
Questions and Answers: U.S. Sanctions on the International Criminal Court

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This resource – which should not be considered legal advice – is meant to answer key questions about the International Criminal Court (ICC) and the U.S. sanctions targeting it.

On February 6, 2025, the Trump administration issued an [executive order](#) (E.O. 14203) creating a new sanctions program focused on the ICC. The sanctions are in response to the court’s scrutiny of alleged Israeli and U.S. involvement in war crimes within the ICC’s jurisdiction.

Targeted sanctions like these are often used to impose sanctions (i.e., an asset freeze and travel ban) on some of the world’s worst [human rights abusers](#) and [corrupt actors](#). In a perverse misuse of this tool, the new executive order instead targets the very advocates – human rights defenders, witnesses and victims, NGOs, prosecutors, and others – who work to hold alleged perpetrators to account.

1. What is the ICC?

The ICC was [established](#) in 2002 to act as a “court of last resort” for what are known collectively as atrocity crimes: war crimes, crimes against humanity, and genocide. Under the court’s founding treaty, the [Rome Statute](#), it can only investigate when those crimes happen on the territory of the court’s [member states](#), are committed by the nationals of those member states, or when the situation is referred to the court by the United Nations Security Council. The ICC may also prosecute the crime of aggression (i.e., starting a war between states) under much more limited circumstances.

Although the United States has not joined the ICC, 125 countries have, including most U.S. allies. Two other countries have had some or all of their territory placed under the court’s jurisdiction by the UN Security Council ([Sudan](#) and [Libya](#)).

2. Why is the U.S. government sanctioning the ICC?

The Trump administration has said that its sanctions are in response to what it views as the “[illegitimate and baseless](#)” investigation of Israeli nationals for their alleged involvement in atrocity crimes in Palestine. The executive order refers to the [arrest warrants](#) the ICC issued for Israeli Prime Minister Benjamin Netanyahu and former Israeli Defense Minister Yoav Gallant in November 2024 as an “abuse of its power” and “a dangerous precedent, directly endangering current and former United States personnel.” The order also claims that the ICC does not have jurisdiction over the United States or Israel – a claim that is generally true as far as acts committed on their own territory is concerned, but not regarding the acts of their nationals in other countries.

3. What are the arguments against sanctioning the ICC?

First and foremost, the U.S. sanctions have been criticized for harming **the interests of victims** around the world who need an independent court to seek justice. As described below, U.S. financial sanctions against ICC officials could easily prevent the court from conducting investigations and holding trials anywhere, as well as chilling survivors and advocates from sharing evidence with the court.

U.S. foreign policy has often recognized that impunity for atrocity crimes is a threat to **peace and stability**, because political grievances fester if they see no redress and perpetrators often continue committing crimes if they face no consequence. Attacking an institution that contributes to breaking these cycles of impunity would be destabilizing.

Sanctioning the ICC would undermine the court's ability to provide accountability for **actors in fragile states** where emerging threats may otherwise lead to harms in the United States or against Americans abroad.

It is also **incompatible with any U.S. leadership role** in upholding the rule of law or defending human rights to sanction the ICC. Imitating Russia's self-discrediting response to the ICC's investigation in Ukraine will embolden perpetrators everywhere.

Sanctioning the court's officials will **pit the United States against some of its closest allies** by punishing their nationals for their law-abiding work – presumably including the court's British prosecutor, judges from France, Romania, and Japan, and others from NATO and closely allied countries.

Sanctioning the ICC to warn it off prosecuting U.S. officials or personnel is misguided. U.S. officials and personnel always face legal risk for their conduct in other countries. Ensuring those individuals are **held to account provides the best defense** against legal scrutiny of their actions by national or international bodies, including the ICC.

Even for those who reject the ICC's Palestine investigation, there are **other, lawful options** available to seek to stop ICC actions they oppose. In particular, Israeli authorities can do much more to investigate the charges before the ICC, rather than simply contesting the court's jurisdiction or seeking to enlist U.S. threats against the court.

An earlier version of these sanctions was found to harm the First Amendment **free expression rights** of U.S. citizens, several of whom sued in federal court and secured a preliminary injunction on those grounds before the sanctions were lifted in 2021. Non-U.S. persons also will face a chilling effect on their rightful ability to advocate for justice in any situation where the ICC investigates, and without recourse to the same legal remedies.

Major U.S. companies are playing a role in the ICC's operations, and financial sanctions put them at especially acute risk of criminal or civil penalties. Sanctions against ICC officials risk demonstrating to the world that U.S. companies cannot be relied on to provide business services in any politically sensitive field.

Finally, the **ICC is an independent and impartial judicial institution** with guardrails in place to protect against abuse of its power. For the prosecutor to issue an arrest warrant, he must first apply for the warrant by presenting his evidence to a pre-trial chamber of judges. It is the judges, not the prosecutor, who determine whether the evidence presented establishes reasonable grounds to believe the named individual committed the alleged crimes.

4. Why would the ICC have jurisdiction over what's happening in Gaza or the West Bank?

While the United States does not recognize Palestine as a state, large majorities of countries do, treating it as a "non-member observer state" at the United Nations, maintaining diplomatic relations with it, and accepting it as an ICC member state (i.e., a state party to the Rome Statute) since its 2015 accession to that treaty. That provides the

[basis](#) for the ICC to exercise jurisdiction over crimes that happen on Palestinian territory (e.g., Israeli war crimes committed in Gaza) or are committed by Palestinian nationals (e.g., Hamas killings and hostage-taking in southern Israel).

Under what is known as the [principle of complementarity](#), the ICC must defer to genuine national investigations and prosecutions. When properly invoked by states, this principle serves as an exception to the ICC's jurisdiction. Israel [did not](#) invoke the Rome Statute provision requiring the ICC prosecutor to defer the court's investigation in 2021, as [Venezuela](#) and [Afghanistan](#) have done when ICC investigations involving them were opened. Israel's [recent filings](#) with the ICC have focused on challenging the court's jurisdiction and the sufficiency of the prosecutor's notifications, not on showing that Israeli institutions are investigating the actual allegations before the court.

5. What are the February 2025 sanctions against the ICC?

As detailed below, the February 6 executive order allows the U.S. government to impose financial sanctions and visa bans on foreign persons involved in various ways in ICC investigations. In turn, both U.S. and non-U.S. persons may potentially be exposed to criminal and civil (financial) enforcement penalties for violating the sanctions. Thus far, the ICC's chief prosecutor, Karim Khan, is the only person to be [sanctioned](#) under the program. The executive order appears to direct the Treasury and State Departments to propose additional targets for sanctions within 60 days of the order's February 6 issuance.

5.1 Are these sanctions different from those threatened in recent draft legislation?

An [analysis](#) by Human Rights First shows that the new executive order largely mirrors the language from past attempts to sanction the ICC. That includes a [similar sanctions program](#) created by the first Trump administration in 2020 that the Biden administration later [rescinded](#), and [legislation](#) that the House of Representatives passed in January but was voted down in the Senate. Senators who voted down the bill in January described it as overbroad; the new executive order is not meaningfully narrower than that bill and risks causing grave harm to the court, its officials, and the advocates and companies that support it.

5.2 Who can be sanctioned under the executive order?

Only **foreign persons** who engage in the proscribed activities in the executive order may be sanctioned under this program. U.S. persons, such as a U.S. citizen, legal permanent resident, or company (including, in this context, foreign subsidiaries of U.S. companies), cannot be sanctioned. The same is true for dual nationals who hold citizenship in the United States and another country. However, U.S. persons may still be exposed to enforcement penalties, which are further explained below.

5.3 What activities can a foreign person be sanctioned for under the executive order?

There are three primary grounds upon which a foreign person may be sanctioned under this sanctions program, all of which involve either supporting an ICC investigation that the U.S. government opposes (see section 5.4) or supporting a person sanctioned under this program.

First, any foreign person who has “**directly engaged** in any effort by the ICC to investigate, arrest, detain, or prosecute a protected person [see below] without consent of that person’s country of nationality,” may be sanctioned.

Second, any foreign person who has “**materially assisted**, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of” such activities by the ICC – or persons sanctioned under this order, such as Khan – can also be designated.

Finally, any foreign persons who are “**owned or controlled by**, or [who] have **acted** or purported to act **for or on behalf of**” a sanctioned person may be designated, as well.

As is typical for other executive orders creating sanctions programs, this order **does not explicitly define** certain terms, such as “materially assisted.” Regulations for this program are likely to be issued, but it is unlikely they will meaningfully change or narrow the scope of the program as it stands in the executive order. The sanctions are fully in effect even in the absence of such regulations.

5.4 Whom is it sanctionable to investigate or help investigate (i.e., who are “protected persons”)?

The executive order generally makes it sanctionable to support ICC investigations of officials or other people linked to the United States or to certain U.S. allies that have not joined the ICC. Specifically, it is sanctionable to investigate a “protected person without the consent of that person’s country of nationality.”

The definition of “**protected person**” is quite broad: it covers any U.S. person and any foreign person who is a citizen or lawful resident of certain U.S. allies – defined as a [member of NATO](#) or a “[major non-NATO ally](#)” – that either “has not consented to ICC jurisdiction over that person or is not a state party to the Rome Statute.” This includes Israel and nine other mostly authoritarian U.S. allies and partners that have not joined the ICC (Bahrain, Egypt, Kuwait, Morocco, Pakistan, Qatar, Thailand, and Turkey) or joined it and left (the Philippines).

It is therefore sanctionable to engage in ICC investigations of U.S. persons (e.g., in the court’s [Afghanistan](#) investigation) and Israeli persons (in the court’s [Palestine](#) investigation). Under the executive order, they are “protected persons,” since the United States and Israel are not members of the court and have not consented to its jurisdiction.

In contrast, it is not sanctionable to “directly engag[e]” in, for example, the ICC investigations in [Darfur](#) and [Myanmar](#), because neither investigation appears to touch on the conduct of “protected persons,” i.e., nationals from the United States or a specified ally.

It also appears not to be sanctionable to engage in the ICC’s investigation in the [Philippines](#) for extrajudicial killings related to the “war on drugs” from 2011 to 2019, when the Philippines was an ICC member state. While Filipino nationals are “protected persons” by virtue of their country being a major non-NATO ally, their country clearly gave its consent to ICC jurisdiction for the period covered by the investigation.

Note, however, that foreign persons **could still be sanctioned on other grounds** for their involvement in investigations that may be seen as “safe” from sanctions (like the Philippines or Darfur) if they are found to have “materially assisted” a person who is involved in those “safe” investigations and has been sanctioned, such as Khan.

Similarly, whether a person may be sanctioned is separate and distinct from whether they may be exposed to enforcement penalties, as explained below.

5.5 Separately from the risk of being directly sanctioned, who may be exposed to sanctions enforcement penalties and for what activities?

The new executive order creates **vast liability** beyond those who are sanctioned for anyone under U.S. jurisdiction, including **for both U.S. and foreign persons**. U.S. persons and, under certain circumstances, foreign persons who provide support to a sanctioned person, such as Khan, may be exposed to significant criminal or civil penalties for violating the prohibitions in the executive order.

These prohibitions are broad and include making any “contribution or provision of funds, goods, or services by, to, or for the benefit of” any sanctioned person. As one expert on sanctions has [explained](#), this means it is prohibited for any individual or entity under U.S. jurisdiction “to provide a sanctioned party almost any benefit whatsoever.”

In 2021, a district court elaborated on this when it [interpreted](#) “services” to include a variety of speech activities in support of two officials of the ICC’s Office of the Prosecutor (OTP) who had been sanctioned at the time. These activities included participating in meetings with members of the OTP or those acting on behalf of the sanctioned individuals; providing presentations, advice, and training to benefit members of the OTP; conducting and supervising research in support of the OTP; and submitting *amicus* briefs supportive of the OTP. That court indicated that restrictions on these activities would likely unconstitutionally infringe on the First Amendment’s right to free speech, but there is no guarantee another court would reach the same result.

The law authorizing the ICC sanctions program – the International Emergency Economic Powers Act – does contain an [exemption](#) for transactions that only involve the provision of “information and informational materials.”

Documents customized to benefit a sanctioned person or edited following engagement with them are generally not considered covered by this exception, though – only materials that were already “fully in existence.”

5.6 Can foreign persons face enforcement penalties for their work with the ICC?

Under certain circumstances, **foreign persons** who violate the prohibitions outlined in the executive order may face enforcement penalties **when their actions have some connection to the United States**. The prohibitions [require a U.S. nexus](#) for enforcement to be taken. Often, this occurs when financial transactions involving sanctioned persons go through U.S. financial institutions, such as a correspondent bank. This can happen even for transactions originating in foreign currency between two non-U.S. counterparties. (Note that under this sanctions program, foreign subsidiaries of U.S. companies are U.S., not foreign, persons.)

For example, in June 2024, an Italian animation company, Mondo TV S.p.a. (Mondo), had to pay a \$538,000 penalty for apparently [violating](#) the U.S. government’s North Korea sanctions program. The apparent violations occurred

when Mondo paid outstanding debts to a sanctioned person, namely a North Korea-owned animation company, via financial transactions that were processed through U.S. banks.

Such financial transactions are not the only way that foreign persons can violate a sanctions program. One civil liability [settlement](#) with the Treasury Department indicates that the U.S. government could even be [willing](#) to impose enforcement penalties in cases where a transaction's only connection to the United States is the use of a U.S. server to route messages between a foreign person and a sanctioned person.

5.7 What are the potential enforcement penalties?

Civil and criminal enforcement penalties can be [substantial](#), with the Treasury Department managing civil penalties and the Department of Justice managing criminal enforcement. On the civil side¹, violations of sanctions programs may be punished by hundreds of thousands of dollars in fines depending on the specific program and severity of the violation, which would be assessed based on the factors laid out in Treasury's [Enforcement Guidelines](#). For example, in 2024, violators could face more than \$300,000 per violation. Criminal violations of sanctions can result in criminal fines of up to \$1 million or up to 20 years' imprisonment for willful violations. U.S. and foreign persons concerned about their potential exposure to penalties should seek legal advice to understand and mitigate risk.

5.8 Who else is at risk of a visa ban, beyond those directly sanctioned?

In addition to banning the entry of individuals who have been sanctioned, the new executive order also **provides for a [blanket visa ban](#)** on any non-U.S. individuals whom the Secretary of State finds are **"employed by, or acting as an agent of, the ICC."** This means that any of the court's [900 staff employees](#) who are not U.S. citizens or nationals could be banned from entering the United States, even those who may be performing administrative functions unrelated to the investigations the U.S. government opposes, and who may have U.S.-citizen spouses and children. The same is true of anyone the State Department might consider to be an "agent" of the court, a term that is not defined. It is unclear whether anyone has yet been targeted under this provision because such visa bans are rarely publicized.

6. What is the ICC currently investigating?

The ICC is currently conducting [12 investigations](#) into situations in countries such as Ukraine, Myanmar, Sudan, Palestine, the Democratic Republic of the Congo, the Philippines, and Venezuela, among others. Some of these investigations are summarized below, along with comments from activists and others from the countries where the investigations are taking place.

Ukraine

The ICC launched an investigation after Russia's full-scale invasion of Ukraine in 2022, which prompted 40 member states to refer the situation to the prosecutor. Although neither Russia nor Ukraine was a party to the Rome Statute at the time, Ukraine had consented to the court's jurisdiction over alleged crimes committed on its territory since 2013. In March 2023, the court issued arrest warrants for Russian President Vladimir Putin and another Russian

¹ <https://www.ecfr.gov/current/title-31/subtitle-B/chapter-V/part-501/appendix-Appendix%20A%20to%20Part%20501>

official for the war crime of unlawfully deporting “[at least hundreds](#)” of children from occupied Ukrainian territory to Russia. In 2024, the court issued an additional four arrest warrants for Russian military officials involved in alleged war crimes against civilian infrastructure.

- “The International Criminal Court is the only international mechanism which provides us a chance to make Putin and his allies accountable,” [said Oleksandra Matviichuk, Head of the Center for Civil Liberties in Ukraine and a Nobel Peace Prize recipient in 2022](#). “Russian troops have committed horrible crimes in Chechnya, Moldova, Georgia, Mali, Libya, Syria, and other countries in the world. Putin believes he can do whatever he wants. The ICC is the existing instrument for how we can break this circle of impunity, and it’s important not just for people in Ukraine, because if we’re not able to stop Putin, he will go further.”

Myanmar/Bangladesh

In 2019, the ICC began investigating alleged crimes related to the forced deportation of more than half a million Rohingya from Rakhine State in Myanmar across the border into Bangladesh, an ICC state party. In November 2024, the Office of the Prosecutor applied for an arrest warrant for Senior General and Acting President Min Aung Hlaing for the crimes against humanity of deportation and persecution of Rohingya.

- “For the millions of people of Burma, the Rohingya community, and all the ethnic minorities, there is only one hope we have: that the International Criminal Court will one day punish these perpetrators,” [said Kyaw Win, Executive Director of the Burma Human Rights Network](#). “The US has been our main ally and supporter in this struggle. Sanctioning the ICC could smash our dreams and take away our right to have justice. It would signal to all perpetrators from around the world that they can kill as much as they like.”

Darfur, Sudan

The ICC has been investigating atrocity crimes committed in Darfur since 2005, when the UN Security Council referred the situation to the court. In 2009 and 2010, the court issued arrest warrants for Sudanese [President Omar al-Bashir](#) for crimes against humanity, war crimes, and genocide, the first time the latter charge was brought by the ICC. A top commander of the notorious Janjaweed militia is [currently on trial](#) with a verdict expected later this year.

After intense hostilities broke out in April 2023 between the Sudanese Armed Forces and the Rapid Support Forces, a powerful paramilitary group with its origins in the Janjaweed militia, the ICC [renewed](#) its investigation in Darfur. The war in Sudan has become the [largest humanitarian crisis](#) since records began, with [indiscriminate violence](#) against civilians resulting in 18,800 civilians [killed](#) and more than 14 million people [forcibly displaced](#).

- “Sanctions imposed on the ICC are a dangerous precedent that sends the message that such crimes are not serious and perpetrators will continue to get away with impunity,” [said Niemat Ahmadi, President of the Darfur Women Action Group and survivor of the Darfur genocide](#). “If the ICC is being hindered, it will enable perpetrators from around the world, including those who the U.S. is seeking to hold accountable, to go free.”

Palestine

In 2021, the ICC launched an investigation into alleged crimes committed since 2014 in Gaza and the West Bank. Following Hamas’s attack on Israel on October 7, 2023, and Israel’s subsequent bombardment of Gaza, the court

issued arrest warrants for [Israeli Prime Minister Benjamin Netanyahu](#), former Israeli Defense Minister Yoav Gallant, and Hamas military leader [Mohammed Deif](#) on charges including war crimes and crimes against humanity.

The ICC found reasonable grounds to charge Netanyahu and Gallant with the war crimes of starvation as a method of warfare and intentionally directing an attack against the civilian population, and the crimes against humanity of murder, persecution, and other inhumane acts. Mohammed Deif was charged with the crimes against humanity of murder, extermination, torture, and rape and other forms of sexual violence, and the war crime of taking hostages, among other charges. Deif was later confirmed killed and his warrant for arrest [terminated](#); the prosecutor had also [initially sought](#) the arrest of two other Hamas leaders who were also confirmed killed.

- "This executive order is a direct attack on an independent judicial institution necessary for combating impunity for atrocity crimes. It targets an incalculable number of victims, lawyers, investigators, victims representatives, and others in an attempt to stymie the work of the Court and keep it from doing its job of seeking to hold Israeli officials accountable for war crimes and crimes against humanity against Palestinians in Gaza," [said Katherine Gallagher, Senior Staff Attorney at the Center for Constitutional Rights \(CCR\) and legal representative for victims at the ICC](#). She added: "The United States should concern itself with upholding international norms rather than working to dismantle international justice mechanisms and perpetuating systemic impunity for itself and Israeli leaders."

[Democratic Republic of the Congo \(DRC\)](#)

The ICC has been investigating in the eastern DRC since 2004. To date, three defendants have been convicted of crimes against humanity or war crimes. In October 2024, the court [renewed](#) its investigation with a focus on [ongoing atrocities](#) occurring since 2022, including those committed amid [fighting between](#) Congolese forces and M23, a rebel group backed by neighboring Rwanda.

- "Following the issuance of a US Executive Order to impose sanctions on the International Criminal Court, we join our voices with those who believe that, more than ever before, our world needs an international order based on the rule of law and victims of atrocities deserve justice and reparations," [said Denis Mukwege, Congolese human rights activist and Nobel Peace Prize laureate](#).

[The Philippines](#)

The ICC is investigating possible crimes against humanity committed in the Philippines during the so-called "[war on drugs](#)" under the administration of former President Rodrigo Duterte. Human rights groups [estimate](#) more than 30,000 people were extrajudicially killed, many of them children.

The Philippines was a state party to the Rome Statute from 2011. Its withdrawal from the court took effect in 2019, but the ICC retained its jurisdiction with respect to alleged crimes committed while the Philippines was a member of the ICC. On March 7, 2025, the ICC issued a sealed [arrest warrant](#) for Duterte for the crime against humanity of murder. Days later, it was reported Duterte had been arrested and [transferred](#) to the ICC in The Hague.

- "Filipinos must join the world in support of the ICC, especially now that the Trump Administration has imposed sanctions on ICC Prosecutor Karim Khan," [said human rights activist and former Philippine Senator Leila de Lima](#), who had been arbitrarily detained for being a vocal critic of former President

Duterte. “For countries like the Philippines recently ravaged with crimes against humanity by their own government, the ICC remains to be our only hope for justice. The sanctions imposed by President Trump on the ICC Prosecutor will frustrate our efforts to finally realize that hope.”

7. How will the sanctions impact the ICC?

The impact of the U.S. sanctions program will depend on whom the U.S. government chooses to sanction. With the ICC’s chief prosecutor, Karim Khan, already [sanctioned](#), the new executive order will have a profound impact on the court’s ability to fulfill its mandate and bring justice to victims across all its investigations.

In particular, the risk of enforcement penalties against U.S. and foreign persons for interacting with Khan – who, as chief prosecutor, is involved to some degree in all the court’s investigations, not only those disfavored by the U.S. government – could cause some ICC officials and supporters to stop their work with the court entirely.

For example, while European subsidiaries of U.S. companies cannot be directly sanctioned under this sanctions program, they may be [vulnerable](#) to massive enforcement penalties for providing a service such as cloud data storage to the Office of the Prosecutor, which presumably benefits Khan. Withdrawing such services to comply with the sanctions would have severe consequences for the court’s basic ability to function. Similarly, investigations that the executive order does not oppose (e.g., Myanmar, Darfur, or the Philippines) but that involve Khan may be disrupted if U.S. citizens working on them or supporting them deem it prudent to stop their work to avoid the risk of enforcement penalties.

Human rights advocates around the world also face grave uncertainty if they support investigations that the U.S. government opposes, or if they provide material support to Khan in other investigations. Witnesses, survivors, and other advocates have long worked with the ICC to investigate and document violations, conduct research, provide training, and otherwise support the court’s vital work, and will now face a chilling effect.

8. What has been the international response to the sanctions against the ICC?

Civil society groups from across the globe ([including Human Rights First](#)) have strongly [condemned](#) the sanctions against the ICC, both as proposed by the House bill and authorized by the new executive order.

For example, the Coalition for the International Criminal Court and more than 150 of its member NGOs and coalitions issued a [statement](#) calling for ICC member states to protect the court and victims’ access to justice. Similar statements opposing the sanctions were published by the [Washington Working Group for the ICC](#) (signed by over 130 faith-based groups, legal associations, and academic institutions), [Amnesty International](#), [Human Rights Watch](#), the [ACLU](#), the [International Federation for Human Rights \(FIDH\)](#) and its member organizations, [Jewish Voice for Peace](#), the [New York City Bar Association](#), and a group of [UN Experts](#), among [others](#), such as a [letter](#) to Congress led by former Philippine Senator Leila de Lima. Activists and members of the European Parliament have likewise [called on](#) Europe to protect the ICC from the damaging effects of the sanctions.

- “The jurisdiction of the ICC has been litigated and settled by rulings of the ICC and is not exercised contrary to international law,” [said](#) a **group of independent UN experts**. “By sanctioning the ICC, the U.S. President is

gravely undermining the 'never again' legacy of Nuremberg, a cornerstone of evolving international criminal law since 1945."

- "As defenders of a rule-based world, we have a responsibility to protect the ICC because it is a crucial common good for humankind. As victims, we defend the ICC because it is **our only hope for justice**," [said](#) a group of victims, other activists, and members of the European Parliament.

Governments have similarly denounced the sanctions and expressed their support for the ICC, with statements from a group of [79 ICC member states](#), ambassadors from [20 European governments](#), the [Bureau of the Assembly of States Parties](#) to the Rome Statute, and the [President of the ICC](#) itself.

- "Measures sanctioning the Court, its officials and staff, and those cooperating with it...increase the risk of impunity for the most serious crimes and threaten to erode the international rule of law," [said a group of 79 ICC member states, including U.S. allies such as the UK, France, and Canada](#). "Sanctions would severely undermine all situations under investigation as the Court may have to close its field offices. Advancing the ICC's vital work serves our common interest in promoting accountability, as evidenced by the support provided to the Court by both States Parties and non-States Parties."

9. What legal challenges were brought against the sanctions targeting the ICC in 2020?

In October 2020, a public interest law center and four law professors filed a [lawsuit](#) arguing that the Trump administration's 2020 executive order violated their constitutional rights. In January 2021, the plaintiffs won a partial victory when a district court agreed that the executive order likely violated their First Amendment rights to free speech and [granted](#) a preliminary injunction prohibiting the U.S. government from enforcing any penalties against them. The case was ultimately [dropped](#) when the Biden administration [revoked](#) the 2020 executive order.

In January 2021, three other law faculty and an ACLU human rights attorney similarly [sued](#) arguing that the 2020 executive order violated the First Amendment by preventing them from providing expertise and evidence to the ICC and representing victims before the court's proceedings. After the Biden administration rescinded the order, the case was dropped.

10. Why hasn't the ICC brought charges against the ayatollahs of Iran, or the leaders of China, or Bashar al-Assad of Syria?

The ICC's jurisdiction is linked to the territory and the nationals of its member states. Iran, Syria, and China have not joined the ICC. If, like Russia in Ukraine, officials of those countries were to commit atrocity crimes on the territory of a country that has accepted the court's jurisdiction, the court would have a basis to investigate their actions. The same would be true if the UN Security Council were to refer the situation in one of these countries to the ICC prosecutor, but one or more of the Council's permanent members would almost certainly veto a proposal for it to do so.