Network
The United Church of Christ (US)
Ukrainian Legal Aid Foundation (Ukraine)
US Campaign for Palestinian Rights
Veterans For Peace (US)
Win Without War (US)
WITNESS
Women for Weapons Trade Transparency
Women’s Active Museum on War and Peace (Japan)
Women’s Initiatives for Gender Justice
World Federalist Movement – Institute for Global Policy
World Service Authority
World Without Genocide (US)
YMCA of Japan
Zarga Organization for Rural Development (Sudan)