

CRIMINALISING ACCOUNTABILITY

The US lawfare against the international justice system



COALITION
FOR THE INTERNATIONAL
CRIMINAL COURT



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**Global Initiative
Against Impunity**

Making Justice Work

**“I SPEAK FOR EVERYONE,
WHEN I SAY THAT THESE
MEASURES ARE FUTILE
AND HAVE NO EFFECT
ON OUR WORK.”**

| Kimberly Prost, International Criminal Court Judge

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List of Acronyms

ASP	Assembly of States Parties of the International Criminal Court
CEO	Chief Executive Officer
CIA	Central Intelligence Agency (United States)
CICC	Coalition for the International Criminal Court
CSO	Civil society organisation
ECCHR	European Center for Constitutional and Human Rights
EO	Executive Order (United States)
EU	European Union
FIDH	International Federation for Human Rights
ICC	International Criminal Court
IEEPA	International Emergency Economic Powers Act (United States)
IT	Information Technology
LRV	Legal Representative of Victims
NATO	North Atlantic Treaty Organization
NEA	National Emergencies Act (United States)
OFAC	Office of Foreign Assets Control (United States)
oPt	Occupied Palestinian Territory
OTP	Office of the Prosecutor of the International Criminal Court
PCHR	Palestinian Centre for Human Rights
SDN list	Specially Designated Nationals and Blocked Persons list (United States)
SEPA	Single Euro Payments Area
SWIFT	Society for Worldwide Interbank Financial Telecommunication
TFV	Trust Fund for Victims of the International Criminal Court
UK	United Kingdom
UN	United Nations
UNSG	United Nations Secretary General
UNSR	UN Special Rapporteur
USD	US Dollars
US	United States

Executive Summary

In this report, the Coalition for the International Criminal Court (the Coalition or CICC) delves into the complex web of the United States (US) sanctions regime and exposes how a domestic legal instrument is able to function as a transnational policy enforcement mechanism intended to dismantle international justice efforts at the International Criminal Court (ICC) and beyond. Because of the extraordinary global reach of the US banking, Information Technology (IT) and service sectors, sanctions can be instrumentalised as part of an attack on efforts undertaken by two-thirds of the world's states working in partnership with civil society and survivors to tackle impunity for the most serious international crimes. Ostensibly a response to the ICC's investigations in Afghanistan and Palestine, sanctions targeting the Court threaten accountability efforts for victims and survivors across all ongoing investigations in the Bangladesh/Myanmar, Democratic Republic of the Congo, Ivory Coast, Libya, Lithuania/Belarus, Mali, Burundi, Sudan, the Philippines, Ukraine and Venezuela.

While those affected by the sanctions imposed by the US administration are courageously striving to weather the storm, ensure the continuity of their work and limit disruptions, they have largely been left to do so without the needed collective backing of states and global institutions. The intended impact of sanctions goes beyond those directly designated; they deter the broader justice community, including US and non-US-based civil society, from their work, and isolate and divide members of civil society from one another, disrupting collective work. They also send a clear message to survivors: crimes committed by powerful states should remain unpunished. The report describes the impact of the sanctions on the entire Rome Statute system, and the legal and institutional frameworks and actions that states and global institutions should urgently activate to help resist such attacks and shield those affected.

First, the report traces the history of US attacks on the ICC since its establishment in 2002, culminating with the unlawful use of the sanctions regime under the two Trump presidencies to coerce, punish and isolate organisations and individuals leading accountability efforts. Next, based on interviews with technical and legal experts, the report explains the mechanics of how an executive order issued by a US president can impact the lives of individuals and institutions from The Hague to Palestine. Due to the structural dependency of the global banking and financial systems on US technology, the US Dollar and US banks, sanctions imposed by the US on foreign individuals cut off sanctioned individuals from banking and credit card systems, even for transactions in foreign currencies outside the US. Similarly, near universal reliance on US companies in IT, internet and digital services translates into a sanctioned individual in The Hague being unable to book a flight or order an Uber, and a Palestinian human rights organisation having its website and social media accounts closed, even when these activities may not technically be prohibited by the sanctions, reflecting a pattern of over-compliance observed across all sectors. The research shows that this dependency poses a threat not only to justice and accountability actors, but to the sovereignty, independence and security of states and their nationals.

Based on detailed interviews with all individuals and institutions designated under President Trump's 2025 Executive Order, the report then presents, in interviewees' own words, the wide ranging personal and institutional impacts of the sanctions as well as their fears at the chilling effect they are having on international justice efforts around the world.

Several highlight that it is the victims and survivors who pay the ultimate price for the sanctions. At the same time, what shines through in each and every interview is the extraordinary resilience and determination of those who are part of the international justice project, whether at the ICC, the United Nations (UN) or in a Civil Society Organisation (CSO), to continue their work despite the pressure and despite the personal cost. Those targeted continue their work undeterred. In their own words: "We work with integrity and objectivity, this has not and will not change;"¹ "We follow the law and the Jurisprudence;"² "We will never give up;"³ "We will continue to reject this abuse of power;"⁴ "We need to stand for accountability;"⁵ "It is down to us to show resilience."⁶

Those involved are fully aware that what is under attack, and what is at stake, is not themselves as individuals or even the targeted institutions as such, but the rule of law and the principle that justice for atrocity crimes should not depend on the power of those responsible, but on rigorous and equal application of the law based on the facts and the law. Judges remain clear: "There cannot be different justices. There is one justice for all."⁷

But without significant support from states, the consequences of the sanctions imposed by the US administration remain overreaching and jeopardise the rule of law internationally. Thus far, the states that built the Court and the international system it is part of have declined to activate the mechanisms specifically designed to enable it to withstand attack, including the European Union (EU) Blocking Statute. Further, states and institutions that should and could have immediately taken collective and systemic steps to oppose the sanctions and implement alternative solutions to mitigate their impact have so far declined to do so. "This is a test case for states, whether they are really standing for the principles of justice and human dignity or not," reflected one civil society representative.⁸ Individuals, organisations and institutions are given ad-hoc responses from states and face different level of impacts on their lives, their work and their families. The final part of the report details these failures.

The report closes with a series of recommendations directed at states and the European Union (EU), the United Nations (UN), the International Criminal Court (ICC) and its Assembly of States Parties (ASP), global service providers and civil society organisations. Solutions to mitigate the consequences of the sanctions imposed by the US administration are feasible but require collective efforts and responsibility. Those solutions need to include all those designated under the sanctions, recognising their unequal effects, and not rely on an ad-hoc, case by case, approach that excludes some. It may not be possible to entirely shield those targeted from all the disruptive impacts of these unlawful attacks, but steps can and must be taken to ensure the work can continue and that protections built into the system, like the EU blocking statute, are activated.

1 Luz del Carmen Ibáñez Carranza, Judge, ICC.

2 Nazhat Shameem Khan, Deputy Prosecutor, ICC.

3 Issam Younis, General Director, the Al Mezan Center for Human Rights.

4 Jamil Dakwar, Director of the Human Rights Program, American Civil Liberties Union (ACLU).

5 Shawan Jabarin, General Director, Al-Haq.

6 Beti Hohler, Judge, ICC.

7 Gocha Lordkipanidze, Judge, ICC.

8 Raji Sourani, Founder and Director, Palestinian Centre for Human Rights (PCHR).

1. Introduction

Civil society organisations and individual activists fighting for human rights and accountability are no strangers to lawfare, i.e. the use of apparently legitimate legal measures to quash dissent, repress human rights work and silence calls for justice. Palestinian and Afghan organisations have borne the brunt of relentless attacks for decades for their work exposing serious human rights and international criminal law violations. Yet, the consequences of the recent sanctions extend far beyond these situations. Ultimately, it is victims and survivors of these violations who bear the consequences.

The ICC itself is also no stranger to hostile actions against it. The US alone has initiated several attacks against the Court, to varying degrees over time and interspersed with periods of support and cooperation when it suited US interests. President Trump sanctioned former ICC Prosecutor Fatou Bensouda and a member of her staff during his first administration. Courts in the Russian Federation have gone so far as to try, convict and sentence ICC officials *in absentia* for their work on justice in Ukraine. “The reason is the same, some powers think that they are above the law,” ICC Judge Ibáñez, designated by the US and convicted *in absentia* by a court in the Russian Federation, told the Coalition; “our ‘crime’ is to deliver justice in a legal framework for the most defenceless victims around the world.”

However, at the start of 2025, few expected the very serious turn these attacks would take. It began with the designation of ICC Prosecutor Karim Khan for sanctions in February 2025: “I was the first guinea pig of Donald Trump, to see how much we would be hurt by these sanctions.” By the end of that year, a further 10 ICC officials, including Judges and Deputy Prosecutors, and a UN Special Rapporteur would be similarly sanctioned, while three Palestinian civil society organisations would be designated under the same sanctions regime, and a fourth designated under a different one. Judge Alapini-Gansou has been a victim of both attacks: “I have been sanctioned twice, under arrest warrants by Russia, and under economic sanctions by the US.”⁹

The intention is clear: to “target a few with the aim of impacting the whole.”¹⁰ The imposition of sanctions triggers a transactional enforcement mechanism that instrumentalises the US banking, IT and service sectors as weapons aimed at shutting down human rights and justice efforts. The consequences have been immediate, and the impact on the daily lives of those designated, and their families, as well as on the operations of the designated CSOs, has been striking. There has been a secondary effect as the broader human rights and justice ecosystem struggles to adapt to an increasingly hostile environment where fear is the greatest risk. As one ICC judge put it, “Fear itself undermines justice efforts: decision makers, ministers, European commissioners, NGOs can never integrate fear in their decisions.”¹¹

Yet there has been a consequence that those imposing sanctions perhaps did not foresee: designated individuals and organisations have refused to be cowed. Driven by their mission and mandate to support victims seeking justice for the most serious crimes, designated individuals and organisations, and the broader ecosystem, have strengthened their resolve and found ways to work around the restrictions unjustly imposed on them.

9 Reine Alapini-Gansou, Judge, ICC.

10 Agnès Callamard, Secretary General, Amnesty International.

11 Nicolas Guillou, Judge, ICC.

Judge Alapini-Gansou said: "These measures have no effect on our dedication to our work because we are assigned to this task and we must answer for it. The victims around the world are waiting for us and watching us. As a judge, I continue to do my job to the best of my ability and conscience, even if it is difficult, and it is the same for my colleagues."

At the same time, those designated under the sanctions have expectations: expectations that the states that established the Court and still fund and guide it will step up; expectations that international institutions designed to preserve the international rules based order will use the tools at their disposal to do so; and expectations that wider civil society and commercial entities will decline to join the attack and instead will stand up for justice and accountability. Across all interviews, the ineffectiveness of the response of states to the sanctions was underlined. As ICC Prosecutor Karim Khan put it: "States not only have a legal obligation they have a moral one. Some want to put their heads in the sand and wait for the storm to pass. In my view, that is a very complacent approach."

2. Methodology

The report is based on research conducted by the International Secretariat of the Coalition for the ICC between September 2025 and March 2026. The research includes a literature review of executive orders, articles, including academic articles, op-eds, interviews and media pieces, and interviews conducted by the CICC Secretariat with 45 interviewees, including people directly affected by the sanctions and subject matter experts.

Between October 2025 and March 2026,¹² the CICC Secretariat conducted interviews with:

- All individuals designated under EO 14203 to assess the impact of sanctions on individuals, organisations, and their work including:
 - The eight ICC judges, the ICC Prosecutor, and two Deputy Prosecutors and the UN Special Rapporteur on human rights in the occupied Palestinian territories;
 - Representatives, employees, and former employees of the four Palestinian human rights organisations: Al-Haq, the Palestinian Centre for Human Rights (PCHR), Al Mezan and Addameer;
- The Registrar of the ICC and the Executive Director of the ICC Trust Fund for Victims (TFV) to assess the impact of the sanctions on the Court as a whole;
- Representatives of two US organisations and two US nationals working on justice and accountability to assess the impact on US nationals and organisations;
- Representatives of five international human rights organisations working on justice and accountability, including with the designated organisations, to assess the secondary impact of sanctions on their work;
- Three UN and former UN independent experts; and
- Nine subject matter experts, including on international law, sanctions, IT, victims' representation and US law.

¹² The dates of each interview are not included in this report, but are on file with the CICC.

The Secretariat of the Coalition conducted these interviews in person and online using secure platforms. Interviewees were informed of the purpose of the interview and given the option of providing their answers anonymously to minimise the risk of retaliation. Three interviewees requested anonymity. No interviewee received financial compensation for providing information. All quotations were shared with the respective interviewees in advance of publication for the purposes of verification and formal authorisation for inclusion in this report.



3. The Trump Administration's Use of Sanctions to Coerce and Punish International Justice Actors

“The purpose of the sanctions regime is to deal with drug dealers, terrorism and terrorism financing. It is a shocking thing that sanctions would be used to target law enforcement officials prosecuting the most serious crimes in the world. This undermines how we feel about ourselves: there is a sense of hurt that we are put in the same category as terrorists and drug dealers by a country. But we have overcome this feeling of shock and injustice.”

| Nazhat Shameem Khan, ICC Deputy Prosecutor

3.1. The US Sanctions System

The US Congress passed the National Emergencies Act (NEA) in 1976 and the International Emergency Economic Powers Act (IEEPA) in 1977, part of a package of bills that were passed in the wake of Watergate intended as a check on presidential power.¹³

Despite legal challenges,¹⁴ the IEEPA remains the basis of today's US sanctions regime against the ICC. Very broadly drafted, it grants the President extensive powers to deal with any “unusual and extraordinary threat (...) to the national security, foreign policy, or economy of the United States.”¹⁵ The IEEPA empowers the US President to declare a national emergency, through an Executive Order (EO), and impose sanctions and other economic measures on identified countries, individuals, groups and private entities to respond to those threats. Sanctions can include freezing assets in the US, preventing entry to the US, prohibiting US persons from engaging in any transactions, material support or provision of services with designated persons and blocking financial transactions that have a US nexus. Travel bans can be imposed on the basis of other authorities.

Different US presidents have used the IEEPA to impose sanctions on foreign states they have deemed a threat, in order to pursue their foreign policy agendas.¹⁶ In the context of the US so-called “war on terror”¹⁷ and “war on drugs”,¹⁸ the IEEPA has increasingly been used to designate individuals, notably those “engaging in harmful activity, such as terrorists, international narcotics traffickers, weapons of mass destruction proliferators, and other malign actors”.¹⁹ Those who have been sanctioned over the years include alleged terrorists

13 Congressional Research Service, “The International Emergency Economic Powers Act: Origins, Evolution, and Use”, updated 1 September 2025.

14 US Lawyer, expert on sanctions.

15 50 US Code Chapter 35, section 1701.

16 See, for example, Andrew Boyle, “Checking the President’s Sanctions Powers”, Brennan Center for Justice, 10 June 2021, which describes the use of IEEPA as a “routine foreign policy tool”.

17 EO 13224, President George W Bush, “Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism”, 23 September 2001.

18 EO 14059, President Joe Biden, “Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade”, 15 December 2021.

19 OFAC, “Frequently Asked Questions No. 1”, last accessed 9 March 2026.

and war criminals Osama Bin Laden, Joseph Kony, and Abu Bakr Al-Baghdadi, and non-state armed groups such as Al Qaeda, ISIS and Boko Haram. Yet, from the beginning, “the scope of the IEEPA was very broad and had the capacity to drift,” such that it can now be used “to authorise emergency executive action that effectively targets ‘ideological enemies’ of the US administration that pose no ‘real unusual and extraordinary threat’ to national security,” noted Dr. Gavin Sullivan, legal academic and sanctions expert.²⁰

3.2. The First Justice Targets: the ICC Office of the Prosecutor

“*[The US] is favourable to the Court when it is directed at their opponents, but when the Court starts looking at them and their friends, like Israel, they get very hostile. In 2002, we did not know what the targets of the Court would be, so they were hostile. Once they saw that the first Prosecutor would not go against US interests, then they were much more positive towards the Court.*”

| Professor William Schabas²¹

During his two administrations, US President Donald Trump has weaponised and, as this report will demonstrate, unlawfully instrumentalised the sanctions regime to obstruct justice and accountability for crimes allegedly committed by US nationals (in Afghanistan) and US allies (so far, only Israeli nationals). The sanctions are the most direct action taken against the Court in a long history of fluctuating US positions ranging from cautious engagement to outright hostility when the US has deemed the Court not to be, or not to be acting, in its interests.²² Attacks against the Court have included the so-called Article 98 bilateral agreements between 2002 and 2006, designed to prevent states parties from transferring US nationals to the ICC; the 2002 American Service Members’ Protection Act of 2002 (nicknamed the “Hague Invasion Act”), which protects US military members from ICC prosecution, prohibits military aid to ICC states parties and authorizes the use of “all means necessary”, including military force, to liberate any US national or citizen of a US-allied country held by the Court;²³ and President Bush’s purported withdrawal of the US’s signature to the Rome Statute in 2002.

The first Court-related sanctions date back to the first Trump administration. On 20 November 2017, then-Prosecutor Bensouda had requested authorisation from the Pre-Trial Chamber to open a formal investigation into the situation in Afghanistan in accordance with Article 15(3) of the Rome Statute. Her request was based on a preliminary examination into crimes allegedly committed in relation to the armed conflict in Afghanistan, including by US armed forces and by members of the Central Intelligence Agency (CIA).²⁴

20 Dr Gavin Sullivan is the author of *The Law of the List: UN Counterterrorism Sanctions and the Politics of Global Security Law* (Cambridge University Press, 2020).

21 William Schabas, Professor of international law, Middlesex University London.

22 Leila N. Sadat and Mark A. Drumbl, “The United States and the International Criminal Court: A Complicated, Uneasy, Yet at Times Engaging Relationship,” Washington University in St. Louis Legal Studies Research Paper Series (2016).

23 American Servicemembers Protection Act of 2002, Pub. L. No. 107-206, §§ 2002–2014, 116 Stat. 820 (2002), As Amended Through P.L. 117-328, Enacted December 29, 2022. Human Rights Watch, “U.S.: ‘Hague Invasion Act’ Becomes Law”, 3 August 2002.

24 International Criminal Court, “The Prosecutor of the International Criminal Court, Fatou Bensouda, requests judicial authorisation to commence an investigation into the Situation in the Islamic Republic of Afghanistan”, 20 November 2017.

Just under a year later, Trump's National Security Adviser at the time, John Bolton, openly stated that the United States would use "any means necessary" to protect its citizens and those of its allies from "unjust prosecution by this illegitimate court."²⁵ On 5 March 2020, the ICC Appeals Chamber decided unanimously to authorise the commencement of the investigation into the situation in Afghanistan.

A few months later, after years of threats against the Court and the closure of the Palestine Liberation Organization's office in Washington for their support of the ICC,²⁶ the Trump administration took action on 11 June 2020. Executive Order 13928 laid the basis for sanctioning ICC officials and staff who directly engaged in efforts to investigate US nationals for crimes allegedly committed in Afghanistan and those who materially supported these efforts.²⁷ The Executive Order also referred to ICC investigations into US allies, without naming any country, as a basis for the imposition of sanctions. On 2 September 2020, the Trump administration sanctioned ICC Prosecutor Fatou Bensouda and Phakiso Mochochoko, a senior staff member in her office.²⁸ While not referring specifically to Afghanistan, US Secretary of State Michael Pompeo announced the designation of Bensouda for having investigated US personnel, and Mochochoko for having materially assisted Bensouda in those investigations.²⁹

The US has not ratified the Rome Statute and, despite the clear principles of international law underpinning the jurisdiction provisions in the Rome Statute, has consistently rejected the jurisdiction of the Court over its nationals and nationals of non-states parties to the Court generally. The Rome Statute is clear: the ICC has jurisdiction over crimes committed on the territory of a state party, no matter the nationality of the alleged perpetrator.³⁰ Consequently, nationals of non-member states, including US nationals, can be tried by the Court for crimes committed on the territory of a state party. Since both Afghanistan and the State of Palestine ratified the Rome Statute in 2003 and 2014 respectively, the Court has jurisdiction to prosecute war crimes, crimes against humanity and genocide committed on the territory of both countries, even by nationals of non-member states, such as the US and Israel. The Rome Statute was designed this way to give effect to the jurisdiction of states parties.

As William Schabas underlined, "International law recognises that states can prosecute crimes on their territory, so they can certainly create an international court to prosecute those crimes."

While the sanctions against Bensouda and Mochochoko were later revoked by President Biden, "a precedent was set"³¹ for today's sanctions programme against a much broader range of individuals. In ICC Judge Ibáñez's view, "a superpower threatening and attacking an institution" that had been established as an expression of the will of the international community was "something that states and the international community had never envisaged."

25 Owen Bowcott, Oliver Holmes, and Erin Durkin, "John Bolton threatens war crimes court with sanctions in virulent attack," *The Guardian*, 10 September 2018.

26 Steve Holland, "Trump administration takes aim at International Criminal Court, PLO", *Reuters*, 10 September 2018.

27 EO 13928, President Donald Trump, "Blocking Property of Certain Persons Associated With the International Criminal Court", 11 June 2020.

28 International Criminal Court, "Afghanistan: ICC Appeals Chamber authorises the opening of an investigation", 5 March 2020. See also, Human Rights Watch, "US Sanctions International Criminal Court Prosecutor: US Sanctions International Criminal Court Prosecutor", 2 September 2020, EO 13928, President Donald Trump, "Blocking Property of Certain Persons Associated With the International Criminal Court", 11 June 2020.

29 Micheal Pompeo, "Actions to Protect U.S. Personnel from Illegitimate Investigation by the International Criminal Court", 2 September 2020.

30 Rome Statute, Article 12(2).

31 Adam Keith, Senior Director for Accountability, Human Rights First.

3.3. Widening the Net: Sanctions under Trump's Second Administration Target the Entire Judicial Process

“The sanctions are a direct attack on the most important criminal justice institution and those who are at the forefront of justice matters in the world. It is shocking that a state that portrayed itself as a leader in ending impunity in the world would conduct such attacks.”

| Margaret Satterthwaite, UN Special Rapporteur on the independence of judges and lawyers

The precedent set under the first Trump administration has escalated during Trump's second term: at the time of writing, 11 ICC elected officials have been sanctioned for fulfilling their judicial, prosecutorial, or administrative duties in spite of US pressure and demands. As Professor William Schabas noted, “We never experienced such an aggressive and hostile approach to the Court as under this second Trump administration.” Shawan Jabarin, Executive Director of Al-Haq, explained how civil society perceived the announcement: “When they went as far as sanctioning ICC judges, it was like an earthquake, it shocked everyone. Judges who are carrying their mission, defend justice, and act according to the rule of law. After that there is nothing called a redline, there is no limit.”

In September 2021, ICC Prosecutor Karim Khan announced that he had de-prioritised the investigation of crimes committed by US soldiers in the Afghanistan situation.³² However, Prosecutor Khan continued the investigations into the Situation in Palestine and on 24 May 2024, filed applications for warrants of arrest against three Hamas leaders, Israeli Prime Minister, Benjamin Netanyahu, and former Minister of Defence, Yoav Gallant, for crimes against humanity and war crimes. Warrants were issued against Netanyahu and Gallant by Pre-Trial Chamber I in November of the same year.³³

A month prior to the application for warrants, a group of 12 US Republican senators, including Marco Rubio, current US Secretary of State, sent a letter to Prosecutor Karim Khan threatening him and the Court with “severe sanctions” against him and his institution if he were to go ahead with requesting arrest warrants for Israeli officials. The letter included the following:³⁴

The United States will not tolerate politicized attacks by the ICC on our allies. Target Israel and we will target you. If you move forward with the measures indicated in the report, we will move to end all American support for the ICC, sanction your employees and associates, and bar you and your families from the United States. **You have been warned.**

*Excerpt from the Letter sent by United States Senators to the ICC Prosecutor on 24 April 2024.
Note: The red highlighting has been added by the CICC for emphasis.*

32 ICC, “Statement of the Prosecutor of the International Criminal Court, Karim A. A. Khan QC, following the application for an expedited order under article 18(2) seeking authorisation to resume investigations in the Situation in Afghanistan”, 27 September 2021.

33 ICC, “Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel’s challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant”, 21 November 2024.

34 Letter sent by United States Senators (Bill Hagerty, Katie Boyd Britt, Kevin Cramer, Marco Rubio, Marsha Blackburn, Mitch McConnell, Pete Ricketts, Rick Scott, Ted Budd, Ted Cruz, Tim Scott, Tom Cotton) to the Prosecutor of the ICC, 24 April 2024.

Soon after the application for arrest warrants was announced, and after Benjamin Netanyahu publicly asked Israel's allies in a video statement "to use all the means at their disposal to stop this dangerous move",³⁵ the US House of Representatives passed the Illegitimate Court Counteraction Act, in June 2024.³⁶ The Act, designed to enable the imposition of sanctions on any non-US person that participates in the investigation, arrest, detention or prosecution of US nationals and allied countries, still needed to pass the US Congress. Nonetheless, and based on the 2020 experience, once the legislation was proposed to Congress, the Court began preparing for potential sanctions.³⁷

In January 2025, Congress blocked the legislation,³⁸ as Adam Keith explained:

“*The Senate failed to pass the law on ICC sanctions last year not because enough Democrats support the Palestine investigation. They stopped the passing of the law because of the risk of the impact on US companies, which are now seen across Europe as unreliable and an issue for their sovereignty.***”**³⁹

A few days after Congress blocked the law, and less than a month after the beginning of his second term, President Trump issued Executive Order 14203 "Imposing Sanctions on the International Criminal Court" on 6 February 2025.⁴⁰ The Annex to EO 14203 added the ICC Prosecutor to the list of Specially Designated Nationals and Blocked Persons (the "SDN list"). Like the previous one, this new EO created a dedicated sanctions regime empowering the US State Department to designate any non "US-person" that has engaged in efforts by the ICC to investigate, arrest, detain or prosecute Israeli and US nationals (and potentially other US allies), or that has materially assisted the Court in such matters.

35 Statement by Prime Minister Benjamin Netanyahu, YouTube, 30 April 2024.

36 H.R.8282 - Illegitimate Court Counteraction Act, 5 June 2024.

37 Osvaldo Zavala Giler, Registrar, ICC.

38 Patricia Zengerle, "US Senate Democrats block bill to sanction international court over Israel", Reuters, 28 January 2025.

39 Adam Keith, Senior Director for Accountability, Human Rights First.

40 EO 14203, President Trump, "Imposing Sanctions on the International Criminal Court", 6 February 2025.



TARGETED FOR **PURSUING JUSTICE** **THOSE DESIGNATED UNDER EO 14203**

“What do Palestinian human rights organisations, ICC judges and prosecutors and a UN Special Rapporteur have in common? The fact that they were pursuing accountability, nothing more, nothing less.”

| Francesca Albanese, United Nations Special Rapporteur on the situation of human rights in the oPt

I, DONALD J. TRUMP, President of the United States of America, find that the International Criminal Court (ICC), as established by the Rome Statute, has engaged in illegitimate and baseless actions targeting America and our close ally Israel. The ICC has, without a legitimate basis, asserted jurisdiction over and opened preliminary investigations concerning personnel of the United States and certain of its allies, including Israel, and has further abused its power by issuing baseless arrest warrants targeting Israeli Prime Minister Benjamin Netanyahu and Former Minister of Defense Yoav Gallant. The ICC has no jurisdiction over the United States or Israel, as neither country is party to the Rome Statute or a member of the ICC. Neither country has ever recognized the ICC's jurisdiction, and both nations are thriving democracies with militaries that strictly adhere to the laws of war. The ICC's recent actions against Israel and the United States set a dangerous precedent, directly endangering current and former United States personnel, including active service members of the Armed Forces, by exposing them to harassment, abuse, and possible arrest. This malign conduct in turn threatens to infringe upon the sovereignty of the United States and undermines the critical national security and foreign policy work of the United States Government and our allies, including Israel. Furthermore, in 2002, the Congress enacted the American Servicemembers' Protection Act of 2002 (22 U.S.C. 7421 *et seq.*) to protect United States military personnel, United States officials, and officials and military personnel of certain allied countries against criminal prosecution by an international criminal court to which the United States is not party, stating, "In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court." (22 U.S.C. 7421(9)).

Executive Order 14203 - Imposing Sanctions on the International Criminal Court

The sanctioning of ICC Prosecutor Khan was clearly linked to his decision to continue the investigation into the situation in Palestine and to apply for arrest warrants against Netanyahu and Gallant and aimed at persuading him to abandon the investigations into the situations in Afghanistan and Palestine. Jamil Dakwar, Director of the American Civil Liberties Union's (ACLU) Human Rights Program, commented on the vacuum that would be left if the ICC investigation on Palestine were shut down, given the lack of the Israeli government's political or judicial will to investigate war crimes and crimes against humanity committed in Palestine.⁴¹ The lesson Dakwar draws from this is that "US sanctions are becoming a weapon aimed at silencing victims and advocates in holding perpetrators accountable."

Later, in August 2025, both ICC Deputy Prosecutors, Nazhat Shameem Khan and Mame Mandiaye Niang, were designated under the EO "for continuing to support illegitimate ICC actions against Israel" and maintaining the arrest warrants against Netanyahu and Gallant.⁴²

⁴¹ According to the Public Committee Against Torture in Israel (PCATI), while more than 1,400 complaints of torture by the ISA interrogators were submitted to the Ministry of Justice since 2001, only three criminal investigations have been opened, and all the cases were closed without any indictment.

⁴² Office of the Spokesperson, US Department of State, "Imposing Further Sanctions in Response to the ICC's Ongoing Threat to Americans and Israelis," 20 August 2025.

Both underlined the incompatibility of their mandate under the Rome Statute with any form of political interference or coercion, and emphasised that they were maintaining their prosecutorial policy, despite the sanctions and other attacks on their work.

“What characterises a policy is its generic character. If a policy can be bent because of sanctions, then you cannot call it a policy. Our prosecutorial policy remains what it is,” explained ICC Deputy Prosecutor Niang.

The point was further emphasised by ICC Deputy Prosecutor Khan:

“The Rome Statute establishes how we do our work. We would be extremely poor lawyers if we did not abide by it. Every member of the Court believes that the ICC was created to uphold high ideals; if we don’t protect those, the Court would be worth little more than a piece of paper, the Rome Statute.”

Prosecutors, judges, academics and civil society organisations interviewed for this report all emphasised the importance of defending the impartiality and independence of the Court’s investigations. Giving in to these demands would not just mean the end of one investigation, it would mean “the end of the Court,” according to one law professor.⁴³ As Judge Damdin put it, “Some people express the suggestion that in order to survive, the Court should give up certain cases. But to do so would mean compromising the principles of international criminal law and justice, in a way that would question its credibility and relevance in the world.”⁴⁴

ICC judges then became the target of sanctions. On 5 June 2025, the US Department of State designated four judges for decisions they had taken prior to the issuance of the EO.⁴⁵ Judge Bossa and Judge Ibáñez Carranza were designated for authorising the ICC’s investigation against US personnel in Afghanistan five years previously;⁴⁶ Judge Prost was sanctioned a few months later for her involvement in this decision.⁴⁷ Judge Alapini-Gansou and Judge Hohler were sanctioned for their participation in the authorisation of ICC arrest warrants against Netanyahu and Gallant, and Judge Guillou was designated later in August for participating in the same decision.⁴⁸ When ICC judges take up their positions, they swear an oath to exercise their powers as a judge of the International Criminal Court “honourably, faithfully, impartially and conscientiously.”⁴⁹ The US actions caused one judge to wonder, “Why are we being punished by the US administration for complying with our duties as judges and adjudicating on the basis of the Rome Statute for atrocity crimes that cause harm to millions of defenceless victims around the world?”⁵⁰

43 William Schabas, Professor of international law, Middlesex University London.

44 Erdenebalsuren Damdin, Judge, ICC.

45 Office of the Spokesperson, US Department of State, “Imposing Sanctions in Response to the ICC’s Illegitimate Actions Targeting the United States and Israel”, 5 June 2025.

46 ICC, “Afghanistan: ICC Appeals Chamber authorises the opening of an investigation”, 5 March 2020.

47 Office of the Spokesperson, US State Department, “Imposing Further Sanctions in Response to the ICC’s Ongoing Threat to Americans and Israelis”, 20 August 2025.

48 *Ibid.*

49 ICC - Swearing-in ceremony, 11 April 2003.

50 Luz del Carmen Ibáñez Carranza, Judge, ICC.

In a further measure, the Trump administration sanctioned Judges Lordkipanidze and Damdin for voting with the majority against an appeal after by Israel.⁵¹ The appeal concerned whether the OTP had to notify Israel anew after initiating an investigation into the post 7 October 2023 events.⁵² The fact that even a simple procedural decision rendered in the judicial proceedings where all parties participate at will could provoke sanctions “shows the absurdity of these designations,” as ICC Judge Lordkipanidze highlighted.⁵³ Further, only four of the five Appeals Chamber judges sitting on this case were designated.

Many interviewees underlined the threats that such designations represent to the independence of the judiciary, the security of judges and the rule of law. Chris Sidoti, member of the UN Commission of Inquiry on Palestine and Israel,⁵⁴ described them as like days of old when might, not right, ruled the world: “The sanctions are imposed in the same manner as when medieval criminal thugs kidnapped judges, burnt court houses and killed witnesses.”⁵⁵ One judge said the main reason judges are being sanctioned is because “we are not deciding matters the way they want us to decide them.”⁵⁶ This goes against the role of a judge, as Judge Bossa stressed: “Judges take decisions based on the law and the facts. If we are punished for our decisions as judges, it is terrible for the rule of law and for the independence of the judiciary.”⁵⁷

The point was further emphasised by Judge Damdin:

“*At the national and international level, people tend to ignore the meaning of fair justice, especially those who have the political power and want to use judicial institutions for their own purposes. I come from a country that experienced a soviet regime and judicial system, I therefore understand how much independence matters to the judiciary.”*

ICC judges are clear that these individual attacks against them are attacks on the system as a whole⁵⁸ and against one of the founding principles of the Court, which is that the law applies to all equally: “Here, they are asking us to be selective in how we apply the law. For us the meaning of equal before the law is a principle that underpins our decision-making and ensures fairness in our proceedings. That is the whole purpose of the work we are doing.”⁵⁹ This was echoed by Judge Lordkipanidze, who said selectivity “affects, the whole *raison d’être* of the ICC of having one single notion of justice for everybody. There cannot be different justices. There is one justice for all.” The impact goes beyond judicial independence, as Deborah Ruiz Verduzco, Executive Director of the ICC Trust Fund for Victims (TFV), underscored: “The entire Rome Statute system is geared to serve victims. Any attack against the ICC through any means or measure to impede the delivery of its mandate, directly impacts victims.”⁶⁰

51 Marco Rubio, US Secretary of State, “Sanctioning ICC Judges Directly Engaged in the Illegitimate Targeting of Israel”, 18 December 2025.

52 Rome Statute, Article 18(1). See also the Appeals Decision: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180d42b7d.pdf>.

53 Gocha Lordkipanidze, Judge, ICC.

54 The full name of the Commission is the UN Independent international Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and on Israel.

55 Chris Sidoti, Member of the United Nations Commission of Inquiry on Palestine and Israel.

56 Kimberly Prost, Judge, ICC.

57 Solomy Balungi Bossa, Judge, ICC.

58 ICC Judge Ibáñez: “Sanctions are inconsistent, they only want to punish the system, the real target is the system.”

59 Erdenebalsuren Damdin, Judge, ICC.

60 Deborah Ruiz Verduzco, Executive Director, ICC Trust Fund for Victims.

The attack on the Court may not stop at individual sanctions against ICC officials; the Trump administration has threatened the Court itself with institutional sanctions if it does not accede to US demands.⁶¹ States parties have been instructed: stop the investigation against US and Israeli nationals and amend the Rome Statute to ensure that nationals of non-states parties cannot be prosecuted by the Court.⁶² This represents a further attack on the Court's impartiality and independence, which, as Andreas Schuller of ECCHR urged, "States should resist strongly and not give in to these US demands and requests. There should be no compromise on the jurisdiction of the Court."⁶³ While the impact of the current sanctions already goes beyond the Afghanistan and Palestine situations, such escalation would further extend the consequences of sanctions to all situations and cases before the Court and ultimately, all victims.

3.4. Sanctions Extended to Civil Society and UN Representatives

“Sanctions are always imposed by states that claim to respect international law. But what we have here is a tendency for states, in particular one state, to use sanctions against persons working in the human rights field.”

| Victor Madrigal-Borloz, former United Nations Independent Expert⁶⁴

In July and September 2025, the Trump administration expanded the scope of the sanctions even further by designating three Palestinian Civil Society Organisations (CSOs), Al-Haq, Al Mezan, the Palestinian Centre for Human Rights (PCHR),⁶⁵ and Francesca Albanese,⁶⁶ the UN Special Rapporteur on human rights in the occupied Palestinian territory (oPt),⁶⁷ in relation to their advocacy work for justice and accountability for crimes committed in Palestine. Palestinian NGO Addameer was also sanctioned, under a separate US sanctions programme, broadening the scope of restrictions on Palestinian civil society beyond EO 14203.⁶⁸ These sanctions did not arise in a vacuum but followed decades of Israeli smear campaigns, state-organised surveillance, office raids, arrests and terrorism-related designations, as further detailed in part 5.2 of this report. "They want to silence us, but we will not accept it," expressed Shawan Jabarin of Al-Haq.

This set of sanctions marked a turning point: punitive measures were not only being used against individuals with judicial or prosecutorial powers at the international level, but against individuals in the wider international ecosystem of justice and accountability for advocacy and speech: "That crossed a line, and it gave a lot of other NGOs reason to fear that they would be next."⁶⁹ Raji Sourani commented: "We must not see these sanctions as targeting

61 Alexandra Sharp, "Trump's Pressure Campaign Against the ICC Reaches New Heights", Foreign Policy, 10 December 2025.

62 Humeyra Pamuk, "Exclusive: US threatens new ICC sanctions unless court pledges not to prosecute Trump", Reuters, 11 December 2025.

63 Andreas Schüller, Co-director of the International Crimes and Accountability program, ECCHR.

64 Victor Madrigal-Borloz, former United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

65 Marco Rubio, US Secretary of State, "Sanctioning Foreign NGOs Directly Engaged in ICC's Illegitimate Targeting of Israel", 4 September 2025.

66 Marco Rubio, US Secretary of State, "Sanctioning Lawfare that Targets U.S. and Israeli Persons", 9 July 2025.

67 The full name of her mandate is the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.

68 US Department of the Treasury, "Treasury Disrupts Sham Overseas Charity Networks Funding Hamas and the PFLP", 10 June 2025.

69 Adam Keith, Senior Director for Accountability, Human Rights First.

our organisations per se, but rather as the harshest attack on the very idea of accountability since Nuremberg.”⁷⁰ On the threat of sanctions to the broader human rights framework, Professor Mariana Eudes noted that the CSOs and UN Special Rapporteur were designated simply for doing their human rights work, and that it “It is a very broad and excessive interpretation and, in the future, any work of this kind could be viewed as constituting a threat to US security.”⁷¹

UNSR Francesca Albanese is the first UN-mandate holder to be sanctioned in the UN’s history. This despite the fact that under Article IV of the 1946 Convention on the Privileges and Immunities of the United Nations, her status grants her immunities while exercising her functions and during her missions. Those immunities should protect her from any form of legal process in relation to words spoken or written and all acts done in the role of independent expert. While constituting a “direct attack on her mandate”, it shows that “she has been effective and has gotten the attention of the world in her call for justice and to stop human rights violations in Gaza,” Margaret Satterthwaite observed. The same can be said of the designated civil society organisations.⁷²

70 Raji Sourani, Founder and Director, Palestinian Centre for Human Rights (PCHR).

71 Marina Eudes, Professor of Public International Law, University of Nanterre.

72 “Al-Haq, PCHR, and Al-Mezan Condemn US Sanctions and Call for Global Solidarity to End the Genocide in Gaza and the Oppression of Palestinians”, 5 September 2025.

Timeline of Sanctions Imposed under Trump's Second Administration

24 April 2024

"You have been warned"

A group of 12 US Republican senators sent a letter to ICC Prosecutor Khan threatening him and the Court with "severe sanctions" against him and his institution if he were to go ahead with requesting arrest warrants for Israeli officials.

9 January 2025

The US House of Representatives passed the 'Illegitimate Court Counteraction Act' to enable the imposition of sanctions on any non-US person that participates in the investigation, arrest, detention or prosecution of US nationals and allied countries.

28 January 2025

The US Senate blocked the 'Illegitimate Court Counteraction Act'. Senators voted 54-45 on the bill.

10 June 2025

The US sanctioned Addameer Prisoner Support and Human Rights Association (Addameer), under a separate US sanctions programme, broadening the scope of restrictions on Palestinian civil society beyond EO 14203.

5 June 2025

The US sanctioned four ICC judges: Judges Bossa, Ibañez Carranza, Alapini-Gansou and Hohler.

6 February 2025

The US President Trump issued Executive Order 14203, "Imposing Sanctions on the International Criminal Court" and sanctioned the ICC Prosecutor Karim Khan.

9 July 2025

The US sanctioned UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, Francesca Albanese.

20 August 2025

The US sanctioned two ICC judges, Judges Prost and Guillou, and the two Deputy Prosecutors, Khan and Niang.

4 September 2025

The US sanctioned Al-Haq, Al Mezan, and the Palestinian Centre for Human Rights for their support of the ICC's work on the Palestine Situation.

18 December 2025

The US sanctioned two additional ICC Judges: Judges Lordkipanidze and Damdin.

3.5. Beyond the ICC: The Threat to National Judges, Decision-Makers and other International Courts

“What is happening right now is not only happening to the Court. We are seeing threats to sanction national judges in France, sanctions against Brazilian judges, and NGOs being designated. The international community needs to understand that protecting the Court goes beyond protecting this judicial institution. Unless we find solutions to deal with it in a principled way, it will have a domino effect.”

| Osvaldo Zavala Giler, ICC Registrar

Beyond the ICC and those cooperating with it, the Trump administration has imposed sanctions against national judges, NGOs and advocacy groups and movements under separate Executive Orders. These actions directly violate the sovereignty of individual states, the independence of national judicial systems and the security and rights of their nationals.

In July 2025, the Brazilian Judge Alexandre de Moraes was designated for his role in leading investigations into President Jair Bolsonaro's attempt to overturn Brazil's 2022 election along with his wife, Viviane Barci de Moraes.⁷³ In November 2025, the US State Department announced designation of four anti-fascist groups from Germany, Italy and Greece as Foreign Terrorist Organisations,⁷⁴ the first time the US has deemed “antifa” groups to be a foreign terrorist threat, and rumours emerged that sanctions against European magistrates involved in prosecuting extreme right-wing movements were being considered.⁷⁵ These attacks could also extend to national prosecutors and judges, including those working on universal jurisdiction cases and in the end, it is the victims who will pay the heavy price. ICC Judge Hohler noted that “international and national rule of law are closely connected. Threatening one inevitably threatens the other. Moreover, if almost half of judges of an international court supported by 125 States can be targeted in this way, where does it stop? Will other international and national judges be next if and when they issue a decision disliked by a powerful state? We have already seen a judge in Brazil sanctioned. This is why a strong reaction from states is needed now before it is too late.”

On 23 December 2025, the Trump administration imposed US visa bans on five European individuals⁷⁶ including former European Union Commissioner for Internal Market and Services, Thierry Breton, and representatives of NGOs fighting against disinformation and online hate in the United Kingdom and Germany. The basis was their role in the adoption of the Digital Services Act, an EU digital regulation that requires online platforms to remove illegal content and online disinformation.⁷⁷

This use of emergency powers beyond international justice threatens the sovereignty of states over their judiciaries, as well as their ability to regulate tech companies and to ensure

73 Tiago Rogero, US treasury lifts sanctions on Brazilian judge who presided over Bolsonaro case, The Guardian, 12 December 2025.

74 Abby Rogers, “Trump administration targets European antifa groups as ‘global terrorists’”, Al Jazeera, 13 November 2025.

75 Grégoire Biseau and Franck Johannès, “French judges alarmed by rumors of US sanctioning magistrates who sentenced Le Pen”, Le Monde, 13 January 2026.

76 Le Monde with AFP, “US targets Thierry Breton and other Europeans for their role in tech regulation, Le Monde, 24 December 2025. Le Monde, “French judges alarmed by rumors of US sanctioning magistrates who sentenced Le Pen,” 8 January 2026.

77 Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Service Act), 2022 O.J. (L 277/1).

freedom of association. This is the reason ICC Judge Guillou decided to speak up: “I realised the issue of these sanctions went beyond the scope of the ICC and had the potential to become a considerable threat to the rule of law worldwide and in Europe.”

In this context of threats and attacks against various judicial institutions at the national and international levels, Prosecutor Karim Khan warns about the risk that sanctions become a model that could be deployed again. He asks “What will happen to the International Court of Justice, the European Court of Human Rights, the Inter-American Court of Human Rights and other international organisations? We need to look at the whole architecture. Can states accept the interference in this value system?”

3.6. Unlawful, Unilateral, and Extraterritorial

3.6.1. The definition and purpose of sanctions

Sanctions are defined by the Dictionary of Public International Law as “a range of reactions adopted unilaterally or collectively by states against the perpetrator of an internationally wrongful act to ensure compliance with and enforcement of a right or obligation”. In a narrower sense, they have been described as “coercive measures adopted by a state or international organisation against one of its members or a third state.”⁷⁸

In the case of Executive Order 14203, sanctions have been issued neither in response to a wrongful act, nor to ensure compliance with a right or obligation under international law. They have been imposed as a coercive and punitive measure against international actors perceived by the Trump administration as going against US national and foreign policy interests. Prosecutor Karim Khan noted that the very aim of “such coercive measures” is “the infliction of pain: that is the intent, not a byproduct.” An international law expert pointed out that the term “sanction” reflects the punitive nature of the measures the US is imposing against anyone who did or could have done something against their interests.⁷⁹ Yet she also warns that the use of the framework risks cloaking these coercive measures in a veneer of legitimacy. Since sanctions under international law are inherently a political decision, usually in response to an illicit act, the use of the term “suggests that a decision was taken in reaction to illicit decisions taken by judges. It maintains the idea that those designated would have deserved these decisions, that they would have violated a norm of international law.” As ICC Judge Lordkipanidze cautions, while these actions are undertaken under US law, they are not compatible with international law; instead, they “weaken the international legal order.”

3.6.2. The use of emergency and executive powers and absence of judicial safeguards

“It is one thing for a country to not cooperate with the Court or to refuse visas to Court officials. It is another thing to use financial sanctions as a non-prosecution tool against the ICC, the same tool used to go after terrorists and international traffickers. It has a very strong detrimental and long-term impact on international justice.”

| US lawyer and sanctions expert

78 Jean Salmon, *Dictionnaire de droit international public*, Bruxelles, Bruylant, XLI-1198, 2001; also mentioned in Daphné Dreyssé, *Les “sanctions” de l’Union Européenne contre les États tiers*, 67 *Ann. Fr. de Dr. Inter.* 119, 2021.

79 Marina Eudes, Professor of Public International Law, University of Nanterre.

EO 14203 was adopted by the US President, who has the formal authority under the IEEPA to impose sanctions. Through the EO, President Trump qualifies the legitimate investigative and judicial work of the ICC as a "threat" that requires the use of the President's emergency power. As noted by international lawyer Triestino Mariniello, however, under international law, emergency laws can only be used under strict conditions, including (inter alia), when there is a threat to the security or the life of the nation and "no judicial institution can be a threat to a nation".⁸⁰ This point had also been raised in a legal challenge to the EO targeting the Court issued during the first Trump administration.⁸¹

Yet the scope for challenging such EOs through the US courts is narrow. The IEEPA's broad drafting provides the President with extremely wide discretionary powers. At the same time, according to a sanctions expert,⁸² determinations concerning national security issues receive a high degree of judicial deference,⁸³ making challenges to the legality of an EO such as 14203 highly complicated: "In general, courts give the President and the State Department a lot of space when it comes to foreign policy. Someone would have to prove that this is not a national emergency, and courts are often unwilling to make such assessments. I am not aware of any EO on sanctions that was overturned."⁸⁴

This makes it all the more critical for other states to assert strongly that "the investigations and decisions of the ICC do not represent a threat and should be respected," as UN Special Rapporteur Francesca Albanese underlined.

The entire process of imposing and implementing sanctions is under the control of the US executive branch and does not include any of the judicial oversight or guarantees normally associated with judicial processes, including the right to a fair trial. The US Department of the Treasury's Office of Foreign Assets Control (OFAC) is the body in charge of implementing the sanctions, including adding individuals and organisations to the SDN list, and implementing civil penalties. Decisions to designate often involve other government departments and agencies, including the US Department of State, which also has direct authority to add to the SDN list under EO 14203 and is the main actor in charge of deciding who will be designated, and intelligence services.

International lawyers underlined the incompatibility of these coercive measures with international human rights law. Despite their profound, "corrosive"⁸⁵ impact on individuals' lives and their "afflictive nature"⁸⁶ making it "hard to work, travel, have a normal life and relations",⁸⁷ necessary safeguards are lacking due to the sanctions' administrative nature.⁸⁸

80 Triestino Mariniello, Professor of Law and Member of the Legal Team for Gaza Victims.

81 When the first sanctions were issued in 2020, Open Society Justice Initiative brought a legal challenge to the sanctions Trump issued during his first administration in 2020, arguing that the then EO was not only contrary to the US Constitution but also went beyond the President's emergency powers under the IEEPA. The challenge was never adjudicated as the EO was revoked by Biden before it came to Court.

82 Adam M. Smith, "Dissecting the Executive Order on Int'l Criminal Court Sanctions: Scope, Effectiveness, and Tradeoffs", Just Security, 15 June 2020.

83 *Ibid.*

84 US Lawyer, expert on sanctions.

85 Dr. Gavin Sullivan, legal academic and sanctions expert, University of Edinburgh.

86 Triestino Mariniello, Professor of Law and Member of the Legal Team for Gaza Victims.

87 Dr. Gavin Sullivan, legal academic and sanctions expert, University of Edinburgh.

88 Triestino Mariniello, Professor of Law and Member of the Legal Team for Gaza Victims.

When a person is designated, there are few, or no, due process protections. Designated persons do not receive prior notice;⁸⁹ meaning that before their designation they do not have the opportunity to be heard, either in writing or at a hearing, and have no access to evidence. As Judge Alapini-Gansou reflected: “I took an oath to do my job as a judge, and if this is the reason why sanctions that are neither judicial nor disciplinary and that have nothing to do with a fault are imposed on us, we accept it.” The only explanation provided for a designation is the text of the EO itself and any related press release. This is by design: “The main purpose of the sanctions is to freeze assets, so they want to take people off-guard,” a US lawyer and expert on sanctions explained. Furthermore, the administrative nature of sanctions means that the evidentiary threshold is relatively low as the usual standards of criminal evidence and due process do not apply to these preventative administrative measures:⁹⁰ only “a reasonable basis to believe” that someone has violated an EO is enough to be designated, and classified information, to which they and their lawyer have no access, can be used to support designation.⁹¹

In theory, sanctions can be challenged administratively or through a US court, but this is time consuming and lengthy, and in the meantime, people’s entire lives are impacted. In practice, challenging sanctions in front of a US Court for designated individuals who are not “US-persons” or do not have “substantial ties” to the US,⁹² such as a US family member or a person with property in the US, is very difficult. Such persons do not have constitutional rights including to free speech or freedom of association and cannot bring constitutional challenges. At the same time, only non-US persons can be designated under EO 14203. This is “one of the most profoundly unjust effects of the US unilateral sanctions regime,” said Dr. Gavin Sullivan, yet: “The US argues that its sanctions regime complies with US constitutional law and international human rights law. That is the travesty.” He further noted that he was only aware of a handful of cases where non-US nationals managed to successfully challenge their EO designations since 9/11: “I can count them on my hand”.

3.6.3. A violation of the UN Convention on Privileges and Immunities and the UN Headquarters Agreement

“Sanctions against a UN-mandate holder were unthinkable before they happened. Under international law, we enjoy immunities, which has been confirmed by the International Court of Justice itself. The idea that the US will ignore that principle of international law and that case law is shocking.”

| Margaret Satterthwaite, UN Special Rapporteur on the independence of judges and lawyers

Under Article VI section 22 of the UN Convention on Privileges and Immunities, experts performing missions for the UN are accorded privileges and immunities to enable them to

89 Erich Ferrari, “US Treasury Department Blacklisting and the Barriers to Delisting.” Chapter in *Economic Sanctions from Havana to Baghdad: Legitimacy, Accountability, and Humanitarian Consequences*, edited by Joy Gordon, 417–46. Cambridge: Cambridge University Press, 2025.

90 Dr. Gavin Sullivan, legal academic and sanctions expert, University of Edinburgh.

91 Adam M. Smith, “Dissecting the Executive Order on Int’l Criminal Court Sanctions: Scope, Effectiveness, and Tradeoffs”, *Just Security*, 15 June 2020.

92 Erich Ferrari, “US Treasury Department Blacklisting and the Barriers to Delisting.” Chapter in *Economic Sanctions from Havana to Baghdad: Legitimacy, Accountability, and Humanitarian Consequences*, edited by Joy Gordon, 417–46. Cambridge: Cambridge University Press, 2025.

fulfil their functions safely and independently.⁹³ These include protection from legal process of every kind for words spoken or written in the course of their missions, immigration restrictions and currency or exchange restrictions. This is designed to shield UN mandate holders from undue interference in the exercise of their mandate, through safeguards and protections guaranteed by law.⁹⁴ The ICJ has confirmed this principle in two separate cases.⁹⁵ Despite the absence of judicial oversight prior to designation, the sanctions against UNSR Francesca Albanese clearly amount to legal process against her for her words, whether spoken or written, pursuant to her mandate, in violation of the UN Convention on Privileges and Immunities, to which the US has been a party since 1970.

Under the UN Headquarters Agreement, the US cannot impede access to UN Headquarters, including by independent experts and CSOs.⁹⁶ However, in May 2025, Prosecutor Karim Khan was unable to brief the UN Security Council on Libya in person,⁹⁷ and in January 2026, Deputy Prosecutor Khan was not granted a visa to travel to UN Headquarters in New York to brief the UN Security Council on the Darfur investigation.⁹⁸ An international law expert termed this “illegal because the ICC has been mandated by the United Nations to investigate crimes committed in Darfur”.⁹⁹ The UNSC had specifically tasked the ICC to brief it on investigations and prosecutions related to the situations of Darfur and Libya, which it had referred to the Court under Article 13(b) of the Rome Statute. There is also a broader impact on the Court, whose Assembly of States Parties takes place at UNHQ every third year.

In October 2025, UNSR Francesca Albanese was unable to present her report on state complicity in genocide in person at the United Nations due to the travel ban included in the sanctions against her.¹⁰⁰ Members of the UN Commission of Inquiry on Palestine and Israel decided to present their report online rather than in person.¹⁰¹ These types of restrictions on designated individuals, and on NGOs that have full accreditation with the UN but cannot travel to New York, represents a “clear violation of the US’s international legal obligation”, placing “immediate and direct restrictions on the functionality of the UN itself.”¹⁰²

93 Convention on the Privileges and Immunities of the United Nations, Feb. 13, 1946.

94 Victor Madrigal-Borloz, former UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

95 International Court of Justice, Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights (Advisory Opinion), 1999, ICJ Rep 62; International Court of Justice, Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations, Advisory Opinion, I.C.J. Reports 1989, p. 177, International Court of Justice, Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights (Advisory Opinion), 1999, ICJ Rep 62.

96 Agreement Regarding the Headquarters of the United Nations, US-UN, Nov. 21 1947, U.N.T.S. 11.

97 International Criminal Court, “Statement of ICC Prosecutor Karim A A Khan KC to the United Nations Security Council on the Situation in Libya, pursuant to Resolution 1970 (2011),” 15 May 2025.

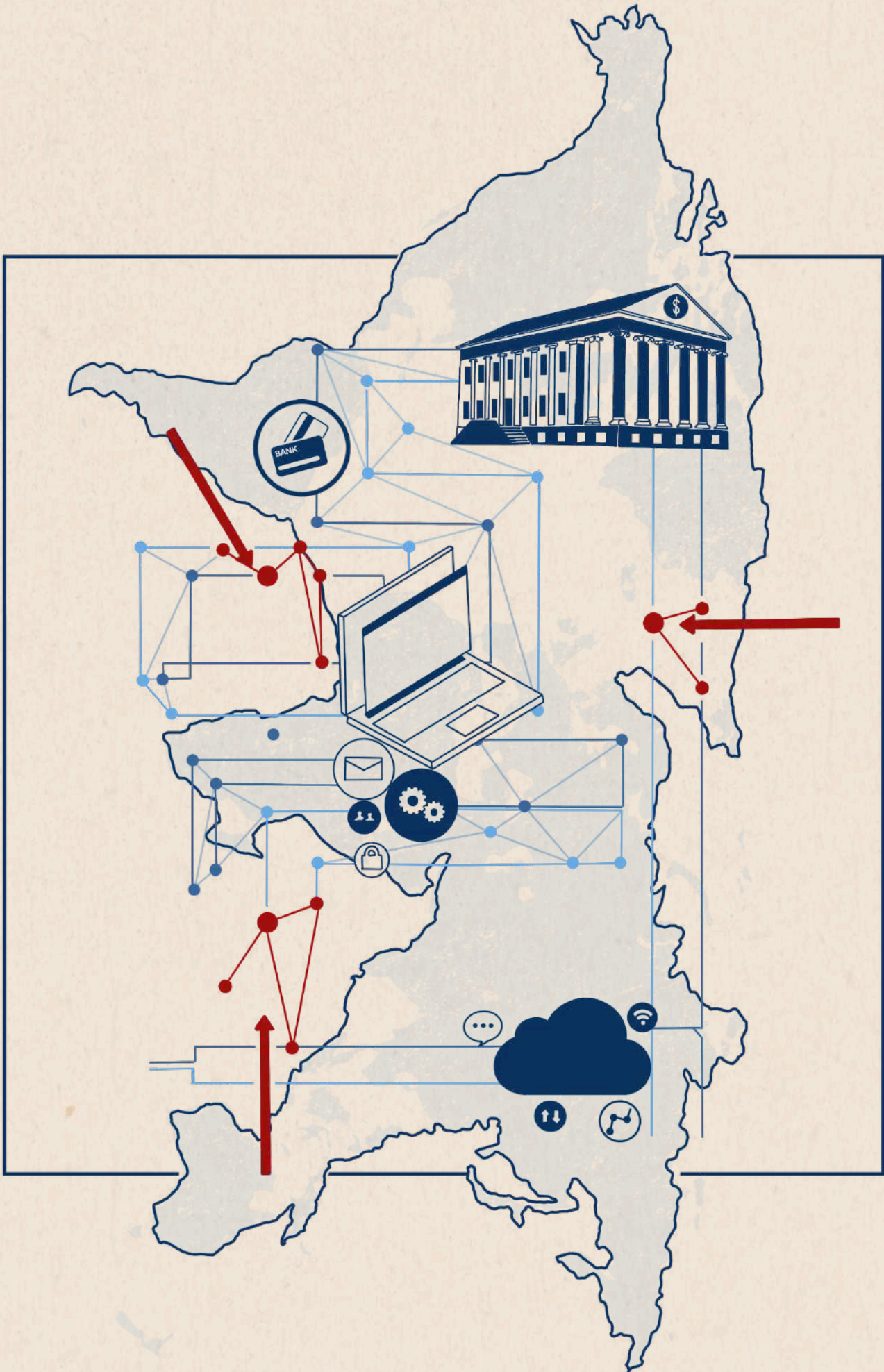
98 Nazhat Shameem Khan, “Statement of Deputy Prosecutor Nazhat Shameem Khan to the United Nations Security Council on the Situation in Darfur, pursuant to Resolution 1593 (2005),” 20 January 2026; International Criminal Court, “Statement of ICC Prosecutor Karim A A Khan KC to the United Nations Security Council on the Situation in Libya, pursuant to Resolution 1970 (2011),” 15 May 2025.

99 Triestino Mariniello, Professor of Law and Member of the Legal Team for Gaza Victims.

100 Johannesburg (AFP), UN Palestinians expert denounces ‘mafia-style’ US sanction move, FRANCE24.COM, 23 October 2025.

101 Press Conference, Independent International Commission of Inquiry on the Occupied Palestinian Territory, Including East Jerusalem, and Israel, at the Human Rights Council, 18 June 2025.

102 Chris Sidoti, Member of the UN Commission of Inquiry on Palestine and Israel.



4. The Long Reach of Sanctions Imposed by the US: Transnational Enforcement Due to Structural Dependency on US Banking, IT and Other Services

“When sanctions affect access to banks and other services globally, what does this mean for states and their independence from US foreign policy?”

| Professor Alain Pellet¹⁰³

The implementation of sanctions beyond the territorial jurisdiction of the issuing state requires a mechanism that transcends borders. The global banking and financial system, which structurally depends on US technology, the US dollar and US banks, operates as such a mechanism for the US: “We are in a state of dependency.”¹⁰⁴ As underlined by Dr. Gavin Sullivan, sanctions were “designed and expanded in the aftermath of 9/11 to harness the asymmetric power the US has over the international financial system, to exert a new form of financial warfare.”¹⁰⁵ The Trump administration has used this ability to operationalise the global banking and financial system to enforce the coercive and punitive measures beyond US territory, making support to the Court, its officials and those supporting its work, a liability everywhere.

4.1. Immediate Impacts of Sanctions on Designated Individuals: US Travel Bans and Asset Freezing

Based on the EO, any foreign person sanctioned is added to the SDN List. Their entry to the US, and the entry of their immediate family members, can be suspended. The EO also provides for a visa ban on any foreign national determined by the Secretary of State to be “employed by, or acting as an agent of, the ICC.”¹⁰⁶

Another effect of the EO is that any property in the US in which a designated person holds at least a 50% share, is “blocked”. The sanctioned person cannot exercise property rights, including using or selling their property without specific authorization from OFAC.

Yet as the following sections will show, due to the world’s structural reliance on US tech and financial markets, consequences extend far beyond visa restrictions and freezing of assets held in the US, and these sanctions are “expanding the regulatory force of one state to the global scale.”¹⁰⁷

103 Alain Pellet, Emeritus Professor, University of Nanterre.

104 Nicolas Guillou, Judge, ICC.

105 See also Juan Zarate, “Treasury’s War: The Unleashing of a New Era of Financial Warfare”, September 2013.

106 According to 50 USC §1801(b), an “agent of a foreign power” (in this case, the ICC) is defined as any person (including US citizens or residents) who knowingly engages in activities on behalf of a foreign power that threaten US national security or violate US criminal law.

107 Gocha Lordkipanidze, Judge, ICC.

4.2. The Criminalisation of US Companies Providing Material Support and Services

“Everybody was so happy with the idea that technology is available to everyone, but we missed the fact that a lot of these technologies are US based and US controlled. A large majority of our data is with META, most of our shopping activities are with Amazon. We are reliant on these technologies.”

| Data Security Expert

Like other sanctions-related EOs, EO14203 broadly prohibits any “material assistance, sponsor or provision of financial, material or technical support for, or goods or services” to a designated person, or in support of any activity related to the investigation of any “protected person”. A “protected person” means any US national, or any current or former military/government official of a US ally that has not consented to the ICC’s jurisdiction.

Being added to the SDN list therefore prevents any “US persons” located anywhere in the world from providing material assistance or services to or transacting with that person or entity. The term “US persons” encompasses US nationals or dual nationals, no matter their place of residence; people lawfully present in the US; and companies under US jurisdiction, including their foreign branches, subsidiaries, or employees of such entities. As explained by a US-sanctions expert, “It becomes prohibited for any individual or organisation under US jurisdiction to provide a sanctioned party almost any benefit whatsoever.”¹⁰⁸

If “US persons” violate the prohibitions set out under the EO, they face serious penalties, including a criminal penalty of up to 20 years in prison and a fine of up to one million USD, as well as a civil penalty of around 350,000 USD per transaction or twice the total amount of the transaction.¹⁰⁹ The US Treasury Department implements civil penalties, and the US Department of Justice can initiate prosecutions to pursue criminal penalties.

The terms “material support” and provision of “financial, material or technical support” are not defined under this EO and have been broadly applied by the US Treasury, creating a chilling effect on US companies and individuals, fearful of the extremely heavy enforcement penalties. In concrete terms, the consequences are that “US persons”, including companies like Visa, Mastercard and Microsoft, and banks, are prevented from providing services to designated organisations and individuals, even for their private use “such as taking an Uber, listening to music online, or watching a movie.”¹¹⁰

Due to the heavy reliance on US companies globally in IT, internet and digital services sectors, including social media, e-commerce, financial technology and media, these prohibitions have impacted every aspect of the daily lives of designated persons.

108 Adam M. Smith, “Dissecting the Executive Order on Int’l Criminal Court Sanctions: Scope, Effectiveness, and Tradeoffs”, Just Security, 15 June 2020.

109 US Department of the Treasury, Office of Foreign Assets Control, “Frequently Asked Questions No 210: What are the consequences for a U.S. financial institution that maintains or opens a new correspondent or payable-through account for Bank of Kunlun?”, 17 May 2013.

110 Antoine Madelin, International Advocacy Director, International Federation for Human Rights (FIDH).

The impact has ranged from the closure of their accounts with all US companies, including Amazon, Airbnb and PayPal, to having hotel bookings and flights in their names cancelled.¹¹¹ This is particularly pronounced where US companies have monopolised certain technologies: “Companies say that they have the right to stop providing services to individuals, but they are overlooking the fact that they have purposefully monopolised certain technologies and when the ecosystem is monopolised, it makes it complicated for human rights defenders to do their work. They are left with no other options.”¹¹²

Facing risks of disruption or complete termination of services if designated, CSOs and institutions at risk have had to assess their dependency on US service providers. Several have decided to search for alternatives in the face of US providers’ unwillingness to guarantee that they will not comply with sanctions, instead increasingly relying on EU service providers.¹¹³ Amnesty International, for example, made the decision to move away from US service providers due to the new wave of sanctions: “By the end of the year, Amnesty intends to have terminated our contracts with US companies or to have taken steps in that direction. Our assessment is that they pose too many risks for our work. We do not believe they can be relied upon to do the right thing if we are sanctioned. Every European actor should now have an exit strategy from US companies. This will not be enough as European companies may terminate their services out of fear or pressure. But it is a start.”¹¹⁴

In October 2025, the ICC confirmed media reports that it was moving its digital work environment from Microsoft Office to Open Desk, a German-developed open-source software owned by a publicly owned German company.¹¹⁵ Yet, solutions that are found continue to be ad-hoc, with each organisation, institution and individual finding its own solution to build resilience and limit dependency on US providers, and without a systemic approach that covers all those under attack. For example, solutions the ICC has found in relation to IT, banking and other services have been limited to the Court and have not included organisations designated under the same EO, leaving the latter isolated and dangerously exposed, having to find their own solutions with less funding and support from states.

ICC judges, the Registrar and the Deputy Prosecutors all raised the impacts that the sanctions have had on partnerships and IT-related services, which are described in section 5 below. They emphasised, however, that the sanctions have not paralysed the work of the Court, which remains operational and its staff undeterred.

111 Articles, interviews and press releases mentioning the impact of sanctions include:

- Stéphanie Maupas, "Nicolas Guillou, French ICC Judge Sanctioned by the US: 'You Are Effectively Blacklisted by Much of the World's Banking System'", *Le Monde*, 19 November 2025;
- Owen Jones, "This French Judge Approved Netanyahu's Arrest Warrant. Now Trump Is Targeting Him", *The Guardian*, 26 November 2025;
- Step Vaessen, "ICC Judge Speaks Out on Impact of US Sanctions", *Al Jazeera*, 3 December 2025;
- Middle East Eye, "Francesca Albanese's Stark Warning to 'Save Global Justice'", 3 December 2025;
- Al-Haq, "The Trump Administration's Sanctions Targeting Palestinian Human Rights Organisations Engaging with the ICC Are a Genocidal Tool of Erasure and Silencing", 10 November 2025;
- Addameer Prisoner Support and Human Rights Association, "Addameer Prisoner Support and Human Rights Association strongly condemns the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) decision to designate Addameer on the 'Specially Designated Global Terrorist' list", 2 July 2025;
- Janet H. Anderson, "Living with US Sanctions Means Living in Constant Uncertainty" *Justice Info*, 23 March 2026;
- Al Jazeera, "ICC Judge Says US Sanctions Left Her without Bank Cards and Google Accounts", 15 March 2026.

112 Data security expert.

113 Rasmus Alenius Boserup, Executive Director, EuroMed Rights.

114 Agnès Callamard, Secretary General, Amnesty International.

115 Maximilian Henning, "International Criminal Court to ditch Microsoft Office for European open source alternative", *Euractiv*, 30 October 2025.

4.3. The Extraterritorial Reach of Sanctions through Global Financial Dependence and Over-compliance

“The international financial architecture is centred on and facilitates the global use of the US dollar. Payment systems such as Visa and Mastercard are US entities. That architecture is what gives the United States its leverage: beyond controlling dollar transactions through OFAC, it also controls the infrastructure that processes them.”

Antoine Madelin, International Advocacy Director, International Federation for Human Rights (FIDH)

Almost every country in the world is dependent on the US financial system and the US dollar to conduct international and even national financial operations. This dependence creates a risk to national and regional sovereignty and seriously hampers the ability of designated individuals and organisations to operate, not only in the US, but globally.

US banks and financial institutions are required to freeze the assets of individuals and entities on SDN lists and are forbidden from transacting with them or providing them with any type of services, or they would face severe civil and criminal penalties.¹¹⁶ This prohibition also covers all major card networks including Visa, Mastercard and American Express. In case of violation, they can be penalised even if they had no knowledge or intent in relation to the violation due to strict liability for violations of sanctions. The mere act of violating sanctions is enough to trigger liability, even if it was an accident.

Furthermore, any property or funds that fall within US jurisdiction become subject to obligations under US sanctions law and can be “blocked”.¹¹⁷ This includes many transactions denominated in dollars, even between two non-US counterparties, because such transactions frequently require processing through or clearing by US-based correspondent banks, banks with access to the US Federal Reserve system.¹¹⁸ And when they fall under US jurisdiction, they may be blocked. It is therefore not the mere denomination of a transaction in US dollars that triggers jurisdiction¹¹⁹ but the existence of some kind of involvement or connection to the US, also called a “US nexus”,¹²⁰ including the involvement of US financial infrastructure in its clearing or settlement.

This is the result of an international financial architecture built on, and facilitating, worldwide use of the US dollar, bringing with it a number of American facilities and services as explained by Antoine Madelin, Advocacy Director of the International Federation for Human Rights (FIDH): “The international financial architecture is centred on and facilitates the global use of the US dollar. Payment systems such as Visa and Mastercard are US entities. That architecture is what gives the United States its leverage: beyond controlling dollar transactions through OFAC, it also controls the infrastructure that processes them.”

116 Joshua P. Zoffer, “The Dollar and the United States’ Exorbitant Power to Sanction.” AJIL Unbound 113, 2019, pp. 152–56.

117 Adam M. Smith, “Dissecting the Executive Order on Int’l Criminal Court Sanctions: Scope, Effectiveness, and Tradeoffs”, Just Security, 15 June 2020.

118 *Ibid.*

119 Law Insider, “US Nexus Definition”, last accessed 24 March 2026.

120 *Ibid.*

The centrality of US financial infrastructure effectively transforms domestic legal prohibitions into de facto transnational constraints with far-reaching practical effects. The dominance of the US over the financial system means that designated individuals and organisations lose access not only to US banks but also to the payment systems that form the structure of daily economic life elsewhere. In countries where domestic bank debit systems rely on US-linked networks, even basic banking instruments like debit cards may become inaccessible: “France is no longer capable of doing debit cards independently of VISA or Master card, so they are not able to commercialise the “Carte Bleue” card”,¹²¹ explained Judge Guillou.

As elaborated below, dependence on US-linked networks then leads to non-US financial institutions and banks over complying and cutting services to designated persons, even when domestic law does not mandate the termination of services.

4.3.1. Consequences of the structural reliance where there is a US nexus

Non-US banks and financial institutions face potential penalties if the services they provide to designated persons involve a connection to the US, i.e. a “US nexus.”¹²² Consequently they generally prefer to avoid any transactions that may have such nexus, which would fall under US jurisdiction and could be rejected, blocked or potentially give rise to heavy penalties. According to a US lawyer and expert on sanctions, sanctions started to be widely enforced by non-US banks as a result of sustained efforts by the US government to ensure sanctions are fully applied by anyone interested in using the US financial system: “In the 2000s, they issued massive fines of billions of dollars, and foreign companies agreed to pay because they needed the access to the US financial system. This changed the US sanctions system forever.” He further explained how the prohibition¹²³ on non-US persons “causing” US persons to violate sanctions has a particularly dissuasive effect. In the 2000s and early 2010s, OFAC penalised several major international banks for processing transactions from Iran, Cuba, Sudan or other countries under sanctions through the US financial system, but without disclosing the connection with countries under sanctions to US persons, including banks, thereby “causing” them to violate sanctions unknowingly. This led to settlements and fines of hundreds of millions of dollars.¹²⁴

As a result, any transaction involving a designated person and a US financial institution, or routed through the US financial system, is almost systematically refused (the transaction is turned away and the funds are returned to the sender) or blocked (the bank freezes the money and keeps it in an account inside the bank), either by US financial institutions that are required by law to reject or block such transactions, or by non-US institutions by operation of law or anticipatory compliance. In practice, this leads to effective exclusion from significant segments of the global financial system for designated persons.

Judge Alapini-Gansou explained, “All my colleagues had banking problems, even with their local bank.” Sanctions render cross-border transfers involving two different currencies extremely complex, if not impossible, as such transfers often go through US banking systems

121 Nicolas Guillou, Judge, ICC. The Carte Bleue is a French EFT-based debit or credit card.

122 Nina Moraitou-Politz and Adam Keith, “Questions and Answers: U.S. Sanctions on the International Criminal Court”, Human Rights First, 15 March 2025.

123 US Department of the Treasury, Office of Foreign Assets Control, ‘OFAC Consolidated Frequently Asked Questions’.

124 See for example the case of the Credit Suisse, BNP Paribas, Deutsche Bank, Royal Bank of Scotland.

and many currency conversions or settlements depend on US-clearance and the US dollar infrastructure. Certain regions are particularly reliant on the US dollar and are consequently more impacted: "In Latin America all of our major trading is done in dollars. I cannot send money in euros or have euro accounts in Peru."¹²⁵ UNSR Francesca Albanese said these measures represent "financial censorship".¹²⁶

The impact is heightened for organisations with operations outside the Eurozone, including the designated Palestinian organisations and the Court. Transactions inside the Eurozone are conducted through the Single Euro Payments Area (SEPA), a European payment network that enables euro-denominated bank transfers between participating countries without using US dollars or routing through the US banking system.¹²⁷ Outside the Eurozone, transactions might use the US dollar or the SWIFT system, which often passes through US banks. ICC Registrar Osvaldo Zavala Giler describes the consequences: "The risk to our operations that are outside of the Eurozone is higher. Solutions will need to be found on a case-by-case basis, and this would be one of the biggest potential impacts of institutional sanctions."

4.3.2. Impact beyond the US nexus: over-compliance and de-risking

Exposure is not limited to transactions that clearly involve a US nexus. Banks and financial institutions have become increasingly compliant, or over-compliant, with sanctions imposed by the US as a result of the massive fines issued by OFAC against foreign banks as explained above.¹²⁸ Further, financial institutions that provide "services" to designated entities and individuals, even where they do not involve a US nexus, may also fear liability under the broadly framed "material support" provisions in the EO and the risk of secondary sanctions. Such exposure may include the blocking of assets within US jurisdiction, the loss of a relationship with US-service providers including correspondent banking, and exclusion from US financial markets.

These risks have led non-US banks and financial institutions to apply these coercive measures extraterritorially, even for transactions that do not include a nexus or any form of connection to the US or to the US dollar.¹²⁹ In simple terms, and due to this structural dependency, a US EO can lead a European bank, operating under European law and using only the euro, to terminate its services to a judge residing in Europe who was sanctioned for their work in an international justice institution.

As a consequence, UN Special Rapporteur Francesca Albanese has been unable to open a bank account under her name, even in Italian and Dutch banks operating entirely under European legislation with transactions to and from her account in euros.¹³⁰ She remains up until today, unbanked. A European bank, at which she had been a client for decades, announced the closing of Judge Hohler's account within 24 hours of her designation: "I accept that American banks and other US persons may have to comply with the sanctions,

125 Luz del Carmen Ibáñez Carranza, Judge, ICC.

126 Francesca Albanese, UN Special Rapporteur on the situation of human rights in the oPt.

127 "What Is SEPA and Why It Matters for European Business Payments", Vantazo, last accessed 16 March 2026.

128 US lawyer expert on sanctions. See also Brad S. Karp, Roberto J. Gonzalez, Michael E. Gertzman, Richard S. Elliott and Matthew J. Rosenbaum, "OFAC Breaks New Ground by Penalizing Non-U.S. Companies for Making U.S. Dollar Payments Involving a Sanctioned Country", Harvard Law School Forum on Corporate Governance, 16 August 2017.

129 Adam M. Smith, "Dissecting the Executive Order on Int'l Criminal Court Sanctions: Scope, Effectiveness, and Tradeoffs", Just Security, 15 June 2020.

130 The European Federation of Ethical and Alternative Banks and Financiers (FEBEA), "Open Letter to Members of the European Parliament Regarding the impact of US extraterritorial sanctions targeting EU citizens, the case of Francesca Albanese", 20 October 2025.

but the automatic compliance by some European banks and service providers is extremely worrying." Prosecutor Karim Khan saw all his accounts in the UK frozen, and his bank account in Malaysia closed. As an even greater example of over-compliance, the bank account of his ex-wife was frozen when he tried to transfer money to her for their children "There is no legal basis to freeze her account, that is over-compliance and it poses a big issue of sovereignty." Other designated individuals also said they had money transfers between two European banks rejected where different currencies were involved. This leads to a feeling of uncertainty: as Judge Prost commented, "every time you want to do a banking operation you do not know what will happen."

Beyond Europe, banks in the Middle East have closed the accounts of designated Palestinian CSOs, preventing them from keeping their funds in a bank account and from transacting in any currency, even in the euro, Jordanian dinar or Israeli shekel. "We knew US sanctions would be a devastating blow because of the influence the OFAC has on banking systems internationally," explained Wesam Ahmad, former staff member of Al-Haq.

The US sanctions regime operationalises the global banking system to exert its influence beyond its jurisdiction and leads financial institutions to over-comply and adopt de-risking strategies through the threat of sanctions or penalties. Niccolò Figa-Talamanca noted how "this reveals that the sanctions regime operationalises the global banking system in practice to enforce policy effects without asserting jurisdiction. A domestic US executive order forces a French bank, operating under French law, to terminate its relationship with an international court that France officially supports."¹³¹

Banks all around the world choose over-compliance or use de-risking strategies to prevent the risk of exclusion from US financial markets, even in cases where it puts them in potential conflict with their national or regional legislation. According to an EU Directive adopted in 2014, which guarantees the right to a basic bank account for all legal EU residents,¹³² European banks are in breach of EU law if they refuse to open a basic bank account for someone lawfully resident in the EU, where no lawful exception applies. Judge Hohler noted that it seems some banks "would rather risk violating EU law than to provide services to designated individuals."

In an open letter to the European Parliament, the European Federation of Ethical and Alternative Banks and Financiers (FEBEA) underlined the indirect impact of these extraterritorial measures on European banks, which they argue undermines the rule of law in the EU and its legal and financial autonomy:

This situation highlights a much broader vulnerability: any European financial institution could face similar obstacles. Even when sanctions have no legal force within the Union, their extraterritorial reach creates a climate of uncertainty and over-compliance. **Banks risk the closure of correspondent accounts, delays or rejections of international transfers, and reputational repercussions when perceived as handling "sensitive" clients.** Consequently, institutions often prefer to deny legitimate services rather than expose themselves to potential secondary effects, effectively extending the impact of foreign measures into the European legal space. This reveals the real and damaging reach of extraterritorial measures that, though legally inapplicable in Europe, are **enforced in practice through the dominance of the U.S. financial system and the over-compliance of global intermediaries.**

Excerpt from the FEBEA open letter to Members of the European Parliament, dated 20 October 2025.¹³³

131 Niccolò Figa-Talamanca, Secretary General, No Peace Without Justice.

132 Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the Comparability of Fees Related to Payment Accounts, Payment Account Switching and Access to Payment Accounts with Basic Features, 2014 O.J. (L 257) 214.

133 The European Federation of Ethical and Alternative Banks and Financiers (FEBEA), "Open Letter to Members of the European Parliament Regarding the impact of US extraterritorial sanctions targeting EU citizens, the case of Francesca Albanese", 20 October 2025.

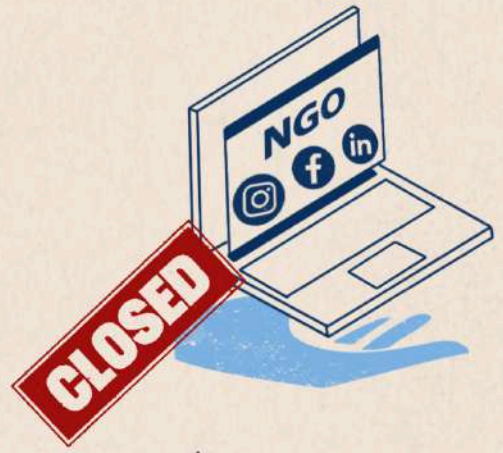
In this context, and with a lack of guidance or shielding measures by states and the EU, each bank is left to assess which services it is willing to continue to provide to designated individuals or institutions, based on its own appetite for risk. These institutions had become used to complying with sanctions imposed by US administrations automatically when there was no major discrepancy between the US and the EU sanctions regimes, but as the ICC Registrar pointed out, "It should be different for service providers to deal with automatic compliance related to terrorist organisations than in cases concerning ICC judges who are designated."¹³⁴

Banks have yet to heed this call. As noted, when the draft law on sanctions was passed in the US House of Representatives, the Court mapped out their potential dependencies. They looked at implementing partners for reparations programmes, and contracts with forensic entities for their investigation work, IT systems and banks, to prevent any disruption that could fundamentally affect the continuity of the work of the Court. Some banks indicated they would block the accounts of the Court itself if individuals working at the Court were designated, leading the Court to pre-emptively close those accounts. Other banks that the Court used for transactions said they would fully comply with sanctions and "when individuals at the Court were designated, they immediately stopped their relationship with the Court itself as well".¹³⁵

These coercive measures may not stop at the Rome Statute system; the sanctions regime targets the broader human infrastructure of justice, as Antoine Madelin of FIDH cautioned: "US control over financial infrastructure can be used, and has been explicitly contemplated in public statements, to discipline or block the wider ecosystem of accountability actors. Even without formal designation, the credible threat of financial exclusion reshapes behaviour."

134 Osvaldo Zavala Giler, Registrar, ICC.

135 *Ibid.*



**Executive Order
14203**

**Imposing Sanctions
on the
International
Criminal Court**

A stylized, handwritten signature in blue ink.



5. Punishing the Refusal to Compromise on the Rule of Law: The Costs of Sanctions for Designated Individuals and Entities

5.1. The Consequences of Sanctions for Designated Individuals and their Families

“When I learned that I was designated I was in total shock and disbelief, we could not do anything. We knew about it too late, we were not able to prepare, even financially.”

| Solomy Balungi Bossa, ICC Judge

All the designated individuals interviewed for this report expressed the same feelings of hopelessness and shock. Dealing with such coercive measures is time and resource-intensive, provoking stressful and complex situations that gravely impact their everyday lives: “While not directly affecting our work, the impact of such coerciveness on our personal well-being and family is simply unjustified.”¹³⁶ Judge Bossa described how “navigating sanctions is a difficult part of our job now; we have to meet lawyers, communicate with the Registry, the banks, it is an endless task”, adding that the expanded to-do list comes with an unexpected mental load. Deputy Prosecutor Khan shared, “It undermines our normality: we have to think about whether our phone company will continue to work with us, what is the impact on Apple, Amazon. It slows you down and makes you fight battles that you should not have to fight.”

Designated individuals also spoke about the difficulty of feeling uncertain about the future, the feeling of constant insecurity not knowing which part of their lives, or their families’ lives, will be touched next, all of which leaves them in a state of limbo. Judge Hohler put it this way: “Solutions that exist today may not exist tomorrow, a bank card that works today may not work tomorrow, a company that insures your house today may terminate your contract tomorrow.”

Sanctioned individuals have described how their designations have affected their family members, which many identified as the most painful aspect. Prosecutor Karim Khan underlined how the impact of sanctions is “deeper” as it affects not only the subject of sanctions, “but one’s loved ones, family members who are wholly unconnected with the ICC or international justice”. As Deputy Prosecutor Niang explained, “As soon as you are on the list, your US visa is revoked, and this is not limited to us but extends to our family members.” This wider impact was further underlined by Judge Damdin “it affects daily life, but the most severe effect is the impact on my family members. For instance, my children had their US visas revoked immediately.”

Some designated individuals are unable to send money to family members living outside the Eurozone. Judge Lordkipanidze explained how “One of the most painful things about the

136 Erdenebalsuren Damdin, Judge, ICC.

sanctions is the impact on my family, I cannot transfer money to my country to pay for the person who is helping my own family member who needs care." Others, with family members who are US nationals, fear those family members may be accused of providing "material support" and held criminally liable. UNSR Francesca Albanese's daughter and husband are challenging the EO in a US court, asserting that the sanctions have turned their parental relationship "into criminal activity."¹³⁷ Judge Ibáñez described the direct impact on her daughter, whose US visa was revoked and her Google, Apple and Amazon accounts cancelled:

“ *"She is a separate person, she has no connection to the Court, she is not responsible for my decisions. It saddens me because I am prejudicing my daughter by trying to do my job. How can this be permitted?"*

Deputy Prosecutor Khan concurred: "The fact that it impacts our families and those around us is an unnecessary burden."

Adding to the feeling of hopelessness, the lack of strong and systemic protective measures by states and the European Union to counter the impact of sanctions was constantly raised by those affected. As Judge Guillou put it, "Europe needs to wake up, we cannot stay in this form of submission." He added that it was this realisation that the sanctions represented a wider threat to the rule of law, and an attack on the "digital and banking sovereignty" of European states, that had made him decide to speak out, not only as a judge but also as a European citizen. Judge Damdin said that like any judicial institution, the Court "cannot function without the political and economic support of states".

ICC Judge Prost also summed up the impact through a broader lens: "I have talked a bit about this publicly because it is important for people to understand it is serious; it is not symbolic. It is not just that you cannot travel to the US, this is a serious attack on the rule of law, and it does have a paralysing impact on your daily life."

5.1.1. No geographical escape from US jurisdiction: access to information technology services, internet and digital services

“ *"Things you took for granted like transferring money to your children, preparing for Christmas, Eid or other celebrations are impacted, it forces you to think before you make any transaction or movement. Especially at this time, we need the comfort of our normal lives, to be able to go home, transfer money to our children, read our Kindle. Normality brings us comfort in the context of the difficult work we are doing."*

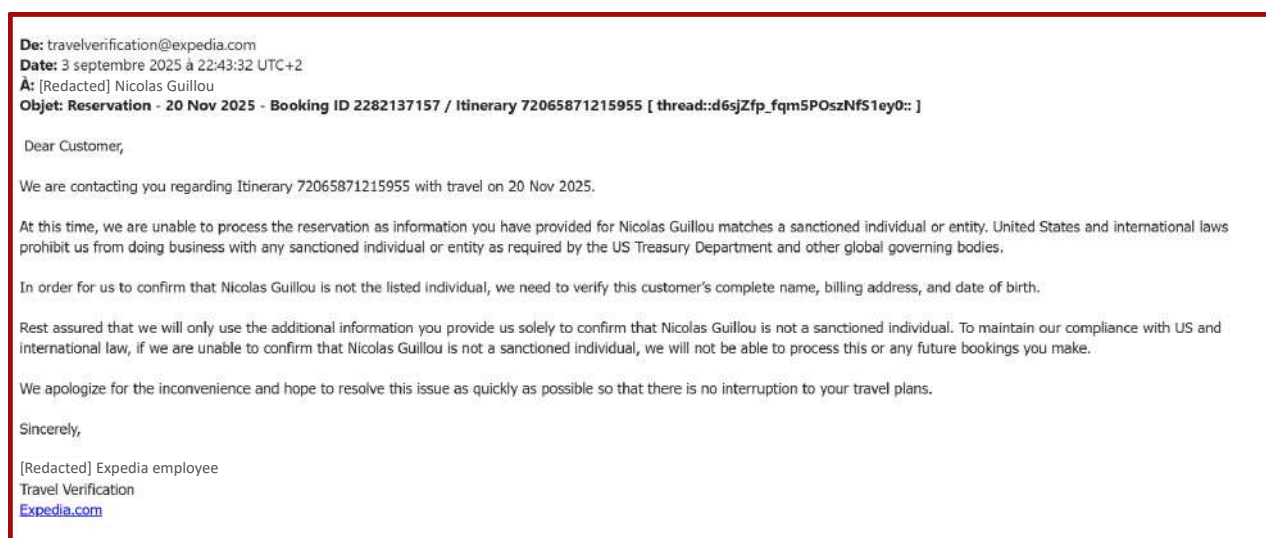
| Nazhat Shameem Khan, ICC Deputy Prosecutor

Due to the dominance of US tech in the global market, sanctions have affected the everyday lives of designated individuals, from ordering food to doing online shopping, booking a hotel or a plane ticket. Designated individuals identified barriers in accessing digital services as one of the two most significant impact of sanctions, along with the exclusion from banking

137 Al Jazeera, "Family of UN Rapporteur Albanese Sues Trump Administration over Sanctions", 26 February 2026.

and payment services. These impact them both at the national and international levels, often resulting in financial isolation and digital exclusion. Prosecutor Karim Khan explained this over-reaching impact: "the extraterritorial reach of the US penetrates every aspect of human life from the ability to fly, do financial transfers, get legal representation, or to use cloud storage and download apps."

Almost all designated individuals saw their accounts with US companies closed, including Uber, Netflix, Airbnb, Booking.com and PayPal. UN Special Rapporteur Francesca Albanese lost her medical insurance in the US: "I was refused reimbursement for medical services; [these costs] will never be reimbursed". Most designated individuals systematically face obstacles when trying to travel: "I simply could not make a reservation for a flight ticket", shared Judge Ibáñez. UNSR Francesca Albanese and Judge Guillou had similar experiences of booking cancellation in Europe. The latter described how he tried to book a hotel in France through Expedia and the company cancelled the reservations, citing compliance with sanctions imposed by the US administration:



Screenshot from an email received by Judge Guillou after trying to book a hotel through Expedia. This email was forwarded on 6 February 2026 by Judge Guillou to the Coalition for the ICC for use in this report.

Several designated individuals reported having their Apple ID blocked, losing access to their iCloud and pictures, and being unable to download or update their apps.¹³⁸ Judge Hohler recounts how "Different service providers, mostly US companies, like PayPal and Amazon, cancelled my account. Apple has blocked my ID and access to my iCloud. At least two other judges have experienced the same thing." Designated individuals also shared problems with maintaining their personal email accounts, despite having had the same email for several years, causing a "sense of panic."¹³⁹ Sometimes, over-compliance has even led to other people's accounts being cancelled, just for mentioning the name of designated individuals: Judge Hohler said, "A friend sent me a present for Christmas through Amazon and all his Amazon accounts, including Kindle, Audible and others were blocked. It took him five weeks to recover them." These experiences demonstrate how the US has operationalised corporate monopolies as proxy enforcement arms for sanctions.

138 Beti Hohler, Judge, ICC; Luz del Carmen Ibáñez Carranza, Judge, ICC; Solomy Balungi Bossa, Judge, ICC.

139 Kimberly Prost, Judge, ICC.

5.1.2. Loss of access to banking and payment systems

“Our accounts were blocked. All my colleagues, especially those with dollar accounts or from English-speaking countries, had problems even with their local banks in their respective countries.”

| Reine Alapini-Gansou, ICC Judge

All designated individuals lost immediate access to their credit cards, some within days of being designated, and are unable to operate any online payment, no matter their nationality, the country or the bank that issued these credit cards. In today's world, where most financial transactions are done online, this heavily restricts access to basic services. Judge Prost, for example, describes being unable to purchase a subway ticket while travelling, making her realise the far-reaching effects of the sanctions: “The loss of a credit card in this day and age requires you to completely reorganise your life, you cannot access basic services, like booking a hotel or taking an Uber.”

Several designated individuals saw their bank accounts closed or frozen by European banks.¹⁴⁰ Some have still not been allowed to open a bank account in their home countries in Europe.¹⁴¹ The banks in Georgia closed all of Judge Lordkipanidze's accounts, in all currencies: “Because of over-compliance they closed all my existing accounts almost immediately even before the license period expired, even my account in local currency.” His bank even closed his mortgage, requiring him to pay the entire mortgage immediately:

“If I did not repay the mortgage in full, the bank would have seized my property under the mortgage.”

UNSR Francesca Albanese has been unable to open a bank account under her name in Italy and receive basic financial services. Despite the UN reaching out to several countries, including Switzerland and the Netherlands, banks have refused to allow her to open a bank account, expressing regrets and citing OFAC sanctions.¹⁴² She remains unbanked up until today, meaning she does not have any bank account, debit nor credit card and is unable to receive payments. ICC Prosecutor Karim Khan had all his accounts in the UK frozen and his account in Malaysia closed: “I cannot access money that has been frozen arbitrarily, and there has not been any real attempts to unfreeze it by the UK or anybody, I was told that is down to OFAC rules and the risk appetite of banks.”

Other designated individuals have managed to maintain accounts, but they are unable to conduct any transaction with a US nexus and continue to face challenges even in operations not involving a US nexus. Aside from not necessarily knowing what transactions have a US nexus, they face restrictions, delays and uncertainty each time they use banking services, including making payments or transfers within the EU.¹⁴³ Designated individuals have even faced issues transferring funds to family and friends in Europe, as European receiving banks

140 Beti Hohler, Judge, ICC; Francesca Albanese, UN Special Rapporteur on the situation of human rights in the oPt; Gocha Lordkipanidze, Judge, ICC; Karim Khan, Prosecutor, ICC.

141 Francesca Albanese, UN Special Rapporteur on the situation of human rights in the oPt; Gocha Lordkipanidze, Judge, ICC.

142 Francesca Albanese, UN Special Rapporteur on the situation of human rights in the oPt.

143 Beti Hohler, Judge, ICC; Francesca Albanese, UN Special Rapporteur on the situation of human rights in the oPt; Kimberly Prost, Judge, ICC.

refuse the transaction. All the nationals of non-European states have had to change any money held in local banks into their local currency immediately; they have not been allowed to keep money in any other currency.

Correspondent banks have repeatedly blocked attempts to send money outside of the Eurozone, or the money has been frozen, including by institutions like Western Union.¹⁴⁴ Several designated individuals, especially those from countries outside of the eurozone, spoke of the hardship this has caused: they receive their salaries in Europe but cannot transfer them to their home countries, and are unable to send money to their families or pay bills in their home countries. "Sanctions slow you down in your personal life, the things you took for granted like transferring money to your children", noted Deputy Prosecutor Khan. "I receive my salary in Europe, but I cannot send money anywhere", explained Judge Bossa. The uncertainty over risks of over-compliance even with family members heightens this fear, "I can't send money to my family, I fear it would freeze their accounts." explained Prosecutor Karim Khan after the bank account of his ex-wife was frozen when he tried to transfer her money. Non-European judges whose tenure is finishing soon are concerned about their ability to transfer money back to their home countries when they leave the Court: "We are in limbo."¹⁴⁵ Designated individuals raised the fact that these limitations on banking represent a major challenge to state sovereignty; "I should be able to use my lawfully earned assets in a manner of choosing in my own country."¹⁴⁶

All those who had property and bank accounts in the US saw their assets frozen and are unable to access them, including UNSR Francesca Albanese's home in Washington.¹⁴⁷ Judge Bossa explained, "The inconvenience started within 24 hours. I received a message informing me that due to the EO, my account in the US is blocked, and there is nothing I can do about it. They cancelled my credit card which I was using for everything. Then my bank accounts in my own country were closed for a time as well."

5.1.3. The unequal impact of sanctions: a reflection of global inequalities

“ *"Myself and my colleague from Peru, we sat as a bench of five judges who issued a unanimous decision six years before the sanctions. Then the sanctions came and singled out only two of us. The other judges were not initially sanctioned. We had the impression that we were sanctioned because we come from countries that do not carry as much weight in the international sphere, the discrimination hurt a lot."*

| Solomy Balungi Bossa, ICC Judge

Sanctioned individuals from the Global South and from countries with greater dependency on the US have faced stronger challenges, reflecting global structural inequalities. The sequence with which sanctions were imposed also has a gender dimension, since only female judges were designated in the first wave. Judge Bossa from Uganda and

144 Beti Hohler, Judge, ICC; Francesca Albanese, UN Special Rapporteur on the situation of human rights in the oPt; Kimberly Prost, Judge, ICC.

145 Solomy Balungi Bossa, Judge, ICC.

146 Karim Khan, Prosecutor, ICC.

147 Francesca Albanese, UN Special Rapporteur on the situation of human rights in the oPt, Solomy Balungi Bossa, Judge, ICC.

Judge Ibáñez from Peru were designated for their votes in the Appeal decision authorising the commencement of an investigation in the situation in Afghanistan.¹⁴⁸ While the British and Polish judges had already completed their terms, the Canadian judge that sat on the same bench was initially not designated. Judge Ibáñez said: "At the beginning they only targeted four women judges from small countries, from the Global South and one from Eastern Europe, even though the chambers were composed of other judges from bigger countries." Similarly, in the last wave of sanctions, the Trump administration decided to impose sanctions on some judges involved in the decision, and not others.

Today, judges from multiple countries have been designated, including from Global North countries, but the impact of sanctions remains greater for nationals from the Global South, given the stronger dependency of their currencies on the US dollar. The judges themselves recognise these inequalities: "There is no question, it is an imbalanced system. It is much more difficult for my colleagues than me. This is another horrible part of these sanctions."¹⁴⁹

While Ministries of Foreign Affairs of some of the countries whose nationals have been designated have been very vocal about sanctions and supportive of their nationals, including states like France, Slovenia and Senegal, others have refused to engage. According to Judge Bossa, "My government has not even reacted up until today." A government's willingness to engage and challenge US actions often appears to depend on the power of the country in the international sphere, its level of dependence on the US, and the government's political affiliation. This leaves designated individuals facing differing treatment. UNSR Francesca Albanese underlined the lack of support she received from UN member states and from Italy's current government: "Not a single member state called me to ask how they can help and the ones I reached out to for support to open a bank account said it was not possible. They should be protecting their own citizens against those attacks." Prosecutor Karim Khan underlined the lack of support and engagement from the British government "That is the danger of the special relationship between the UK and the US: it can too easily become subservient and compliant, rather than forthright and close."

Judge Hohler expressed concern about the potential impact of this inequality on the international nature of the Court: "This approach is concerning. It sends the message that officials of some states might be better or worse off, depending on what passport they hold and what is the relationship between their States and the US," she warned.

This inequality is also apparent to victims of international crimes who see opposition from some of the most powerful states to certain investigations, based on the nationality of the perpetrators. As underlined by a former staff member of Al-Haq, "the risks that come with the work are less new to us Palestinians, but these sanctions have shaken the idea many still held that rights are universally applied and that that international mechanisms are isolated from power." While not a new concern, the apparent discrimination in sanctions designations risks heightened perceptions of inequality and selectivity among victims of crimes within the ICC's jurisdiction.

148 Situation in the Islamic Republic of Afghanistan, Judgement on the appeal against the decision on the authorisation of an investigation into the situation in the Islamic Republic of Afghanistan, ICC-02/17 OA4, 5 March 2020.

149 Kimberly Prost, Judge, ICC.

5.2. The Consequences of Sanctions for Civil Society Organisations in Palestine

“The US is attacking NGOs, which are the only organisations with access on the ground, to witnesses and the facts, as long as the Court continues to be denied access to Palestine. When organisations, lawyers, judges and prosecutors are sanctioned, the pillars of international justice are paralysed. If this happens in Palestine, it can happen anywhere else. We will not allow Gaza and Palestine to be the graveyard of international law.”

| Raji Sourani, Founder and Director of the Palestinian Centre for Human Rights (PCHR)

The designation of Palestinian NGOs in June and September did not come in a vacuum. PCHR, together with Al-Haq, Al Mezan and Addameer, have an extensive track record of documenting human rights violations and crimes under international law in the occupied Palestinian territories (oPt), leading accountability advocacy efforts, including around the State of Palestine's ratification of the Rome Statute, and providing support to victims of international crimes. However, Palestinian organisations have been subjected to organised smear campaigns, intimidation, death threats, spying and hacking, raids, designations and attacks by Israel for decades. “But that never deterred us. We did not give up then and we will never give up on accountability.”¹⁵⁰ Since early 2002, Israeli forces have raided the offices of Palestinian human rights organisations multiple times, including the raid on Addameer's office in 2019, during which they stole laptops and memory cards.¹⁵¹ Israel has also reportedly conducted a surveillance campaign against the Palestinian NGOs, and the ICC, for years.¹⁵²

In February 2019, Israel's Ministry of Strategic Affairs and Public Diplomacy published a report “terrorists in suits” in which they falsely accused PCHR, Al-Haq and Addameer and their Directors of supporting terrorism in an attempt to delegitimise their work and their organisations, and push donors to cut their funding.¹⁵³

In a continuity of this smear campaign, in May 2021, Israeli representatives sent a 74-page dossier prepared by the Shin Bet, the Israeli internal security service, to representatives of European countries urging them to stop funding six Palestinian human rights organisations, including Addameer and Al-Haq.¹⁵⁴ A few months later, in early October 2021, Front Line Defenders found that devices from Al-Haq and other Palestinian organisations had been infected by the Israeli spyware Pegasus for years.¹⁵⁵ Less than a week later, on 22 October 2021, Israeli Minister of Defence, Benny Gantz, issued an executive order declaring

150 Raji Sourani, Founder and Director, PCHR.

151 Addameer Prisoner Support and Human Rights Association, “Israeli Occupation Forces Raid Addameer's Office and Steal its Equipment”, 19 September 2019.

152 Yuval Abraham and Meron Rapoport, “Surveillance and interference: Israel's covert war on the ICC exposed”, +972 Magazine, 28 May 2024.

153 Ministry of Strategic Affairs and Public Diplomacy of Israel, “Terrorists in Suits: The Ties between NGOs Promoting BDS and Terrorist Organizations”, 2019.

154 Yuval Abraham, Oren Ziv and Meron Rapoport, “Secret Israeli dossier provides no proof for declaring Palestinian NGOs ‘terrorists’”, +972 Magazine, 4 November 2021.

155 Front Line Defenders, “OPT/Israel: Six Palestinian human rights defenders hacked with NSO Group's Pegasus Spyware”, 5 November 2021. See also Miles Kenyon, “Devices of Palestinian Human Rights Defenders Hacked with NSO Group's Pegasus Spyware”, Citizen Lab, 8 November 2021.

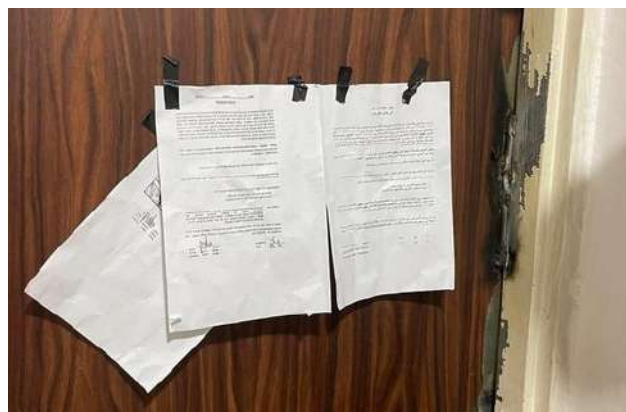
the six Palestinian human rights NGOs to be terrorist organisations,¹⁵⁶ allegations that were rejected by the organisations, UN experts, EU member states and others as unfounded.¹⁵⁷

Those interviewed for this report described how these designations aimed to criminalise the organisations, terrorise their employees and render them inoperative by pressuring external partners to cut funding and cooperation: "When those indirect tactics did not work, that is when Israel decided to designate the NGOs as terrorist organisations."¹⁵⁸

Since then, Palestinian organisations have continued to be subjected to office raids aimed at shutting down their operations.¹⁵⁹ Staff members have been arrested, and some deported.¹⁶⁰ Israeli attacks completely destroyed all of PCHR's offices in Jabalya, Khan Younis and Gaza City,¹⁶¹ Al Mezan's Headquarters in Gaza city and their offices in Jabalia and Rafah. Several of PCHR's staff members were killed during Israeli airstrikes, along with their family members.¹⁶²



Al-Haq's office raided in August 2022



Addameer's office raided in August 2022



PCHR's Headquarters Office in Gaza City destroyed in 2025



Al Mezan Center for Human Rights's office destroyed in 2026

156 National Bureau for Counter Terror Financing, "The Minister of Defense designated six organizations of the 'Popular Front for the Liberation of Palestine' as terror organizations", 1 March 2022.

157 European Union External Action, "Israel/Palestine: Statement by the Spokesperson on the listing of six Palestinian organisations as terrorist organisations", 28 November 2021; Federal Foreign Office of Germany, "Joint Statement by the Foreign Ministries of Belgium, Denmark, France, Germany, Ireland, Italy, the Netherlands, Spain and Sweden on the designation of Palestinian civil society organisations as terrorist organisations", 12 July 2022; United Nations Office of the High Commissioner for Human Rights, "UN Experts Condemn Israel's Designation of Palestinian Human Rights Defenders as Terrorist Organisations", 25 October 2021; The Guardian, "CIA unable to corroborate Israel's 'terror' label for Palestinian rights groups", Monday 22 August 2022.

158 Wesam Ahmed, Former staff member, Al-Haq.

159 Al Jazeera, "'Not going anywhere': The Palestinian NGOs shut down by Israel", 18 August 2022.

160 Front Line Defenders, "Detained Human Rights Defender Salah Hammouri Was Forcibly Deported to France", 18 January 2023.

161 Palestinian Centre for Human Rights (PCHR) (via X: @pchrgaza), "Breaking: PCHR's Headquarters Office in Gaza City, located in Al Roya Tower, has just been completely destroyed by IOF's warplanes..", 8 September 2025.

162 "PCHR Mourns and Condemns the Tragic Killing of Our Colleague and His Family in Gaza City", 16 January 2025.

The new sanctions imposed by the US in 2025 on Addameer and Al-Haq (based in the West Bank) and PCHR and Al Mezan (based in Gaza), compounded this pattern of sustained attacks against Palestinian organisations and had immediate and severe operational consequences.

Amnesty International's Secretary General, Agnès Callamard, said targeting these CSOs is "clearly intended to support the Israeli authorities, to protect them and shield them from accountability; it's a logical step following the 'terrorist' labelling imposed by Israel" a few years prior. As FIDH's CEO Eléonore Morel observed, "The first people to be targeted are those who document facts", describing the sanctions as "a continuation" of Israel's previous "terrorist" designations and of broader US political backing to Israel. Margaret Satterthwaite, UN Special Rapporteur on the Independence of Judges and Lawyers, similarly warned that the sanctions have "an incredible chilling effect on human rights work related to Palestine", describing them as "a strong attack" against "NGOs that are well known in the field and have a track record of documenting human rights violations and doing important work."

Palestinian organisations themselves describe these designations as a means of crippling and silencing those present on the ground documenting the evidence of Israel's genocide,¹⁶³ and a continuity of Israel's system of apartheid.¹⁶⁴

Sanctions have affected all aspects of their work and operations, as detailed in the sections below.

5.2.1. Exclusion from access to banking and its consequences

“Sanctions against [CSOs] are particularly horrible, I do not know how you can justify trying to block people from helping victims and gathering evidence. We are very dependent on civil society and those going out to the communities, and it is atrocious to target them.”

■ Kimberly Prost, ICC Judge

The first and most immediate effect of sanctions has been the immediate closure of the bank accounts of the four designated Palestinian organisations. Due to the policy of over-compliance, banks in the Middle East have shut down their accounts, and thus their ability to operate. The organisations have been unable to receive funds or to process payments such as salaries, rent and other office expenses essential to their operations: "Without staff or activities there is no organisation."¹⁶⁵

With the designation, Addameer's bank account was frozen in less than eight hours.¹⁶⁶ Addameer was the only Palestinian organisation that did not benefit from a 30-day wind-down period, which is a temporary authorisation by OFAC allowing companies to cease

163 "Al-Haq, PCHR, and Al Mezan Condemn US Sanctions Targeting Palestinian Human Rights Organisations", 5 September 2025.

164 *Ibid.*

165 Issam Younis, General Director, the Al Mezan Center for Human Rights (Al Mezan).

166 Addameer Prisoner Support and Human Rights Association, "Addameer Prisoner Support and Human Rights Association strongly condemns the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) decision to designate Addameer on the "Specially Designated Global Terrorist" list", 2 July 2025.

operations or transactions with sanctioned entities without violating sanctions regulations. With the immediate freezing of their bank account, they were not allowed to take money out of their account and never managed to regain access to their funds. A former staff member of Addameer explained how the sanctions "show the extent to which the US is able to affect banking even in Palestine, as the whole banking system is connected to the US dollar and the SWIFT. What is the solution?"

Two days after the sanctions were announced, PCHR's bank asked them to empty their account by withdrawing all their funds in cash, with less than a week's notice, fearing that maintaining the account of a designated entity would lead to repercussions. Al Mezan's bank informed them that they could neither make nor receive any international transfers and had a month to withdraw all their funds. These exclusions from financial services have an even stronger impact due to the situation of unlawful occupation and the constant destruction of infrastructure in Gaza.¹⁶⁷ Palestinian organisations explained that money cannot be withdrawn in Gaza and withdrawing significant sums in the West Bank could increase the risk of arrest by the Israeli army.

This is taking place in a context of a 19 year-long Israeli land, air, and sea blockade of the Gaza Strip; the destruction or damaging of 92% of housing,¹⁶⁸ 94% of hospitals¹⁶⁹ and around 70% of Gaza's infrastructure;¹⁷⁰ the Israeli Knesset's prohibition of UNWRA in the oPt;¹⁷¹ and a series of complete blockades of humanitarian convoys.¹⁷² These violations have been characterised as genocide by the UN Commission of Inquiry on Palestine and Israel, the UN Special Rapporteur on human rights in the oPt, Amnesty International, Al-Haq, Al Mezan, PCHR and Addameer, FIDH and others.¹⁷³ Raji Sourani, director of PCHR, explained that for staff based in Gaza, these conditions mean their salaries are often a matter of survival for them and their extended family members:

“*PCHR has 65 staff, including 38 still living in Gaza. Every person working at PCHR is part of the society, they were subjected to displacement, lost their homes, suffered from famine, lack of water and medicine. All our staff lost loved ones, some up to dozens of their extended family members. At PCHR, we lost three staff members, including two lawyers and my assistant who were killed with their families. Despite this heavy price, our staff continue to work for justice and accountability. We are part of the people; we have nothing special except our commitment to defend victims, to expose the reality and to seek accountability for the victims.***”**

167 International Court of Justice, "Summary of the Advisory Opinion of 19 July 2024: Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem", 19 July 2024.

168 United Nations, "Gaza: 92 Per Cent of Homes Destroyed or Damaged, UN Reports", 22 April 2025.

169 World Health Organization, "Health System at Breaking Point as Hostilities Further Intensify in Gaza, WHO Warns", 22 May 2025.

170 United Nations Satellite Centre (UNOSAT), "Gaza Strip Comprehensive Damage Assessment", 7 May 2025.

171 Jean-Philippe Rémy, "Israël: l'interdiction de l'UNRWA, une décision sans précédent qui met en péril l'aide aux Palestiniens en pleine guerre", Le Monde, 29 October 2024.

172 "Israël suspend l'aide humanitaire à Gaza, le Hamas dénonce une violation du cessez-le-feu", Le Monde avec AFP, 2 March 2025.

173 See report from the UN Commission of Inquiry "Legal analysis of the conduct of Israel in Gaza pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide", 16 September 2025; Amnesty International, "You Feel Like You Are Subhuman': Israel's Genocide Against Palestinians in Gaza", 5 December 2024; The Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, "Genocide as colonial erasure", 1 October 2024; and Al-Haq, "Al-Haq Launches Genocide Legal Brief Series", 12 May 2025.

5.2.2. Loss of US and dual national staff and cutting of funds

The second effect has been the immediate layoff of all US and dual US nationals due to the risk of prosecution and heavy civil penalties and other serious consequences for their personal lives in the US. "Al-Haq has been my school and part of the family, people you work with are not just colleagues", explained Wesam Ahmad, a US-Palestinian dual national who had to resign due to the sanctions after working for Al-Haq for almost two decades. Al-Haq, Al Mezan and Addameer lost several US nationals or dual national staff members: "They directly had to resign. I am talking about legal researchers, senior staff members who had to leave."¹⁷⁴

Due to the chilling effect of sanctions and the fear of facing individual sanctions, several non-US staff members also resigned.

Al-Haq, PCHR and Al Mezan also faced the sudden and immediate suspension or termination of funds from US based donors. Even some Europe-based donors withdrew their funding, illustrating the practice of over-compliance and the chilling effect of sanctions. These organisations lost between 20 and 60% of their funding in less than 30 days as a direct effect of sanctions.

5.2.3. Palestinian CSOs will not be silenced despite closure of websites, social media accounts and other IT services

“NGOs have historical records containing a wealth of information about specific groups and individuals which are important for generations to come, but service providers can simply delete these. It is like burning books and making sure that the information contained in them is not available. It is not just deleting advocacy; it is deleting a chain of information and events. For Palestinian NGOs they are already deleting the people and the country, and they are now deleting the historical basis of the group. I think it is deliberate to a certain degree.”

| Data security expert

The designated Palestinian organisations were forced to switch all their services to non-US service providers immediately, including for emails, website domains and cloud services. While sharing and receiving information is exempted under the US sanctions regime,¹⁷⁵ designated organisations had their accounts on key social media platforms deleted, including YouTube, Mailchimp and META. This created a large gap in communications and meant the permanent deletion of hundreds, if not thousands, of videos, documentaries and victim testimonies about violations in Palestine, "ultimately silencing the voices of Palestinian victims."¹⁷⁶ In interviews conducted for this report, people emphasised how this represents an attempt to silence Palestinian organisations and victims, and erase evidence of international crimes.

174 Shawan Jabarin, General Director, Al-Haq.

175 Knight First Amendment Institute at Columbia University, "Response from Treasury Department, Case No. ICC-EO14203-2025-1429692-1", 10 December 2025.

176 Al-Haq, "The Trump Administration's Sanctions Targeting Palestinian Human Rights Organisations Engaging with the ICC Are a Genocidal Tool of Erasure and Silencing", 10 November 2025.

Immediately after the announcement of sanctions, Addameer's META social media accounts were deleted, as was their website.¹⁷⁷ Since Addameer is one of the main organisations documenting the situation of Palestinian detainees, this has created a vacuum of information about violations committed against Palestinian prisoners: "The whole movement was seriously affected by Addameer disappearing from these platforms".¹⁷⁸ This takes place in a context where mass arbitrary arrests and the systematic use of torture by Israel have been reported by numerous local NGOs¹⁷⁹ as well as by international NGOs¹⁸⁰ and UN agencies relying heavily on local NGO documentation.¹⁸¹ While Addameer managed to regain access to their website, they could lose their domain name, as the US-Canadian company that hosted their website refused to allow them to regain access to it; instead, they put it up for public purchase without warning the organisation. "The name is part of the heritage and history of Addameer, the whole world knows Addameer.org, for thirty years it has been associated with Palestinian prisoners and the work we do. This is a total exploitation of that history", a former Addameer staff member explained.

At the time of writing, Addameer had still not regained access to its META social media accounts, Facebook and Instagram, where they had thousands of followers, nor to their domain name. The loss of a website goes beyond the loss of information: "A website is an address on the internet, so people cannot reach you any other way. They are basically erasing your existence. Sanctions are very political. It is an entire country telling businesses not to engage with you."¹⁸² Addameer was also immediately blocked from their Microsoft accounts including their emails, Cloud, database on Palestinian prisoners and internal shared folder. At a stroke, Addameer lost a year of data, which Microsoft has still not shared with the organisation.¹⁸³

YouTube also deleted the accounts of Al-Haq, PCHR, Al Mezan and Addameer along with more than 700 videos documenting human rights violations by Israel and other actors, and the channel's archive,¹⁸⁴ amounting to thousands of pieces of information, some of which could have constituted evidence in legal proceedings. These videos included documentaries; investigative videos such as the one about the killing of journalist Shireen Abu Akleh; videos of the Great March of Return in Gaza; testimonies of torture survivors; and visual evidence of Israel's destruction of Palestinian homes in the occupied West Bank. This despite the exemption under the sanctions regime for sharing and receiving information, making it another example of over-compliance.

Yet Palestinian organisations have been clear that they will not allow these sanctions to silence or deter them: "This decision is a testament that we are doing the right thing.

177 Addameer Prisoner Support and Human Rights Association, "Addameer strongly condemns the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) decision to designate Addameer on the "Specially Designated Global Terrorist" list", 2 July 2025.

178 Former staff member, Addameer.

179 Addameer Prisoner Support and Human Rights Association, "You Are the Enemy, We Are at War, There Will Be No Release: The Mass Arrest and Systemic Torture of Palestinian Detainees in the West Bank", 24 January 2026.

180 Amnesty International, "Israel/OPT: Horrifying Cases of Torture and Degrading Treatment of Palestinian Detainees amid Spike in Arbitrary Arrests", 8 November 2023.

181 UN, "Thematic Report: Detention in the Context of the Escalation of Hostilities in Gaza (October 2023 – June 2024)", 31 July 2024.

182 Data security expert.

183 Former staff member, Addameer.

184 Nikita Mazurov, Jonah Valdez, "YouTube Quietly Erased More Than 700 Videos Documenting Israeli Human Rights Violations", The Intercept, 4 November 2025.

We will never give up and will continue our work in documenting and monitoring human rights violations and pursuing justice in cooperation with the ICC and other courts," explained Issam Younis of Al Mezan. Shawan Jabarin of Al-Haq noted the "constant risks of documenting Israeli crimes while working under a settler colonial regime," but stated that "these are risks we are willing to accept instead of just giving up or stepping back." PCHR's Raji Sourani echoed this: "From the beginning we were victims of imprisonment, oppression, other risks, and we never gave up. We were accused of being terrorists with suits, of misusing international law. But that never deterred us and we continued with passion, with vision and with a strong will to deliver the work we are doing."

5.2.4. Consequences for the support of victims and for the documentation and investigation of international crimes

“Sanctions against these organisations will have an enormous impact because they are critical in providing evidence to UN mechanisms, the ICC and national courts using Universal Jurisdiction. They are intermediaries, they are the ones collecting evidence and having access to witnesses. So ordinary people will lose access and communication to these states and to accountability mechanisms. Palestinian NGOs are amongst the best in the world, and the sanctioned organisations are among the best Palestinian organisations.”

| Chris Sidoti, Member of the UN Commission of Inquiry on Palestine and Israel

Those interviewed for this report commented that the clear aim of designating Palestinian NGOs was to cripple the viability of human rights organisations in Palestine and internationally, and their ability to document international crimes and support justice efforts.

UN staff, ICC investigators, and other independent monitoring bodies are largely unable to access the oPt due to Israel's systematic denial of entrance to independent experts and investigative teams, siege conditions in Gaza and the pattern of attacks against United Nations staff, journalists, civil defence and human rights defenders gathering evidence.¹⁸⁵ In 2008, Israel detained and deported the then UN Special Rapporteur on the situation of human rights in the oPt, Richard Falk.¹⁸⁶ Since then, Israel has denied entry to all UN Special Rapporteurs on the oPt, including the current Special Rapporteur, Francesca Albanese.¹⁸⁷ Israel has also systematically refused entry into the oPt to other UN investigative mechanisms, such as the fact-finding mission documenting the 2019 "Great March of Return"¹⁸⁸ and the UN Commission of Inquiry.¹⁸⁹ The UN Commission of Inquiry on Palestine and Israel reportedly sent six requests to access the oPt to the government of Israel since 7 October 2023; all have gone unanswered.¹⁹⁰ The Palestinian authorities, on the other hand,

185 UN, "UNRWA Commissioner-General on Gaza: Denying access to journalists and aid workers perpetuates suffering", 10 February 2026.

186 ReliefWeb, "Israel deports UN human rights expert; prevents his access to the OPT", 15 December 2008.

187 Office of the United Nations High Commissioner for Human Rights, "Israel's symbolic "ban" must not distract from atrocity crimes in Gaza: UN expert", 15 February 2024.

188 United Nations Human Rights Council, "Report of the detailed findings of the independent international Commission of inquiry on the protests in the Occupied Palestinian Territory", A/HRC/40/CRP.2, 18 March 2019.

189 United Nations Human Rights Council, "Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel", A/HRC/56/26, 14 June 2024.

190 *Ibid.*

have given their approval for the Commission to visit. According to Chris Sidoti, "What is unique in the situation of our Commission is that Israel not only denies access to Israel but also denies access to Palestine, which is another state. This is a violation of international law, because it is denying the sovereignty of Palestine. But the US and Israel are outlaws, in the medieval sense, they operate outside the law."

The denial of access means Palestinian CSOs have been essential to documentation and victim identification related to accountability efforts, since investigators are not able to be on the ground. International human rights organisations also continue to be denied access to the oPt and depend on these organisations that continue to document violations under difficult conditions, including the lawfare waged against them: "They are the voice of Palestinian victims; they amplify stories, are present in places where international organisations cannot go."¹⁹¹

CSOs are also essential to the work of the ICC's OTP, as Deputy Prosecutor Niang explained: "Those organisations do not replace our own independent activities, but their cooperation is crucial to what we are doing; seeing any attempt to paralyse this cooperation is difficult." Legal Representatives of Victims (LRVs) also rely on information collected by Palestinian CSOs. When the CSOs have fewer resources, time and institutional capacity to collect evidence, this makes it more difficult for LRVs to reconstruct facts and undertake legal analyses, which is essential for their work making submissions to the Court on behalf of victims.¹⁹²

The impact on the ICC's work ranges from slowing down Article 15 Communications,¹⁹³ which are important for investigations, to affecting the identifying and supporting of victims who can participate in proceedings.¹⁹⁴ The sanctions therefore risk creating various vacuums that will impact the entire judicial process, including the access of victims to the Court:

“ *“Targeting NGOs is a sad occurrence because they play a very important role as a link between the communities and the Court. NGOs are usually the first responders, and if they cannot gather the necessary information to highlight the plight of victims, it will have a detrimental impact on investigations. The Prosecutor relies on reports of NGOs on the ground,”* highlights Judge Bossa.

For victims, it means that the organisations that have supported them for years are now criminalised and impacted in their operations. "Who are victims supposed to turn to?" asked Special Rapporteur Satterthwaite, "It is a form of secondary victimisation."¹⁹⁵

191 Agnès Callamard, Secretary General, Amnesty International.

192 Triestino Mariniello, Professor of Law and Member of the Legal Team for Gaza Victims.

193 Article 15(2) allows the ICC Prosecutor to receive information on crimes within the jurisdiction of the Court from States, UN organs, intergovernmental or non-governmental organisations, individuals, and groups.

194 Nicolas Guillou, Judge, ICC.

195 Margaret Satterthwaite, UN Special Rapporteur on the independence of judges and lawyers.

5.3. The Risks of Potential Institutional Sanctions being Imposed on the International Criminal Court

While sanctions against Court officials have had significant personal repercussions for the individuals affected, if sanctions were to be imposed against the Court as an institution, the consequences would be even more far-reaching.

The most likely immediate impact, as designated Palestinian NGOs experienced, would be disruptions to the ICC's banking systems and financial transactions. The Court has been exploring this since June 2024, when the spectre of sanctions first arose. As a result, the ICC has already taken steps to minimise the likely financial impact of sanctions. Nonetheless, support from states is required: "The more politically engaged states are, the more support the ICC receives from the banking system."¹⁹⁶

Second, if US IT companies were to cut off IT-related services to the ICC in case of an institutional designation, it would have a grave impact on the operations of the Court. This unpredictability with US service providers has left the Registry with no other choice than to search for alternative non-US IT-providers.¹⁹⁷

Both deputy prosecutors also underlined the negative impact that sanctions on the Court itself would have on their investigations and on victims and witnesses, across all situations. Deputy Prosecutor Khan noted that while victims in two of the Court's newest cases, in the Philippines and Libya, do not seem "dismayed" by the sanctions, disruptions to IT services would have a direct impact on how the Court communicates with those victims. Deputy Prosecutor Niang underscored the operational and concrete problems associated with the possibility of losing certain IT, banking and insurance services, noting that:

“Only member states can help us. Having insurance, having financial institutions dealing with us, requires leverage for those private entities to keep doing business with us.”

The ICC Trust Fund for Victims (TFV), in charge of implementing reparations and programmes for the benefit of victims of crimes under the jurisdiction of the Court, is administratively attached to the Court and contracts partners through the Court's juridical personality. If the ICC as a whole were to be designated, the TFV would be part of the designation and would suffer the consequences in the same way as the Court. The TFV's depends on the Registry's financial, administrative and human resources services. In addition, it depends on the Court's field presence through Country Offices, on the Court's IT infrastructure, and due to the nature of its work, on cooperation from different actors, including national authorities and implementing partners, to deliver reparations.¹⁹⁸ As such, "measures that protect the Court protect the Trust Fund". The TFV has partners who implement Court-ordered reparations, such as in Uganda, the Democratic Republic of Congo, Darfur and Mali. These partnerships, essential to delivering reparations to victims, are concluded with CSOs that would need to weigh the risk of secondary sanctions if the Court is designated. Further, most operations of the TFV take place outside of Europe and the SEPA banking system and, therefore, are highly dependent on the ability of the Court to transfer money outside of the EU, which risks entailing a US nexus. Accordingly, "Any obstacles in the future might include delays in providing reparations."¹⁹⁹

196 Osvaldo Zavala Giler, Registrar, ICC.

197 *Ibid.*

198 Deborah Ruiz Verduzco, Executive Director, TFV at the ICC.

199 *Ibid.*



6. Criminalisation of ICC-Related Work and Risks to the Global International Justice Ecosystem

“The practice of sanctioning judges who are required to rule independently is not only a violation of international law in itself, but runs counter to the fundamental principle of rule of law underlying justice at both national and international levels.”

| Alain Pellet, International Law Professor²⁰⁰

Besides the impact on the Court, its officials and staff, and designated individuals and organisations, the sanctions are having an impact on the broader international justice ecosystem. The sanctions affect civil society working in a range of areas in support of the Court’s mandate, including documenting international crimes; identifying and supporting victims and witnesses; collecting evidence, notably in areas investigators are unable to access; providing technical and contextual expertise; and conducting advocacy, both individually and collectively. As ICC Judge Ibáñez explains, civil society has been “one of the most important actors since the beginning” of the global project to establish the ICC and has continued to sustain the system. If CSOs are now targeted, she warns, it becomes “a way to weaken the system”.

6.1. The Criminalisation of ICC-related Work in the US

“[These sanctions] are another example of the US government’s abuse of power and repressive action against civil society and human rights bodies.”

| Jamil Dakwar, Director of the Human Rights Program, American Civil Liberties Union (ACLU).

The sanctions had an immediate impact on the work of US organisations, and on the ability of US nationals to continue working on justice and accountability and express their views safely. Under the EO, US organisations, lawyers, prosecutors and donors face exposure to criminal liability for routine acts such as filing briefs, providing evidence, funding actions and projects, or coordinating advocacy with designated persons or for the benefit of the Palestine and Afghanistan investigations. The definitions of the EO provisions on “services” and “material support” are broad enough to potentially capture a wide range of services including legal representation, expert testimony, logistical support and financial transactions. This means that “an NGO’s core mandate, a US lawyer’s professional duty, or a donor’s grant can become a federal crime.”²⁰¹ This has effects across all ICC investigations and cases, from Venezuela to Myanmar.

US nationals interviewed for the report consistently mentioned the constant feeling of uncertainty, not knowing how or if they would be able to continue to do their work safely and to engage with the Court and those unlawfully designated in the course of their work.

200 Alain Pellet, Emeritus Professor, University of Nanterre.

201 Niccolò Figà-Talamanca, Secretary General, No Peace Without Justice.

As one put it: "The impact is already tangible. Colleagues, researchers, and even victims' advocates are recalibrating what engagement with the Court feels safe. While legal challenges are under way they are partial, slow-moving and uncertain, leaving many to operate in a space of profound ambiguity."²⁰² This has led individuals as well as civil society organisations to carry out constant risk assessments, which sometimes change from one day to the next, and regularly seek costly legal advice.

An immediate impact was the loss of employment of all US nationals working with designated organisations and individuals, including the four designated Palestinian organisations and UNSR Francesca Albanese. Wesam Ahmad is a Palestinian American human rights advocate who was born in the US and moved to Palestine in 2006 to work with Al-Haq. As mentioned above, within a few days of the designation of Al-Haq, he had to resign due to fear of criminal prosecution in the US: "As a US citizen, you are forced to take an immediate decision and resign. For me this was a place I have worked for two decades, where I found purpose, a place that I call home. It is devastating. This represents a microcosm of the denial of the right to self-determination." US nationals working with UNSR Francesca Albanese also had to immediately resign, including those working as researchers at European Universities, since they could not be guaranteed protection from prosecution.²⁰³ The Secretariat of the CICC had to let go of all its US staff due to the risks of civil and criminal penalties. An LRV in the Situation in Palestine reportedly had to step down after years of working alongside the designated organisations, prompting another to say: "This is a violation of the basic principle of justice and representation of victims of the most serious crimes."²⁰⁴

A second impact has been an immediate halt to all work US organisations and US nationals had been doing with designated individuals and organisations, including on strategic litigation cases, legal representation, research and advocacy.²⁰⁵ US donors have immediately cut funding to designated organisations. Several US-based networks and coalitions expelled them as members. US citizens who had provided technical support for decades were forced to disengage. The sanctions cast doubt on the ability to do everything from submitting evidence to the OTP, submitting an amicus curiae brief or a UN special procedure shadow report, to participating in the annual Assembly of States Parties. The chilling effect even led some to remove information from their websites and from the internet to erase their links with sanctioned entities.²⁰⁶ Despite the EO not allowing retroactive enforcement action, six out of the eight designated judges were designated for decisions they had taken years prior to the issuance of the EO, which has reinforced the sense of uncertainty. US nationals took themselves off group chats and completely stopped engaging with designated individuals. Even non-US organisations took steps to prevent their US staff from working with the designated organisations and individuals. Adam Keith underlined "This is part of the harm done; people are being chilled of their free speech rights."²⁰⁷

202 Rebecca A. Shoot, Co-Convener, Washington Working Group for the ICC and ImPact Coalition on Strengthening International Judicial Institutions.

203 Francesca Albanese, UN Special Rapporteur on the situation of human rights in the oPt.

204 Triestino Mariniello, Professor of Law and Member of the Legal Team for Gaza Victims.

205 Jamil Dakwar, Director of the Human Rights Program, ACLU; Francesca Albanese, UN Special Rapporteur on the situation of human rights in the oPt.

206 Jamil Dakwar, Director of the Human Rights Program, ACLU.

207 Adam Keith, Senior Director for Accountability, Human Rights First.

UNSR Francesca Albanese explained the heavy effect the sanctions have had on her work:

“Both Georgetown and Columbia Universities stopped their research partnership with me, and I lost access to my Georgetown email. Several US-based organisations working for justice on Palestine have disengaged with me, including people who used to advise me. There have been attempts to stop the publication of my book because of the sanctions.”²⁰⁸

FIDH, a federation of nearly 200 human rights member organisations, witnessed the impact of sanctions on its US member organisations including those active in litigation efforts on crimes committed in Afghanistan and Palestine. Those organisations had to stop all contact with the designated organisations, as well as documentation, research and litigation work: “This is limiting their freedom of expression and action, putting a stop to their activities.”²⁰⁹

Ultimately, the damage is to victims, as noted by Judge Hohler: “The sanctions against civil society organisations and human rights advocates impact victims’ access to the Court and therefore to justice. They also impact US lawyers and organisations that have engaged with the Court for years, making meaningful contributions.” Palestinian organisations have noted the huge impact of this distancing by partners, donors, friends and colleagues:²¹⁰ “I feel a deep, deep pain in my heart,” explained Shawan Jabarin, as US partners stopped working or engaging with their organisation.²¹¹

Civil society have strongly denounced the sanctions, describing them as an all-out assault on the Court,²¹² an attack on an independent judicial institution,²¹³ an attempt to intimidate the Court,²¹⁴ an attempt to undermine the infrastructure of support for the most vulnerable communities²¹⁵ and “another example of the US government’s abuse of power and repressive action against civil society and human rights bodies.”²¹⁶ Civil society organisations have also been leading strategic litigation efforts at the national level. A number of lawsuits have been filed challenging the EO on behalf of individual American citizens, notably law professors and human rights advocates, some successful, on the grounds it prevents them from providing legal advice, analysis and evidence to the ICC Prosecutor, violating their right to free speech under the US Constitution.²¹⁷

At the same time, the environment of fear and uncertainty has broadened the impact of the sanctions and the isolation of designated organisations and individuals. The Coalition Secretariat contacted seven major US organisations and foundations specialising in human rights and justice requesting interviews for this report: five of them declined due to the perceived risks. There have been instances where US organisations have disinvited designated individuals from speaking on panels, including Judge Prost who felt

208 Francesca Albanese, UN Special Rapporteur on the situation of human rights in the oPt.

209 Eléonore Morel, Executive Director, FIDH.

210 Issam Younis, General Director, Al Mezan.

211 Alice Speri, “This Palestinian human rights group was sanctioned by Trump. Its chief wishes US allies would take a stand”, The Guardian 13 November 2025.

212 Joint civil society statement: “Save the International Criminal Court and the rule of law”, 23 September 2025.

213 Washington Working Group on the International Criminal Court, “Open Letter to Congress and the Incoming Presidential Administration Regarding US Sanctions on the ICC”, 6 January 2025.

214 Joint statement: Human Right Watch, the International Bar Association’s Human Rights Institute and the International Commission of Jurists (ICJ), “Strong Push Back Against US Sanctions on the International Criminal Court at UN Human Rights Council”, 11 July 2025.

215 Center for Constitutional Rights (CCR), “We Condemn New State Dept Sanctions on Palestinian Human Rights Orgs”, 4 September 2025.

216 Jamil Dakwar, Director of the Human Rights Program, ACLU.

217 See, Open Society Justice Initiative, “US Court Bars Enforcement of Sanctions that Undermine the Rule of Law and Betray American Values”, 23 February 2026; ACLU Maine, “Human Rights Advocates Sue Trump Administration Over Sanctions Targeting the ICC”, 11 April 2025.

“very frustrated because it is part of my job to explain and speak about the Court”. Others stopped attending meetings and events with designated individuals and organisations, taking part in votes or discussing strategies when those organisations are present, and even left group chats with designated individuals. The fear and uncertainty created by the sanctions was reflected at the annual Assembly of States Parties in December 2025 where some US CSOs attended and spoke at meetings where designated entities were present; some attended and did not speak; some avoided such meetings; while others did not attend the Assembly at all. Adam Keith explained how “some people thought they would face the risk of enforcement penalties simply for being seen in the same room as sanctioned individuals or organisations”. In the face of the “aggressiveness of this administration, people will change their behaviour even when it violates their own rights.”²¹⁸

“*For those of us who have worked alongside the Court, the fear is not abstract. It is about whether the infrastructure of accountability can quietly be made unworkable, not by dismantling it outright, but by isolating it, stigmatising it and deterring those who sustain it,*” highlights Rebecca A. Shoot, US lawyer, Co-Convener, Washington Working Group for the ICC and ImPact Coalition on Strengthening International Judicial Institution.²¹⁹

Many commented on how the EO is part of a wider context of attacks by the Trump administration on human rights and civil rights, in which “The administration is doubling down on repression nationally and internationally.”²²⁰ US nationals and organisations fear criminal investigations and penalties and other retaliatory measures, including being “put through an unjustified criminal investigation: they have seen a year of what this administration thinks of the law”.²²¹ US nationals have shared that such investigations, in addition to costing tens of thousands of dollars in legal representation, can have career-ending consequences for those designated and their families.

6.2. The Risk of a Wider Chilling Effect on the Rule of Law Globally

“*The greatest risk of sanctions is not to those who have already been sanctioned, but to the hundreds of people who will not take the decisions they need to take because they are afraid. If judges are afraid to judge, prosecutors are afraid to prosecute and lawyers are afraid to defend, we are no longer in a state governed by the rule of law. Fear means there is no justice.*”

| Nicolas Guillou, International Criminal Court Judge

The announcement of designations created a wave of fear among actors working on justice and accountability. “The whole rationale of the sanctions was to silence us, stop us from doing our work, terrify us and terrify others”, underlined Issam Younis of Al Mezan. Non-US organisations supporting the Court have also had to embark on long, complex and costly risk and vulnerability assessments, restructuring their work and their teams to continue

218 Adam Keith, Senior Director for Accountability, Human Rights First.

219 Rebecca A. Shoot, Co-Convener, Washington Working Group for the ICC and ImPact Coalition on Strengthening International Judicial Institution.

220 Jamil Dakwar, Director of the Human Rights Program, ACLU.

221 Adam Keith, Senior Director for Accountability, Human Rights First.

their missions while limiting their vulnerability to sanctions. An “invisible” impact was created, deterring international justice actors from being vocal and public about their work: “Everyone is wondering if they will suddenly find themselves on a list overnight.”²²²

6.2.1. The intention to create an environment of fear across the Rome Statute System

“ *“You can affect the system not only by designating institutions and forcing the institution to go through hurdles but also when civil society and other actors are afraid. When fear becomes a factor, then the system is also at risk.”*

| Osvaldo Zavala Giler, the International Criminal Court International Criminal Court Registrar

Sanctions are designed to create, and have to some extent created, an environment of fear particularly among those working on documenting, investigating or prosecuting crimes committed by US nationals and Israeli nationals, who now fear retaliation. At the ICC, the UN and within CSOs, people interviewed for this report have all witnessed it. “The designation immediately raised questions within FIDH, as these three organisations are our members and we work on the ICC, Palestine and Afghanistan”, shared Eléonore Morel.²²³ Deputy Prosecutor Niang said that US colleagues are anxious, which has an impact on the work environment and the work itself.

Independent UN experts echoed this: “We are certainly conscious of sanctions, of the possibility of sanctioning that will affect our capacity to do our job”, explained Chris Sidoti.²²⁴ Interviewees raised the risk of fewer people being willing to take on the risks associated with international justice work if such attacks are normalised. Victor Madrigal-Borloz said Independent Experts carry out their mandates on the understanding they are protected by immunities. But if the UN Convention on Privileges and Immunities now seems simply “ink on paper”, he wonders, “on what basis will states ask people to hold such mandates? Nobody is compelled to take up a mandate for states at the risk of their personal lives, property, and those of their families. The disrespect of privileges and immunities established by law is a hugely concerning precedent.”²²⁵

The environment of fear has also had a negative impact on victims and witnesses. Deputy Prosecutor Khan spoke of what happens when people see discussion about the sanctions on the news and fear the Court will close:

“ *“It creates anxiety for victims who see us as their only hope. It is something that we have to deal with day after day in the team; we have to deal with anxious victims on the phone, asking if they are safe, if their identity is safe, if the Court's technology is secure. This has an impact on victims and on our work.”*

222 Marina Eudes, Professor of international law, University of Nanterre.

223 Eléonore Morel, Executive Director, FIDH.

224 Chris Sidoti, Member of the UN Commission of Inquiry on Palestine and Israel.

225 Victor Madrigal-Borloz, former UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

6.2.2. Adapting in order to keep the work going

The new complex and hostile environment has forced some to divert from their missions to conduct time-consuming risk assessments, obtain costly legal advice and restructure their activities. They report having to engage with donors and service providers and look for strategies to prevent the prospect of future designations or to limit their impact. Organisations report that some donors are requiring them to comply with sanctions in order to maintain their funds, and fear that donors will be less inclined to provide funds to organisations engaged in this work. Federations, networks and coalitions fear members may leave, believing they “cannot sustain the risks” of being part of a network with designated organisations.²²⁶ For others, risk management has had an impact on how they work: “We continue our work because defending human rights is not optional for us, but sanctions make it significantly more complicated. We strictly comply with applicable sanctions regimes, yet their breadth and ambiguity generate a form of censorship: every initiative linked to designated persons and/or organisations requires additional scrutiny and caution. There is a clear will to silence us; and to some extent, it works, because we are forced to devote more time to legal risk and less to victims.”²²⁷

Ultimately, non-US CSOs interviewed for the purposes of this report have managed to continue their work on justice and accountability, including with designated organisations, but aware of the risks: “International human rights organisations have a key role to play in supporting local organisations and defenders on the ground. The recent application of the sanctions system has, however, pushed many of these organisations to also consider how they shield themselves against risk and ensure their own continuity. This is unprecedented and worrying,” noted Rasmus Alenius Boserup, EuroMeds Rights Executive Director.²²⁸

Non-US CSOs emphasised that the measures they have adopted to mitigate risks are not hindering the substance of their work, activities and partnerships. “It has not impacted me reaching out to and working with the sanctioned NGOs, actors, and Special Rapporteurs, and I will never let that happen. In the US we know that the sanctions have had a silencing and paralysing effect, and it is up to the rest of the world to stand up and resist”, underlined Agnès Callamard.²²⁹ Similar comments were made by FIDH, Euromed Rights, No Peace Without Justice and the ECCHR. “NGOs should resist these measures and take a principled view as much as they can. Private donors and NGOs should also remain principled vis à vis the Palestinian organisations, continue to support them and not shy away: such pushbacks need to be met with resistance”, Andreas Schüller stated.²³⁰ Palestinian organisations have also all underlined the importance for civil society organisations across the world to “show their support, it is a matter of principle” and not to allow Palestinian organisations to be sacrificed or perceived as an exception, they are only the “starting point.”²³¹ Raji Sorani of PCHR further underlined “This is not just about Palestine; it is a humanity test that we cannot fail.” Al-Haq Director Shawan Jabarin concurred that they are “just an example, and tomorrow sanctions will come against others.”

226 Rasmus Alenius Boserup, Executive Director, EuroMed Rights.

227 Eléonore Morel, Executive Director, FIDH.

228 Rasmus Alenius Boserup, Executive Director, EuroMed Rights.

229 Agnès Callamard, Secretary General, Amnesty International.

230 Andreas Schüller, Co-director of the International Crimes and Accountability program, ECCHR.

231 Issam Younis, General Director, Al Mezan.

The ICC's leadership has also had to devote an "immense amount of time" to dealing with the sanctions and the risk of institutional designation, which has an impact on the time available for other priorities. Despite this, the Court's regular work continues: tracking suspects, holding confirmation of charges hearings, coordinating arrests and operations; even reparations continue.²³² Many of those interviewed praised the extraordinary work done by the Registrar and his team to secure solutions to enable the work to continue and limit as much as possible the impact of sanctions on ICC officials designated. The biggest impact is on the additional resources that need to be put into the IT, human resources and finance departments, among others, to build resilience and mitigating measures.²³³ Judge Alapini-Gansou similarly noted:

““We are wasting time dealing with these issues when our daily work should be focused on addressing the problems of victims, detainees, and legal proceedings.”

The Trust Fund for Victims underlined that the efforts undertaken by states parties on sanctions has reduced their space to engage with the TFV in relation to voluntary contributions and resource mobilisation.²³⁴

6.2.3. The risk of invisible impacts

“*“What is so dangerous about the current situation is not the impact on individuals who were designated, but what we don't see. That is the invisible part: all of the people, NGOs, activists and academics who are not doing things because they are afraid that they might be harmed with sanctions. This is the worst part of it.”*

| Professor William Schabas²³⁵

Many individuals interviewed for this report expressed concern at the invisible impact of the sanctions: the risk that people and organisations that have not been designated would take decisions, or not take them, based on fear. These concerns ranged from NGOs not providing evidence or amicus curiae briefs to senior experts not applying to be a judge or UN independent expert, potential partners deciding not to engage, or academics deciding to follow a different specialisation, “an intangible and invisible but very important harm.”²³⁶ This, in essence, is how a sanctions regime works, targeting few but impacting many.²³⁷ If it escalates further and more people are designated, “the chances of being sanctioned become higher, there will be fewer people willing to be appointed.”²³⁸

Overall, the sanctions are limiting the ability of local and international NGOs to work on advocacy and international criminal justice on the Palestine and Afghanistan situations. This is having a tangible, negative impact on their mandates, missions, and their support of victims, with the risk of a knock-on effect on victims' rights, international justice and civic space as a whole, despite a collective determination to continue the work.

232 Osvaldo Zavala Giler, Registrar, ICC.

233 *Ibid.*

234 Deborah Ruiz Verduzco, Executive Director, ICC Trust Fund for Victims.

235 William Schabas, Professor of international law, Middlesex University London.

236 *Ibid.*

237 Agnès Callamard, Secretary General, Amnesty International.

238 Chris Sidoti, Member of the UN Commission of Inquiry on Palestine and Israel.



7. Collective Failure and Responsibility: The Inbuilt Protections That Have Not Been Implemented Yet

“It is a problem caused by a state and should be resolved by states.”

| Francesca Albanese, United Nations Special Rapporteur on the situation of human rights in the oPt

7.1. States' Lack of Reactions and Failure to Develop Concrete, Collective and Systemic Solutions

“If the international system, the organisations and the member states, accept this, it is another nail in the coffin of international law and the international order.”

| Chris Sidoti, Member of the United Nations Commission of Inquiry on Palestine and Israel.

States across the globe, and the European Union, widely denounced the sanctions against the Court and its officials.²³⁹ Mexico led an initiative to issue a statement by 59 countries in support of the independence, impartiality and integrity of the ICC.²⁴⁰ The Senegalese Foreign Minister publicly condemned sanctions against Deputy Prosecutor Niang and called on the US to withdraw them.²⁴¹ French President Emmanuel Macron sent a letter to President Trump asking him to lift the sanctions against several European nationals,²⁴² including Judge Guillou, and the French government publicly supports the adoption of the EU blocking statute.²⁴³ The President of Slovenia made a public statement strongly condemning sanctions imposed by the US administration against ICC judges including Judge Hohler²⁴⁴ and issued an open letter calling for the European Union and states to do more.²⁴⁵ The Slovenian²⁴⁶ and Belgian²⁴⁷ Foreign Ministers have publicly called for activation of the EU blocking statute.²⁴⁸

Yet the sanctions implemented under the same EO against Palestinian human rights organisations have been met with a worrying silence. The Belgian Foreign Affairs Minister, Maxime Prévot, and the EU Special Representative on Human Rights, Kajsa Ollongren, were among the few European stakeholders who publicly and clearly denounced these sanctions

239 Evelyn Ann-Marie Dom, "EU leaders and lawmakers condemn Trump's sanctions against ICC", Euronews, 12 February 2025.

240 Joint statement by 59 States Parties to the Rome Statute of the International Criminal Court, via X @MexOnu, 11 November 2025.

241 BBC Afrique, "Le Sénégal réagit aux sanctions de Trump visant un magistrat sénégalais travaillant à la CPI", 21 August 2025.

242 Ludovic Vigogne, "Exclusif. Macron écrit à Trump pour demander la levée des sanctions contre Thierry Breton", La Tribune Dimanche, 21 February 2026.

243 Assemblée nationale, "Question écrite n° 11576 : Situation du magistrat français Nicolas Guillou juge à la CPI", Publication de la question au Journal Officiel du 9 décembre 2025, page 10013 Publication de la réponse au Journal Officiel du 10 février 2026, page 1302.

244 President of the Republic of Slovenia, "A statement of the President of the Republic of Slovenia about the Imposition of U.S. Sanctions against Four Judges of the International Criminal Court", 6 June 2025.

245 Joint Letter from Prime Minister and President of the Republic in support of International Criminal Court and Judge Beti Hohler, 13 March 2026.

246 Government of the Republic of Slovenia, "In The Hague, Minister Fajon advocates further measures to protect the International Criminal Court", 1 December 2025.

247 Représentation Permanente de la Belgique auprès des Institutions internationales basées à La Haye, "24ème session de l'Assemblée des Etats parties au Statut de Rome de la Cour pénale internationale", 1 December 2025.

248 Government of the Republic of Slovenia, "In The Hague, Minister Fajon advocates further measures to protect the International Criminal Court", 1 December 2025.

and called for their withdrawal. By contrast, UN Special Rapporteurs have remained consistent in their denunciation of sanctions from Israel²⁴⁹ and the US.²⁵⁰ Moreover, while the ICC itself systematically issues statements denouncing the sanctions against Court officials as a flagrant attack against the independence of justice and the rule of law,²⁵¹ it has made no public statements to denounce the sanctions against three CSOs under the same EO for their cooperation with the Court. Similarly, the Bureau of the Assembly of States Parties has not released a public statement in support of the designated organisations. The impact of this silence of supposed allies has been strongly felt by these organisations.

This silence on the part of ICC state parties and the EU is very different to their reaction to Israel's October 2021 designation of Al-Haq, Addameer and four other Palestinian organisations as "terrorist organisations". At that time, there were clear public statements and denunciation of the sanctions by individual states and the EU.²⁵² After conducting an investigation into Israel's allegations, nine European governments, including Germany, France and the Netherlands, publicly rejected Israel's action and declared they would continue their cooperation and strong support of these organisations.²⁵³ On 19 August 2022, the day the Israeli army raided Al-Haq and Addameer's offices, the EU's Foreign Affairs and Security Policy Spokesperson published a statement denouncing the raids, explaining that "allegations of misuse of EU funds by these organisations have not been substantiated" and reiterating their support to the organisations.²⁵⁴ Shawan Jabarin explains the importance of such public displays of support: "The head of the EU mission contacted all EU representatives and gathered around Al-Haq's meeting table. We had a press conference, they gave their reaction to the media using strong words, saying they will continue to stand with us. This helped to protect civil society in Palestine; not just one organisation or the six [designated] organisations, it helped generally."

249 Office of the United Nations High Commissioner for Human Rights, "UN experts condemn Israel's designation of Palestinian human rights defenders as terrorist organisations", 25 October 2021.

250 Office of the United Nations High Commissioner for Human Rights, "UN experts dismayed by US sanctions against Palestinian human rights organisations", 22 September 2025.

251 International Criminal Court, "ICC strongly rejects new U.S. sanctions designations against two ICC Judges", 18 December 2025.

252 European External Action Service (EEAS), "Israel/Palestine: Statement by the Spokesperson on the listing of six Palestinian organisations as terrorist organisations", 28 October 2021; Federal Foreign Office (Germany), "Joint Statement by the Foreign Ministries of Belgium, Denmark, France, Germany, Ireland, Italy, the Netherlands, Spain and Sweden on the designation of Palestinian civil society organisations as terrorist organisations", 12 July 2022; European Parliament, "Parliamentary question - E-004982/2021(ASW): Answer given by High Representative/Vice-President Borrell on behalf of the European Commission to parliamentary question E-004982/2021", 11 January 2022; European Parliament, "Parliamentary question - P-000009/2022(ASW): Answer given by High Representative/Vice-President Borrell on behalf of the European Commission to parliamentary question P-000009/2022", 18 February 2022.

253 Federal Foreign Office (Germany), "Joint Statement by the Foreign Ministries of Belgium, Denmark, France, Germany, Ireland, Italy, the Netherlands, Spain and Sweden on the designation of Palestinian civil society organisations as terrorist organisations", 12 July 2022.

254 European External Action Service (EEAS), "Palestine: Statement by the Spokesperson on Israeli actions against a number of CSOs in Ramallah", 19 August 2022.

Joint Statement in support of the International Criminal Court (ICC)

News 14 June, 2024

The following States have endorsed this statement in support of the International Criminal Court (ICC):

Afghanistan, Albania, Andorra, Antigua and Barbuda, Australia, Austria, Bangladesh, Belgium, Belize, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Estonia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Honduras, Iceland, Ireland, Italy, Japan, Jordan, Kingdom of the Netherlands, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mauritius, Mexico, Mongolia, Montenegro, Namibia, New Zealand, Nigeria, North Macedonia, Norway, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Seychelles, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, State of Palestine, Suriname, Sweden, Switzerland, The Gambia, Timor-Leste, Trinidad and Tobago, Tunisia, Uganda, United Kingdom, Uruguay, Vanuatu

As States Parties to the Rome Statute of the International Criminal Court (ICC), we uphold that the Court, its officials and staff shall carry out their professional duties as international civil servants without intimidation. In line with the [17 May 2024 press release of the President of the Assembly of States Parties](#) and the [3 May 2024 statement by the Office of the Prosecutor](#), we reconfirm our unwavering support for the Court as an independent and impartial judicial institution.

In this regard, we reiterate our commitment to uphold and defend the principles and values enshrined in the Rome Statute and to preserve its integrity from any political interference and pressure against the Court, its officials and those cooperating with it. We renew our resolve to stand united against impunity.

The ICC, as the world's first and only permanent international criminal court, is an essential component of the international peace and security architecture. We therefore call on all States to ensure full cooperation with the Court for it to carry out its important mandate of ensuring equal justice for all victims of genocide, war crimes, crimes against humanity and the crime of aggression, grave crimes that threaten the peace, security and well-being of the world.

By giving our full support to the ICC and promoting its role, we contribute to ending impunity for such crimes and preventing their recurrence while defending the progress we have made together to guarantee lasting respect for international humanitarian law, human rights, the rule of law and the enforcement of international criminal justice.

*Joint statement issued by 94 States Parties to the Rome Statute of the ICC,
14 June 2024.*

This statement in support of the International Criminal Court is endorsed by the following States:

Afghanistan, Albania, Andorra, Antigua and Barbuda, Austria, Bangladesh, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Comoros, Costa Rica, Croatia, Cyprus, Democratic Republic of the Congo, Denmark, Dominican Republic, Estonia, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Honduras, Iceland, Ireland, Jordan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mexico, Mongolia, Montenegro, Namibia, Netherlands, Nigeria, North Macedonia, Norway, Panama, Peru, Poland, Portugal, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Senegal, Seychelles, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, State of Palestine, Sweden, Switzerland, Timor-Leste, Trinidad and Tobago, Tunisia, Uganda, United Kingdom, Uruguay, Vanuatu.

We, the undersigned States Parties to the Rome Statute of the International Criminal Court (ICC), reaffirm our continued and unwavering support for the independence, impartiality, and integrity of the ICC. The Court serves as a vital pillar of the international justice system by ensuring accountability for the most serious international crimes, and justice for victims.

Today, the Court is facing unprecedented challenges. Measures sanctioning the Court, its officials and staff, and those cooperating with it have been adopted in response to the Court carrying out its mandate in accordance with the Rome Statute.

Such measures increase the risk of impunity for the most serious crimes and threaten to erode the international rule of law, which is crucial for promoting global order and security. Moreover, sanctions could jeopardize the confidentiality of sensitive information and the safety of those involved—including victims, witnesses, and Court officials, many of whom are our nationals.

Sanctions would severely undermine all situations currently 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.

As strong supporters of the ICC, we regret any attempts to undermine the Court's independence, integrity and impartiality. We are committed to ensuring the ICC's business continuity so that the Court can continue to carry out its functions effectively and independently.

As we collectively strive to uphold international justice, we underscore the ICC's indispensable role in ending impunity, promoting the rule of law, and fostering lasting respect for international law and human rights.

Joint statement issued by 79 States Parties to the Rome Statute of the ICC, 7 February 2025.

South Africa expresses concern at the measures taken against judges of the International Criminal Court (ICC)

11 June 2025

The Government of the Republic of South Africa expresses its deep concern at the decision of the United States of America to sanction four judges of the International Criminal Court (ICC).

These measures, in addition to those imposed earlier on the Prosecutor, represent a direct affront to the principles of international justice and the rule of law. Such punitive actions against judicial officers performing their mandated duties are regrettable and they undermine the independence of the ICC and threaten the integrity of international legal institutions. They furthermore hinder the Court and its personnel in the exercise of their independent judicial functions.

Statement issued by South Africa, 11 June 2025.

This statement in support of the International Criminal Court is endorsed by the following 59 States:

Andorra, Antigua and Barbuda, Austria, Barbados, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Cabo Verde, Chile, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Estonia, Finland, France, Gabon, The Gambia, Germany, Greece, Honduras, Iceland, Ireland, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mexico, Montenegro, Netherlands, Norway, Panama, Peru, Portugal, Republic of Moldova, Romania, Saint Vincent and the Grenadines, San Marino, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, State of Palestine, Sweden, Switzerland, Timor-Leste, Tunisia, Uganda, Uruguay, and Vanuatu.

We, the undersigned States Parties to the Rome Statute of the International Criminal Court (ICC), reaffirm our continued and unwavering support for the independence, impartiality and integrity of the ICC. The Court is a cornerstone of the international criminal justice system and a critical mechanism to ensure accountability for the most serious crimes of concern to the international community.

We express our deep concern over recent measures sanctioning ICC officials, staff, and those cooperating with the Court, in response to the Court carrying out its mandate under the Rome Statute. Such measures erode the international rule of law, constitute an unacceptable interference with judicial independence, undermine ongoing investigations, and threaten the global fight against impunity. Sanctions against the ICC, which was established in relationship with the United Nations system, violate both the letter and spirit of the Rome Statute and consequently place victims, witnesses, and court officials, many of whom are our nationals, at risk.

We reject any threat and action undertaken to obstruct the Court in the exercise of its mandate. Such actions severely impair the ICC's vital work in our common interest in advancing accountability and delivering justice for victims of atrocities, as demonstrated by the unwavering support from both States Parties and non-States Parties to the ICC. All States must respect and protect the Court's judicial functions and refrain from any coercive measures that would impede the Court's work, impartiality and independence.

We stand firmly with the Court, its officials and staff and all those cooperating with it, including members of civil society. We will ensure business continuity of the Court so that it can fulfill its mandate without interference of any sort. We underline that full cooperation with the Court remains vital and more than ever, the Court relies on the collective support of all States.

As we continue to strive for international justice, we reaffirm our shared commitment to the ICC's essential role in ending impunity, upholding the rule of law and advancing respect for international law and human rights.

Joint statement issued by 59 States Parties to the Rome Statute of the ICC, 11 November 2025.



Ljubljana, 13 March 2026

To the EU Heads of State and Government

Dear friends,

International criminal justice was forged in the aftermath of the catastrophe of the WWII. The generation that built the first international criminal tribunals understood, because they had lived through the alternative that peace requires institutions strong enough to hold power to account. The International Criminal Court is the living expression of the promise "Never again". And today, it is under attack.

Court's judges and prosecutors have been targeted by coercive measures. Some by sanctions, some by criminal procedures, some by both. Among them, also European nationals, including a national of Slovenia, Judge Beti Hohler. Judges are subjected to coercive measures for exercising their judicial mandate, for issuing decisions in cases before the Court. For performing their judicial functions in accordance with their judicial oath. The consequences of these coercive measures are severe and immediate. Travel is restricted, bank accounts closed, credit cards cancelled, financial transactions blocked, even by some European banks. Health insurance reimbursements unpaid. Visas revoked and assets frozen. What is more, coercive measures do not just impact the targeted officials but also their families.

Europe's response so far has not matched the gravity of the situation. Too often, concern for economic consequences has taken precedence over a principled defence of judicial independence and international justice. Not for a Union that claims to stand for the rule of law. Not at a moment when armed conflicts rage, when international law is being violated, when the victims of the gravest crimes look to the ICC as their last hope for justice. We owe it to those victims not to be silent. We owe it to the children killed in conflicts the world watched unfold on its screens. They deserve more than cautious language. They deserve a Europe that acts and decisively protects the Court to fulfil its mandate.

We need to act now, because fundamental European values cannot carry a price tag. The moment they do, we know from our own history where that leads. There is no longstanding peace without justice. We need to stand together and speak with one voice, clearly and without hesitation. The independence of international courts is non-negotiable. Future generations will ask whether we acted when international justice and the rule of law were threatened. History will judge how we responded. We intend to be on the right side of it.

Sincerely,

Nataša Pirc Mušar
PRESIDENT OF THE REPUBLIC OF SLOVENIA

Robert Golob
PRIME MINISTER OF THE REPUBLIC OF SLOVENIA

Copy:

Ms Ursula von der Leyen, President of the European Commission

Mr. Antonio Costa, President of the European Council

Joint Letter from Prime Minister and President of the Republic of Slovenia in support of International Criminal Court and Judge Beti Hohler, 13 March 2026.

Despite the statements issued following the recent US designations of ICC judges, prosecutors and others, many designated individuals and organisations interviewed for this report shared their frustration at ICC states parties' limited response, in particular, the lack of coordinated and systemic efforts to identify and put in place solutions that would ensure that designated individuals and organisations are able to continue their work. For instance, many raised concerns about the lack of coordination among different ministries, and in particular, the lack of involvement of Treasury and Finance ministries that are considered essential to finding solutions for banking and financial issues.²⁵⁵

ICC Prosecutor Karim Khan put the impacts of inaction this way: "This is a big test for the EU, they need to act as well as talk. If domestic jurisdictions are muzzled, it makes national institutions such as banks more likely to respond to the person making the threats." In a nutshell, as Agnès Callamard noted, "whatever they are doing is not enough." This weighs heavily on individuals at the ICC: "This is something we did not expect as members of the Court, we thought [states] would be there to protect the system", noted Judge Ibáñez. All those interviewed for this report called for states to take concrete measures to support the Rome Statute system and those unlawfully targeted. Niccolò Figa-Talamanca underlined that "The silence of European states is not a separate failure; it is structural complicity allowing the entire sanctions regime. European states, or the European Commission, could just implement the EU blocking statute, or adopt legislation, regulatory directives, or public banking alternatives. Instead, they choose to subcontract sovereignty."²⁵⁶

The designated Palestinian human rights organisations have also been clear about their expectations of states: to avoid a betrayal of justice, states must stand behind the justice system, meaning the Court, victims, CSOs and anyone supporting the Court.²⁵⁷ PCHR director Raji Sourani described this as a duty for ICC states parties "to defend those who are trying to apply the justice system, the rule of law and accountability on behalf of victims." Shawan Jabarin of Al-Haq highlighted what is at stake: "If this system fails to protect the Court and those supporting it, international law and the rule of law will fail. What happened to the prosecutors and judges is unacceptable, we need to stand for accountability and to end impunity." According to Issam Younis of El Mezan, this means action, not just solidarity: "It is time to take concrete actions and to continue and maximize the engagement with the Court and the three designated organisations, otherwise it will be a betrayal of justice."

One step that states could take, but have not yet taken is to use so-called blocking statutes at both the national and regional levels. The EU Blocking Statute (Council Regulation (EC) No 2271/96) could serve as a key instrument to mitigate the extraterritorial application of these sanctions within the EU. It aims to protect EU operators from the extraterritorial application of third-country laws by prohibiting compliance by EU operators with the specified laws. For this framework to apply to US sanctions against the ICC, the European Commission should add EO 14203 to the annex of the Regulation by means of a delegated act. This act may be opposed by either the European Parliament or the Council of the EU within a specific period. Once added, EU-based companies, as well as EU nationals and residents, are prohibited from complying with the listed sanctions unless authorised to do so.

255 Kimberly Prost, Judge, ICC.

256 Niccolò Figa-Talamanca, Secretary General, No Peace Without Justice.

257 Raji Sourani, Founder and Director, PCHR.

Activation of the blocking statute would provide clear guidance to EU businesses and banks; in the absence of such guidance, they “are left in limbo not knowing what to do.”²⁵⁸ If the blocking statute were to be activated, in cases where the US Treasury fines a person or company for sanctions violation, the Statute would entitle them to recover any damages, including legal fees. This measure would therefore provide guidance to service providers operating in the EU against the extraterritorial implementation of the sanctions and strengthen their protection when engaging with designated persons.

In February 2026, a year after the first sanctions designation, a European Commission spokesperson stated²⁵⁹ that the Commission was still considering whether to adopt the EU Blocking Statute (Council Regulation (EC) No 2271/96)²⁶⁰ in relation to sanctions against the Court. The spokesperson added that “diplomatic outreach and the pursuit of targeted solutions remain the preferred course of action”, despite the Commission’s assertion that “the extraterritorial application of sanctions is illegal and incompatible with international law”. The European Parliament adopted several resolutions calling for the activation of the EU Blocking Statute by the EU Commission,²⁶¹ including “to protect European operators from the effects of US sanctions and help ensure that the ICC’s work can continue unaffected.” It has also called on EU member states to “take any other diplomatic and practical steps necessary to defend the ICC and those cooperating with it.”²⁶² Members of the European Parliament also regularly asked Parliamentary questions to the EU Commission, including raising questions about the integrity of EU law and its ability to protect its citizens from extraterritorial sanctions and the failure to activate the EU blocking statute and protect the ICC and victims.²⁶³

In March 2026, the President and Prime Minister of the Republic of Slovenia sent a letter to the EU heads of state and governments denouncing the fact that “too often, concern for economic consequences has taken precedence over a principled defence of judicial

258 Antoine Madelin, International Advocacy Director, FIDH.

259 European Parliament, "Parliamentary question - E-005056/2025(ASW): Answer given by Maria Luís Albuquerque on behalf of the European Commission to parliamentary question E-005056/2025", 6 February 2026.

260 The Council of the European Union. Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of the extraterritorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom, 29 November 1996, Official Journal L 309, 29/11/1996 P. 0001 - 0006.

261 European Parliament:

- Resolution of 12 March 2025 on continuing the unwavering EU support for Ukraine, after three years of Russia’s war of aggression, (2025/2528(RSP)),
- Resolution of 2 April 2025 on the implementation of the common foreign and security policy – annual report 2024 (2024/2080(INI)),
- Resolution of 2 April 2025 on human rights and democracy in the world and the European Union’s policy on the matter – annual report 2024 (2024/2081(INI)),
- Resolution of 9 July 2025 on the human cost of Russia’s war against Ukraine and the urgent need to end Russian aggression: the situation of illegally detained civilians and prisoners of war, and the continued bombing of civilians (2025/2710(RSP)),
- Resolution of 11 September 2025 on Gaza at breaking point: EU action to combat famine, the urgent need to release hostages and move towards a two-state solution (2025/2852(RSP)),
- Resolution of 21 January 2026 on the implementation of the common foreign and security policy – annual report 2025 (2025/2164(INI)),
- Resolution of 21 January 2026 on human rights and democracy in the world and the European Union’s policy on the matter – annual report 2025 (2025/2166(INI)),
- Resolution of 21 January 2026 on addressing impunity through EU sanctions, including the EU Global Human Rights Sanctions Regime (so-called ‘EU Magnitsky Act’) (2025/2049(INI)),
- Resolution of 24 February 2026 on four years of Russia’s war of aggression against Ukraine and European contributions to a just peace and sustained security for Ukraine (2026/2599(RSP)).

262 European Parliament resolution of 11 September 2025 on Gaza at breaking point: EU action to combat famine, the urgent need to release hostages and move towards a two-state solution (2025/2852(RSP)), 11 September 2025.

263 European Parliament:

- "Parliamentary question P-000121/2025: Request for urgent action concerning the inclusion of announced US sanctions against the ICC in the annex to Council Regulation (EC) No 2271/96 (Blocking Statute)", 14 January 2025,
- "Parliamentary question - E-002163/2025: Urgent activation of the EU Blocking Statute, as requested by Parliament in its 2024 annual report on human rights and democracy in the world", 28 May 2025,
- "Parliamentary question - E-004941/2025: Extraterritorial sanctions leading to ‘debanking’ of EU citizens and officials of EU-supported institutions", 15 December 2025,
- European Parliament, "Parliamentary question - E-005056/2025: Follow-up request on activation of the blocking statute", 23 December 2025,
- European Parliament, "Parliamentary question - E-000718/2026: The European Parliament’s call to trigger the blocking statute to protect and safeguard the International Criminal Court", 19 February 2026.

independence and international justice" while international law is being violated and children killed in armed conflicts, and calling for the EU to shoulder its responsibility: "They deserve more than cautious language. They deserve a Europe that acts and decisively protects the Court to fulfil its mandate."²⁶⁴

Yet the Commission remains unreactive, despite the Agreement between the EU and the ICC of 2006, in which the EU committed itself to cooperation and assistance (Article 4) and to provide such services as may be required (Article 14), upon the request of the Court and subject to availability.²⁶⁵

Beyond the practical consequences, activating the blocking statute would "send an important political message of support to those targeted by the sanctions".²⁶⁶ As underlined by EuroMeds Rights' Rasmus Alenius Boserup, it is time for the European Union "to translate its ideals into concrete actions to defend human rights defenders." UN Special Rapporteur Francesca Albanese questioned the inertia of the EU in this regard: "What is the purpose of the institution if it cannot protect its own citizens?"

The impacts of the failure of states to take clear and coordinated steps to enable the Court and those cooperating with it to remain operational have been detailed in this report. Currently, the ability of designated organisations to operate, and the access of designated individuals to banking and other services, depends on the willingness of a few actors. Any solutions are therefore precarious and not systemic. This makes activating the blocking statute all the more important, as ICC Registrar Osvaldo Zavala Giler explains: "I am very grateful for political support from states, including in terms of allowing us to find banking solutions, but what happens when political support is not enough? This is why we advocate for the EU blocking statute to be adopted: we need solutions that are more permanent."

Finally, the effectiveness of states' strategy of appeasement with the US has been questioned. Judge Hohler underlined the need for more action in the face of the escalation of sanctions over the past year: "States and international organisations, including the EU, must stand up for the rule of law and independent judiciary. They should send a clear message that they will not accommodate pressure on judicial independence, regardless of its source."

Overall, the responses of states parties have been ad-hoc and varied, leaving individuals and organisations better or worse off based on the engagement of their government. There has been no systemic approach aimed at shielding and supporting all those designated for sanctions, including CSOs. All those interviewed for this report agreed that this needs to change, that "the system should respond united,"²⁶⁷ and that beyond statements, states should provide concrete solutions. Judge Guillou posed the following question: "If, during discussions between Russia and the US, Russia tells the US that it will not pursue a peace agreement in Ukraine unless all prosecutions and arrest warrants by the ICC are dropped, what will the European Union do if the US threatens to sanction the judges in charge of the situation in Ukraine?"

264 Government of the Republic of Slovenia, "Joint Letter from Prime Minister and President of the Republic in support of International Criminal Court and Judge Beti Hohler", 13 March 2026.

265 International Criminal Court, "Agreement between the International Criminal Court and the European Union on Cooperation and Assistance", ICC-PRES/01-01-06, 10 April 2006 (entered into force 1 May 2006). This issue was also raised by Judge Hohler in her intervention at the DROI JURI commission of the EU Parliament on 24 February 2026.

266 Nicolas Guillou, Judge, ICC.

267 Francesca Albanese, UN Special Rapporteur on the situation of human rights in the oPt.

7.2. The Lack of Response and of Appropriate Actions from the United Nations

“When two other Special Rapporteurs were subjected to violations of their immunities in Malaysia and Romania, on both of those occasions a referral was made to the ICJ, the UNSG appointed a special representative to liaise with the governments that had violated their immunities and in both situations the issue was resolved. None of these actions has been taken for Francesca Albanese.”

Chris Sidoti, Member of the United Nations Commission of Inquiry on Palestine and Israel

The unprecedented designation of a UN independent expert for words and writings done in her capacity as a UN-mandate holder created a shockwave in the human rights world. In response, UN independent experts²⁶⁸ and the Special Procedures' Coordination Committee²⁶⁹ issued strong and clear statements in support of UNSR Francesca Albanese and expressed their solidarity. They qualified the measures as a direct attack on the integrity of the UN human rights system and a violation of international law, including the 1946 Convention on the Privileges and Immunities of the United Nations. These immunities are recognized as a “fundamental norm of international law and a norm of jus cogens” as Professor Alain Pellet explained,²⁷⁰ which should protect her from legal process of every kind, whether immigration restrictions and currency or exchange restrictions, protections that have been unlawfully violated by the sanctions imposed by the US administration. The Special Procedures Coordination Committee characterised the sanctions as a “continued assault of the current US administration on the entire UN system and its core values of human rights, justice, accountability and the rule of law.”²⁷¹

The response of both the UN General Assembly and the UN Secretary General have, however, been muted. This is in stark contrast with two previous occasions where coercive measures were used against UN independent experts. In 1987, Dumitru Mazilu, UN Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities and a Romanian national, alleged that the Romanian authorities were refusing him a permit to travel for the purposes of his mandate. The UN Economic and Social Council (ECOSOC) requested an Advisory Opinion from the ICJ, which found that as a Special Rapporteur, Mazilu enjoyed the privileges and immunities of a UN expert on mission.²⁷² The ICJ further found that these privileges and immunities could be invoked against Mazilu's state of nationality, which had not entered a reservation to prevent that occurrence. Similarly, in the 1990's, the then-UN Special Rapporteur on the independence of Judges and Lawyers, Param Cumaraswamy, faced four trials in Malaysia for an interview he gave in his capacity as a UN independent expert.²⁷³ The UN Legal Adviser and UN Secretary-General Kofi Annan formally notified Malaysia that Cumaraswamy enjoyed jurisdictional immunity,²⁷⁴ the Secretary-General published several

268 Office of the United Nations High Commissioner for Human Rights, "US sanctions on Special Rapporteur Francesca Albanese threaten human rights system: UN experts", 8 August 2025.

269 Office of the United Nations High Commissioner for Human Rights, "'Silence is not an option': UN Special Procedures' Coordination Committee condemns US sanctions on Francesca Albanese", 10 July 2025.

270 Alain Pellet, Emeritus Professor, University of Nanterre.

271 Office of the United Nations High Commissioner for Human Rights, "'Silence is not an option': UN Special Procedures' Coordination Committee condemns US sanctions on Francesca Albanese", 10 July 2025.

272 International Court of Justice, Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations, Advisory Opinion, I.C.J. Reports 1989, p. 177.

273 International Court of Justice, "Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights, Advisory Opinion", ICJ Reports 1999, 29 April 1999.

274 *Ibid.*

public notes on the matter and appointed a special envoy to reach an agreement with the Malaysian government; and ECOSOC again requested an advisory opinion from the ICJ when Malaysian authorities failed to act. The ICJ found that, as a UN Special Rapporteur, Kumaraswamy was entitled to immunity from legal process for his words.²⁷⁵

The response to sanctions imposed by the US administration against UNSR Francesca Albanese has been very different. In July 2025, the UN Legal Counsel sent a letter to the US Mission to the UN on behalf of the UN Secretary-General, asserting UNSR Francesca Albanese's privileges and immunities.²⁷⁶ Eight months later, the UN Legal Counsel has still not challenged the EO in a US court, even though the US has been a party to the Convention on Privileges and Immunities of the UN since 1970, meaning it forms part of the "Supreme Law of the Land" pursuant to the US Constitution. The UN General Assembly has not passed any resolutions denouncing the sanctions or requested an ICJ Advisory Opinion. A former UN Independent Expert said, "This is worrisome. The UN is only as strong as the states enable it to be. States should take collective actions to protect a person that was given a mandate by the community of nations."²⁷⁷ UN Secretary-General António Guterres has not himself said anything publicly about the sanctions. The general silence and lack of an ICJ referral have observers worried: "This is appalling... [it] is a direct attack on the work and freedom of expression of a person who has been mandated by the UN, and who has not exceeded the freedom of expression of her mandate."²⁷⁸ Others ponder where the UN's strength, commitment and resilience are, noting it is the UN that should be taking the lead, taking matters to a US court, doing their part to end the sanctions,²⁷⁹ and appointing a Special Representative to liaise directly with the US at the highest levels.²⁸⁰

The lack of a UN response raises serious concerns for UN-mandate holders regarding the ability and willingness of the UN system to protect them during their mandate: "This should be on their agenda all the time, we are doing this pro-bono but there is an understanding that we would be protected if something happens."²⁸¹

The inaction of UN member states is similarly troubling, since it is states that decide to give UN Special Procedures their mandates and have the power to refer questions to the ICJ, one former UN mandate holder said.²⁸² States seem to be turning a blind eye to the broader context, in which what is being questioned is the international order and international rule of law as we know them, he added.

According to Chris Sidoti, the inertia of the UN system and of UN member states represents a failure of duty that abandons UN mandate holders and tolerates the US attacks, thereby endorsing the violation of UN privileges and immunities: "This greatly impacts the functioning of the UN and has a chilling effect on the UN and on individuals, in particular people engaged in investigative work."

275 International Court of Justice, "Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights, Advisory Opinion", ICJ Reports 1999, 29 April 1999.

276 Mona Ali Khalil, "Francesca Albanese Is Immune From US Sanctions, UN Says", PassBlue, 30 July 2025.

277 Victor Madrigal-Borloz, former UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

278 Marina Eudes, Professor of international law, University of Nanterre.

279 Agnès Callamard, Secretary General, Amnesty International.

280 Chris Sidoti, Member of the UN Commission of Inquiry on Palestine and Israel.

281 Francesca Albanese, UN Special Rapporteur on the situation of human rights in the oPt.

282 Victor Madrigal-Borloz, former UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

8. Conclusion: The Path Forward for Strategic Sovereignty and Independence

“ *“We are afraid for our safety, we are in the field every day risking our lives. We collect information. We are afraid of being targeted by the occupation. As researchers we are like journalists and over 250 journalists have been killed for their work. But we will continue, we will bring justice to victims.”*

| PCHR field researcher in Gaza

“ *“The arrest warrants by Russia are terrible attacks on the independence of the judiciary and in national jurisdictions you see horrible attacks against judges, it is part of the bigger picture. It cannot be allowed to continue; it is a frontal attack. These are difficult times for the rule of law and legal based order, but this is when we have to fight the hardest.”*

| Kimberly Prost, ICC Judge

Everyone interviewed for this report underscored that now is the moment for clear, coordinated and principled action in support of international justice: states, institutions and others with the power to activate protective measures must demonstrate the same resilience as those targeted by sanctions.

“ *“The Court follows the evidence and that should be the only consideration. History will judge all of us if we look away from tough cases. Stopping an investigation or only looking at lower ranking individuals in order to avoid sanctions would be the end of the Court: in fact, it should be the end, because then you are an instrument using the sword of justice solely against the enemies of the powerful.”*

| Karim Khan, Prosecutor of the ICC

The current attacks on the international justice ecosystem are not the first but are among the most serious the ICC and those associated with its work have faced to date in their overall impact. That the current measures have been able to have such far-reaching consequences is due, in part, to certain features of the global finance and service sectors which, as this report has demonstrated, mean that an executive order issued by a US President can affect the lives and ability to function of individuals and entities across the globe. Those with the responsibility to ensure that the Court and other actors seeking to ensure justice and accountability for the most serious crimes are able to continue their work need to take these factors into account. At the same time, they also need to live up to their pre-existing responsibilities within the Rome Statute system:

“ *“The most valuable way for state parties to support the ICC is to continue to cooperate with it, as required under the Rome Statute. To simply carry on cooperating with us, to enable us to investigate and bring people before the Court so they can be tried.”*

| Nazhat Shameem Khan, ICC Deputy Prosecutor

The actual and potential impacts of the sanctions described in this report can only be countered if states, institutions and governments make a strong, coordinated, and principled response to such attacks. This, a Palestinian NGO leader said, means they must find collective and tangible solutions for all those that are targeted unlawfully, "including the judges, the prosecutors and the organisations, because an attack on any of them is an attack on the Court they created".²⁸³ They have yet to do this. As many of those interviewed warned, this will not end with the Court, it will expand to all those who stand behind it or who stand against the interests of powerful states, unless there is a clear and collective pushback. As one put it, the system must unite and respond without fear, as this is "a red line that should not be crossed".²⁸⁴

The recommendations that follow set out steps that are practical, doable and in many instances, are already part of the responsibilities of the relevant entities.

283 Raji Sourani, Founder and Director, PCHR.

284 Francesca Albanese, UN Special Rapporteur on the situation of human rights in the oPt.

Recommendations

States and Regional Blocks

States, including blocs such as the European Union (EU) and African Union (AU), should:

- **Publicly and firmly denounce the unlawful sanctions against the International Criminal Court (ICC), its staff and officials, and organisations and individuals supporting its work**, as well as the four designated Palestinian organisations and the UN Special Rapporteur Francesca Albanese.
- **Continue to engage bilaterally with the United States Administration to call for the revocation of existing sanctions and to prevent further designations** targeting the ICC, its personnel, the UN, civil society partners or others cooperating with the Court.
- **Publicly and clearly oppose any initiatives aimed at weakening the Court**, including attempts to amend the Rome Statute to limit its jurisdiction or independence and attempts to **influence prosecutorial priorities**, including efforts to sideline specific situations, such as Afghanistan or Palestine.
- **Explore all possible diplomatic and legal avenues to revoke the sanctions**, including through diplomatic protection and a referral to the International Court of Justice, and **support any legal challenge raised by designated nationals**.
- **Immediately adopt and implement national and regional blocking legislation to strengthen sovereignty and the security of residents and nationals**, and ensure such legislation protect individuals, judicial bodies and organisations from the extra-territorial impact of the sanctions. In the case of the European Union:
 - Member States of the European Union should **use their position within the Council of the EU to call upon the European Commission to activate and ensure the effective implementation of the EU Blocking Statute**.
 - The European Commission should immediately **activate the European Union's Blocking Statute (Council Regulation (EC) No 2271/96)**, in order to send a strong message of support to those designated and to clarify to EU service providers and financial institutions that such sanctions should not be applied extra-territorially.
- **Provide legal certainty and protection to service providers by taking a clear legal position on the non-extraterritorial application of sanctions imposed by the US administration** in operations that do not include a US nexus and make this legal position publicly available to service providers through letters or written statements.
- **Engage proactively with banks, financial institutions, IT companies and other service providers** to provide clarification on how they can, in compliance with European law, prevent the extra-territorial implementation of these coercive measures, without fear of repercussion and penalties from the US. In these engagements, states and the EU should **reaffirm the unlawfulness of the sanctions, clarify that they should not be enforced extra-territorially, reject over-compliance or de-risking**, and call on providers to stop **automatic or externalised compliance mechanisms**.

- **Ensure designated individuals and institutions are not excluded from accessing essential services** for their mandates and private use.
- Immediately adopt national and regional legislation **protecting the right to a bank account to citizens, residents and non-profit organisations in a timely and effective way**. At the EU-level, ensure the current Payment Accounts Directive extends the right to a bank account and access to related payments services to legal persons with a non-profit purpose.
- **Build and invest in economic sovereignty and financial resilience to reduce structural dependency on US-controlled financial infrastructure**, including by:
 - **Developing and reinforcing payment systems** which function independently from US payment systems and companies and ensure these systems allow for online and in store payment, international payments and the issuance of both debit and credit cards. Initiatives such as the European Payments Initiative and the electronic euro should be supported and prioritised;
 - Developing and operationalising **practical alternatives to the international US-dollar-based transaction network, enabling international payments without US nexus**.
- **Ensure through laws and policies the prevention of structural dependency on a third country in critical financial and digital services**, by using the model of the competition policy and anti-trust laws in the EU preventing abuse of dominant positions.
- **Support the development of and invest in non-US tech and IT services to limit structural reliance on US technology and ensure data protection**. A particular focus should be put on:
 - The development of **Cloud infrastructure, Cyber-security, secure communication systems and Artificial Intelligence** to close the technological gap,
 - The development of actors which find collective solutions and can provide **complete IT services**.
- **Ensure that all relevant ministries**, including foreign affairs, justice, finance, treasury, and digital affairs, **coordinate**, including at the EU level in relevant working groups, **to develop whole-of-government solutions**.
- **Strengthen cooperation and exchange of information and best practices** between states on how to protect designated individuals and organisations more effectively.
- **Reaffirm commitment to the Rome Statute of the International Criminal Court**, including by:
 - **Respecting international obligations**, including the execution of all arrest warrants and surrender of suspects, and the freezing and seizing of assets of individuals potentially liable for reparations for the benefit of victims;
 - **Avoiding any message delegitimising the Court, its mandate and jurisdiction**, including statements of selective non-cooperation;

- **Continuing to cooperate with the Court** on investigations, the search and surrender of suspects and signing cooperation agreements with the Court;
 - **Ratifying the Agreement on the Privileges and Immunities** of the International Criminal Court;
 - **Providing full and timely financial contributions to the Court's annual budget**, advocating for a budget which reflects the needs of the Court, and maintain and increase contributions to the TFV as a concrete measure signalling support to victims; and
 - Ensuring a **sufficiently funded and flexible budget line to address threats against the Court**, including legal challenges of individual and institutional designations.
- **In order to prevent sanctions from influencing judicial or prosecutorial decisions:**
 - Present and elect candidates at the ICC for judicial and prosecutorial positions who demonstrate **strong moral character, independence, and resilience to coercive measures**;
 - **Reject any political pressure aimed at influencing prosecutorial priorities**;
 - Develop concrete measures at the national level to uphold the rule of law by **safeguarding the ability of judges to take decisions without repercussions**.
 - **Find concrete measures to mitigate the loss in funding to civil society organisations that have lost funds, or are at risk of losing funds due to sanctions imposed by the US administration**, to ensure they can continue to operate and to protect and support institutions promoting the rule of law in Afghanistan, Palestine and elsewhere.

The United Nations

The United Nations (UN) Secretary-General should:

- **Demonstrate a clear and unified message** of unwavering support to and protection of the International Criminal Court and those cooperating with it.
- **Immediately and continuously publicly acknowledge and condemn** in the strongest terms possible the unlawful sanctions against the UN Special Rapporteur Francesca Albanese and call on the US to immediately revoke EO 14203.
- **Call on the US to respect their international obligations**, including under the Convention on the Privileges and Immunities of the United Nations of 1946 and the Agreement regarding the Headquarters of the United Nations of 1947.
- **Mandate the Office of Legal Affairs to challenge the sanctions against Francesca Albanese in a US court immediately**, given the blatant violation of her immunities.
- **Appoint a Special Envoy of the UN Secretary-General to engage with the United States** at the highest level, based on lessons learned from previous violations of immunities of Special Rapporteurs by Romania and Malaysia.

- **Ensure access to the United Nations Headquarters to all UN and ICC staff and officials as well as accredited civil society organisations**, including those designated.
- Designate a senior UN official to monitor and report annually on unlawful measures and to publish a **UN annual report on unlawful measures taken against the UN, its staff and independent experts** highlighting violations and those responsible and including recommendations for the UNGA and UNSC.

The United Nations (UN) General Assembly should:

- **Immediately adopt a resolution condemning the unlawful sanctions**, demanding their revocation and reminding states of their responsibility to ensure that sanctions are not applied extra-territorially and that all individuals and organisations designated for their work on justice are protected and should continue to have access to all services.
- **Immediately request an Advisory Opinion to the International Court of Justice** on the *"US obligations in relation to the immunities of UN mandate holders, their access to the UN headquarters and in relation to the sanctions against the ICC and those cooperating with it."*
- Ensure that **all UN staff, independent experts, and ECOSOC accredited NGOs can access the UN Headquarters safely and without restrictions** as required under the Headquarters agreement **and report in person to relevant subsidiary organs of the UN General Assembly**, including in particular the Third (Human Rights) and Sixth (Legal) Committees. Where this is not possible, decide to hold relevant meetings of subsidiary organs at the UN Office in Geneva.
- **Continue and renew their support to the targeted entities and their mandates** including the UN Special Rapporteur on the situation of human rights in the oPt, the UN Commission of Inquiry on Palestine and Israel, and the civil society organisations that were designated because of their work.

The International Criminal Court and the Assembly of States Parties

The International Criminal Court (ICC) and the Assembly of States Parties (ASP) should:

- **Publicly, firmly and systematically denounce, including through public statements, sanctions against Civil Society Organisations (CSOs)** designated for their work with the Court, in consultation with these organisations to ensure to ensure the statements reflect their needs and does not put them at further risk.
- **Continue to firmly and systematically denounce** sanctions against ICC officials and staff.
- **Continue to support ICC officials and staff who are designated under EO 14203, including beyond the end of their mandate or employment**, notably by covering any legal advice and legal costs associated with the designation and legal challenges before US courts.

- **Continue to find alternatives to US-service providers, including in IT and Cloud systems**, to safeguard institutional continuity while preventing any future structural dependency on one country or service provider.
- Ensure that **solutions found for enabling the continuity of the work of the Court**, in particular for IT and banking services, **can benefit other actors designated because of their work in relation to the Court, including CSOs**.
- Formalise the Court's relations with CSOs and the responsibilities of the Court based on the Guidelines on intermediaries. **Clarify with civil society organisations the measures taken by the ICC for NGOs that are or might be designated for their work with the Court**, including public statements and sharing of best practices in the face of designations.
- **Engage proactively with states whose nationals were designated under the sanctions and that have less experience working with international organisations** and more exposure to the US, to discuss how they can better support their citizens who were designated and share best practices.
- If all sanctions are not revoked by the US, **the ASP should hold their 25th Assembly in The Hague** to ensure meaningful participation of designated persons and civil society.

Non-US NGOs, professional organisations, foundations and donors

Non-US NGOs, professional organisations including Bar associations, national and international associations of judges and prosecutors, foundations and donors should:

- **Continue to publicly condemn the sanctions** in the strongest terms possible, demand their revocation, and express support to the ICC and those cooperating with it, including UN mandate holders, and all organisations targeted for their legitimate human rights and accountability work.
- **Call upon governments** to react in order to protect the Court and the international and national rule of law. Strong reactions from national associations of judges, prosecutors and lawyers carry weight and help build public support for the Court.
- **Continue partnerships, projects and collaborative work with the designated organisations, individuals and the ICC**, and support **mitigating the gaps in funding to organisations whose funding is affected by the sanctions**.
- **Encourage donors to use payment channels that avoid US-regulated infrastructure to support human rights organisations** through legally compliant pathways.
- **Conduct a thorough risk assessment of dependence on US service providers. Build economic and IT resilience**, including by diverting from US service providers for essential IT and banking services and by avoiding dependency on one state or service provider. Ensure the alternatives provide **more control over data security and confidentiality and are compliant with business and human rights**.
- **Work together to collectively advocate against unlawful sanctions and other coercive measures and support civil society organisations** that are more at risk or have already been targeted by sanctions.

US NGOs and US lawyers

US NGOs and US lawyers should:

- **Continue to publicly condemn the sanctions** in the strongest terms possible and demand their revocation.
- **Advocate for the amendment of the IEEPA** to prevent US Presidents from abusing emergency powers.
- Continue leading and supporting efforts to **challenge the EO** in US courts, including legal challenges brought by **designated individuals and organisations**.

Non-US service providers

Non-US service providers, including banks, IT, insurance and phone companies, should:

- **Continue providing services** to individuals and organisations wrongfully designated for their work for justice and accountability, when no US nexus exists.
- **Where no US nexus exists, stop automatic compliance** with sanctions imposed by the US administration and **refrain from using externalised compliance systems** to prevent and counter the extraterritorial application of the sanctions.
- **Advocate for the adoption of the EU blocking statute** and other **blocking legislation and call on governments to provide clear legal guidance**.

**“WE NEED TO RESIST,
WE NEED TO PUSH BACK,
WE NEED TO DISRUPT,
WE CANNOT LET TRUMP
DICTATE WHAT WE DO
AND HOW WE DO IT,
AND TOGETHER
WE CAN FIGHT BACK.”**

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Visual concepts: Understanding the illustrations by Laura Rees

Illustration 1 (Featured in the cover and on page 12)

At the centre of the illustration is Executive Order 14203, representing the sanctions imposed on the International Criminal Court. The surrounding papers, emerging from this central document, symbolise the cascading effects of these measures on justice actors.

To the left, the eight sanctioned ICC judges are represented alongside the Court's institutional presence, while other figures across the composition reflect the broader range of actors affected. These include UN mandate-holders, legal professionals and civil society representatives, anchoring the illustration in the human dimension of accountability work.

The composition is structured around a circular form resembling a pressure gauge. The central sanction drives this gauge into a critical zone, visually conveying escalation and the deliberate intensification of pressure, symbolising rising pressure on the system. This circular structure also suggests interdependence, reinforcing the idea that international justice operates as part of a connected system, where pressure applied in one area affects the whole.

Illustration 2 (Featured on page 30)

This illustration focuses on the structural role of global financial and digital infrastructure in enabling international justice. A network resembling an electrical or circuit system is overlaid on a world map, emphasising the interconnected nature of these systems across borders.

The system includes elements representing financial services, digital platforms, communication tools, and institutional frameworks, all of which enable the day-to-day functioning of international justice work. Justice cannot operate in isolation, but depends on access to global systems. Points of disruption are marked by red arrows and breaks in the network. These signify targeted sanctions and interventions within the financial and infrastructural system, showing how restrictions applied at specific nodes can interrupt the flow of resources, communication, and operational capacity. The illustration highlights how pressure is exerted by targeting key points within this network, causing the effects to extend beyond individual actors but creating gaps within the entire structure. This reflects how the weaponisation of global financial infrastructure can constrain and undermine the functioning of international justice at a systemic level.

Illustration 3 (Featured on page 39)

This illustration presents a structured overview of the direct consequences that sanctions impose on individuals and organisations. Centred around Executive Order 14203, the composition expands outward in a diagrammatic format, mapping the different areas of impact across both personal and professional spheres.

On the left, from top to bottom, the illustration represents:

1. Breakdown of cross-border payments;
2. Restricted or frozen individual bank accounts, including loss of access to credit cards and online payment systems;
3. Travel restrictions, with a stronger impact on individuals from the Global South.

On the right, from top to bottom, the illustration represents:

4. Silencing of NGOs, including the closure of bank accounts and the blocking of social media platforms such as Facebook, Instagram and LinkedIn;
5. Staff resignations and organisational fragmentation, leading to the isolation of designated individuals and entities;
6. Blocking of assets in the United States.

By presenting these effects in a structured, almost diagrammatic way, the illustration emphasises the breadth and immediacy of the consequences, showing how sanctions extend beyond legal measures to affect the everyday functioning of justice actors.

Illustration 4 (Featured on page 55)

This illustration visualises the systemic impact of targeting ICC-related work. At its centre, a justice symbol represents the international justice system as a unified structure. From this core, a series of interconnected, domino-like chains extend outward, illustrating the ecosystem of actors and functions that sustain global justice.

Each branch reflects different areas of work such as legal, investigative, civil society, and judicial, emphasising the interdependence of the system. The use of a chain or domino structure conveys the idea of ripple effects, where disruption in one area can trigger consequences across the entire network.

Red elements representing sanctions are placed along these chains, “activating” points of disruption. These interventions do not remain isolated. Instead, they propagate through the system, illustrating how the criminalisation of specific actors or activities generates broader risks. The composition highlights the interconnected and cumulative nature of these risks, showing how targeted actions can destabilise the wider international justice ecosystem, create an environment of fear, have a wider chilling effect, and the need for adaptation among justice actors.

Illustration 5 (Featured on page 63)

This illustration highlights the consequences of institutional gaps and the absence of adequate response within the international justice system. The architectural structure, representing justice, is shown in a state of imbalance, with weakened or displaced columns indicating a break in continuity and a lack of support where it would normally be expected. The image focuses on instability, but not collapse. The structure remains standing, but visibly strained, reflecting how inaction and insufficient institutional backing place the system at risk.

At the centre of the composition is a strong human dimension. A group of individuals actively work to hold the structure in place, representing justice actors who continue their work despite these constraints. Their presence emphasises the role of human agency in sustaining the system, even when formal structures fail to provide adequate support. The justice system is not inherently fragile, but becomes vulnerable when collective responsibility is not fulfilled.

Overall, the image communicates both strain and resilience, highlighting that justice endures through the continued efforts of those committed to maintaining it, even in the face of insufficient institutional response.

About the Coalition for the International Criminal Court (CICC)

The Coalition for the ICC is the world's largest partnership advancing the cause of international justice. With member organisations in 150 countries, the Coalition is leading the global fight to end Rome Statute crimes through a commitment to the core values of human rights and justice. We work in partnership to strengthen international cooperation with the International Criminal Court; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity, and genocide.

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Document

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The report's contents are the sole responsibility of the Coalition for the ICC and do not necessarily reflect the views of the European Union and the GIAI implementing partners. Further, while the report incorporates insights gathered from interviews with elected officials and other officials of the ICC, independent experts of the UN, and individuals with positions at academic and other institutions, the analysis and conclusions presented do not necessarily reflect the official position of their respective institutions. The International Secretariat of the Coalition for the ICC takes all care to ensure accuracy. Corrections and additions are always welcome.

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Illustrations

The illustrations featured in this report were created by illustrator Laura Rees, with visual direction provided by the CICC Secretariat's Communications and Campaign Manager. All illustrations are the exclusive property of the Coalition for the International Criminal Court and remain its intellectual property.

