

US sanctions on the ICC – unacceptable threat to international justice

Geneva (LAW) – Legal Action Worldwide (LAW) is alarmed by recent reports that the United States may impose organisation-wide sanctions on the International Criminal Court (ICC). Such an escalation, on top of already enforced US-sanctions against ICC staff, including the ICC Chief prosecutor Karim Khan, would represent a deeply troubling assault on the rule of law and an existential threat to the integrity of international justice. Targeting the institution itself, including its ability to receive banking services, pay staff, access software, and conduct its day-to-day operations serves to punish lawyers, judges, investigators, support staff, and those seeking justice. More importantly, it would prevent victims and survivors from securing recognition and accountability.

If carried through, such sanctions would have immediate and serious consequences for ongoing ICC situations and cases: investigations would be delayed or obstructed; staff would risk losing access to infrastructure and support critical to preserving and examining evidence and protecting witnesses. Moreover, victims and survivors of grave violations of international law, many of whom have been awaiting justice for decades, would be left in limbo and denied their rights to truth and justice.

“The victims and survivors we represent rely on the Court’s ability to function independently and effectively, without which access to justice becomes a hollow promise”, said Antonia Mulvey, LAW’s Founder and Executive Director. ***“In effect, the sanctioning of the Court as an institution would amount to de facto immunity for many high-level perpetrators beyond the reach of meaningful legal challenge. Such an outcome cannot be tolerated. It would dismantle hard-won legal protections and only invite further abuses.”***

Beyond the immediate damage to ongoing cases, the message of organisation-wide sanctions is chilling: one powerful state can intimidate or disable the ICC. If a court created by treaty with over 120 states parties as an embodiment of international justice can be sanctioned simply because states oppose certain investigations – today Israel and Afghanistan – what protection will remain when the Court pursues other powerful actors in the future? Such measures would strike at the heart the international legal order, built to correct power imbalances and ensure justice for those most vulnerable.

International justice depends on its impartiality, independence, and the resilience of the institutions that uphold it. The decision to sanction the Court would threaten not only the cases before it but the very foundations of the Rome Statute system, complementary domestic proceedings, and multilateral efforts to hold perpetrators to account. This decision would reinforce that powerful states can pick and choose which legal norms to respect, favoring power and politics over principle and the rule of law.

LAW calls on States Party to the Rome Statute to reject this potential escalation, and on all Member States to strongly condemn any further sanctioning of staff or the Court itself. Rather than undermining the Court, the U.S. should engage transparently, respect the rule of law, and support efforts to strengthen rather than seek to cripple the Court’s operations. The integrity of international law depends on defending the institutions mandated to uphold it.

About LAW

At Legal Action Worldwide, we work towards equality of all before the law and to deliver access to justice to those who need it most – victims and survivors of human rights violations and international crimes in crisis and conflicts. While these people have the greatest need for protection and assistance, they usually have the least access to legal resources. Often people may not know that legal assistance exists, and they rarely know what their options are for redress. The result of this has been widespread impunity for serious human rights violations.

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