



25 March 2025

Also available in Español, Français, العربية

What do the Trump administration's sanctions on the ICC mean for justice and human rights?

On 6 February 2025, United States President Donald Trump issued an Executive Order authorizing sanctions on the International Criminal Court (ICC) and its Chief Prosecutor Karim Khan. This Executive Order is intended to stop the ICC from undertaking its independent mandate. It also poses a significant threat to the ICC and its staff. UN experts strongly condemned the move, calling it “an attack on global rule of law” that undermines international justice.

This Executive Order is similar to one issued by President Trump towards the end of his first term in 2020, which was later lifted by President Biden. Trump's new executive action is a direct response to the ICC's efforts to hold Israeli nationals accountable for alleged crimes under international law in Palestine. In November 2024, the court issued arrest warrants against Israeli Prime Minister Benjamin Netanyahu and former Defence Minister Yoav Gallant, as well as al-Qassam brigades commander Mohammed Diab Ibrahim Al-Masri, on charges of war crimes and crimes against humanity.

By imposing sanctions on the ICC, the Trump administration is undermining efforts to deliver justice, not only to Palestinians, but to victims of the most serious crimes everywhere. This includes people in Afghanistan, Burundi, Cote d'Ivoire, Darfur (Sudan), DRC, Libya, Mali, Myanmar, Nigeria, the Philippines, Ukraine and Venezuela, where the ICC is currently conducting investigations or has issued arrest warrants.

What was in the Executive Order?

The Executive Order establishes that any non-American person or organization can be sanctioned if they directly engage in any effort of the ICC to investigate, arrest, detain, or prosecute a 'protected person' without the consent of that person's country of nationality. Sanctions can also be applied to those who materially assisted, sponsored or provided financial, material or technological support to the Court's activities. The sanctions include blocking any assets within the United States, and a ban on entry to the US for any sanctioned person and their family members.

'Protected persons' are defined as US nationals and US military personnel, as well as any person who is a citizen or lawful resident of a US NATO ally or 'major non-NATO ally', a formal designation in US law. Israel, the Philippines and 17 other countries are currently designated as such.

As of 25 March, the ICC Prosecutor, Karim Khan, is the only individual designated as sanctioned by the order, although others may be added to the order in the future.

The ICC is an independent international judicial mechanism of last resort which must be able to operate free from political interference or coercion to ensure victims who have no other recourse may see justice for the crimes against humanity committed against them. However, these sanctions undermine the Court's independence and obstruct its efforts to pursue effective and impartial justice. They also discourage individuals and companies from working and cooperating with the Court and its officials.

What is the International Criminal Court?

The ICC is a permanent international court which investigates and prosecutes individuals suspected of committing war crimes, crimes against humanity or the crime of genocide, when national courts fail to do so. The Rome Statute, the Court's founding treaty, has 125 member states.

In addition to issuing warrants against Benjamin Netanyahu, Yoav Gallant and Mohammed Diab Ibrahim Al-Masri, the ICC has issued arrest warrants for senior military and civilian leaders including:

- Russian President Vladimir Putin in 2023 for war crimes committed in Ukraine;
- Former Philippines President Rodrigo Duterte for crimes against humanity committed during his administration's 'war on drugs'. In March 2025, Philippines authorities transferred him to the Court to face charges;
- Former Sudan President Omar Al Bashir for war crimes, crimes against humanity and genocide, in Darfur;
- Lord's Resistance Army Commander Joseph Kony for war crimes and crimes against humanity in Uganda.

The ICC was established as a 'court of last resort': it exists to pursue justice in situations where states are unable or unwilling to genuinely investigate or prosecute individuals. In a

number of situations, without the ICC's intervention, perpetrators of the most serious crimes are likely to enjoy perpetual impunity. The ICC is intended to stand as a beacon of hope for accountability and to act as a robust mechanism to hold abuse of power in check and bring power to justice.

Why is the Trump administration imposing these sanctions?

US authorities announced the sanctions just days before Israeli Prime Minister Benjamin Netanyahu's first visit to the White House since President Trump's re-election. Trump's administration issued similar sanctions in 2020, during his last presidency.

Under Former President Joe Biden's administration, the US government voiced support for the ICC's investigation in Ukraine and the arrest warrants issued against senior Russian government and military officials, including President Vladimir Putin. However, the USA has not become a member state of the Court, and Biden administration officials expressed strong criticism of the ICC's investigation of Netanyahu and Gallant, even hosting Gallant after warrants were issued.

The United States has a record of opposition to the ICC's mandate to prosecute people from countries that are not ICC members, even if the alleged crimes they committed took place within countries that are ICC members. In particular, the USA has maintained long-term opposition to the Court's investigations in Afghanistan, where personnel from the US military and Central Intelligence Agency were being investigated, and Palestine.

However, these new sanctions, like those in 2020, mark a significant re-escalation in US opposition to the Court's authority.

How will these sanctions hinder justice for all victims within Israel and the Occupied Palestinian Territory?

These sanctions will hinder justice for all victims for whom the Court is a last resort. The sanctioned prosecutor is tasked with handling the cases against Mohammed Diab Ibrahim Al-Masri, Benjamin Netanyahu and Yoav Gallant. However, the sanctions have a particular targeted impact for Palestinians seeking justice because that is what they are designed to do. The sanctions are meant to pressure the Court to no longer pursue impartial and independent justice or face consequences across all of its work.

The ICC is currently the only international mechanism available to hold those individually responsible for crimes under international law committed in Israel and the Occupied Palestinian Territory to account. However, it relies on its member states to cooperate in its investigations and prosecutions, including by arresting individuals subject to ICC arrest warrants. The Trump administration's sanctions may discourage countries, as well as individuals and corporations, from assisting the Court, making it harder to bring alleged perpetrators from Israel and other countries to trial.

The ICC also depends on a wide range of stakeholders – researchers, lawyers and human rights defenders – as well as victims and witnesses to build its cases. These sanctions will make their work far more difficult. Justice is near impossible if these people can't act freely and without coercion.

How will the sanctions impact other ICC investigations?

Ultimately, the sanctions will harm all of the ICC's investigations, not just those opposed by the US government. They will negatively impact the interests of all victims who look to the Court for justice in all the countries where it is conducting investigations, including those investigations the US ostensibly supports – for example in Ukraine, Uganda, or Darfur.

Former US President Joe Biden had explicitly welcomed the ICC's arrest warrant issued against Russian President Vladimir Putin and called for his arrest. The warrant was a result of the Court's Ukraine investigation, which is considering war crimes and crimes against humanity committed following the full-scale invasion in 2022. The U.S. Global Criminal Justice Rewards Program has also offered financial rewards for information that leads to the arrest of ICC indictees Joseph Kony, for crimes in Uganda, and Ahmad Harun in Darfur.

The ICC continues to investigate crimes committed by the Taliban in Afghanistan since its return to power in 2021. In Venezuela, the ICC Prosecutor is investigating crimes against humanity committed against perceived opponents of President Maduro's government. In February this year, the ICC Prosecutor underlined his office's commitment to further intensify work in delivering justice and accountability in Eastern DRC.

How can we protect the ICC and international justice?

The US sanctions pose a dire threat to the ICC, as well as to the broader international rule of law and its multilateral system. But there is still hope.

Many countries continue to support the ICC. In June 2024, 74 ICC member states affirmed their commitment to fighting impunity. After President Trump's recent Executive Order, European Union foreign ministers declared their 'unwavering support' for the Court.

But words are not enough. States must turn their statements of commitment and support into concrete action to defend the ICC. This includes passing national laws that shield individuals and companies from the threat of US sanction laws. It also includes fully cooperating with the Court, including by arresting and transferring individuals subject to ICC arrest warrants.

Through individual and collective action, states can defend the ICC and stand up to the US government's egregious attacks on it. Our global network of human rights advocates is actively calling on governments to support the ICC and uphold international justice.

How does human rights advocacy work?

Engaging and lobbying governments and states is crucial to defending human rights. Learn practical advocacy skills from seasoned human rights experts and join a global movement of people calling for change.

SIGN UP FOR OUR FREE ONLINE COURSE
