



How sanctions imposed by Trump are taking a toll on the International Criminal Court

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The International Criminal Court, or ICC, only intervenes when national courts can't or won't prosecute crimes like genocide and crimes against humanity. But after the Trump administration sanctioned several members of the court this year, Americans trying to prosecute some of the world's worst crimes at the ICC are discovering those sanctions are preventing them from doing that. Kira Kay reports.

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John Yang:

The International Criminal Court, or ICC, is known as the court of last resort. It only intervenes when national courts can't or won't prosecute crimes like genocide and crimes against humanity. This year, the Trump administration sanctioned several members of the court saying it targets the United States and Israel.

And now Americans trying to prosecute some of the world's worst crimes at the ICC are discovering that those sanctions are preventing them from doing that. Special correspondent Kira Kay has the story.

Kira Kay:

In the city of Gulu in northern Uganda, residents gathered in September to witness a scene 20 years in the making. Criminal charges presented against warlord Joseph Kony, accused of murdering and kidnapping thousands during his decades long insurgency in the region.

The prosecutor is not in the courtroom

any himself is

Nancy Akello, LRA

The war was unbea

Kira Kay:

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Nancy Akello was one of Kony's victims, abducted at age 12. Now she hopes Kony will turn himself in.

Nancy Akello (through translator):

If our voices reach Kony where he is, he should listen humbly and return home. That way, the person defending him can work more easily on his behalf.

Kira Kay:

Joseph Kony's was the first ever in absentia hearing in ICC history as it tries to make sure the case doesn't stall indefinitely. But the tribunal has faced criticism since it was created in 2002 of being slow and selective in its cases. So far, only convicting Africans.

Molly Quell covers the ICC for the Associated Press.

Molly Quell, Associated Press:

It has not convicted that many defendants for all of the money that has been spent and all the time that has passed. However, for all of its flaws, what victims want is some sort of justice. They want to feel that the wrongs that have been done to them are going to be punished in some ways.

Kira Kay:

More than 120 countries agree and are members of the ICC, but the U.S. is not one of them. It fears the court could prosecute Americans. Despite this, many U.S. citizens still work there.

Molly Quell:

A number of senior trial lawyers are U.S. citizens. You go to the court, you hear a lot of American accents. When it benefits U.S. foreign policy, the U.S. has been a big fan of the court in a lot of ways. And when it does not benefit U.S. foreign policy, the U.S. has not been a big fan.

Kira Kay:

American human rights activists have documented brutal attacks against

es, including

Matthew Smith, CEO

I was there at the time of the attacks against children. They were part of the attacks against the Rohingya community

men and attacks against

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Kira Kay:

But those efforts are now in jeopardy as the ICC itself has come under attack from the Trump administration.

Reed Rubinstein, Legal Adviser, U.S. Department of State: The ICC has engaged in illegitimate and baseless actions targeting America and our close ally Israel.

Man:

Today I'm filing applications for warrants of arrest.

Kira Kay:

The court has indicted Israeli Prime Minister Benjamin Netanyahu and his former defense minister for alleged crimes in Gaza. The ICC recognizes Palestine as a state member of the court and says it can prosecute crimes that happen there. But just 18 days into his presidency, Trump declared that the ICC had abused its power by charging nonmember state, Israel.

Reed Rubinstein:

It's malign conduct threatens to infringe U.S. sovereignty and undermine our critical national security and foreign policy work.

Kira Kay:

The U.S. Treasury Department then imposed economic sanctions on nine ICC personnel, six judges, two deputy prosecutors, and the court's top prosecutor. All were either working on the Gaza case or had once investigated American troops actions in Afghanistan. The sanctions are unprecedented, says Molly Quell.

Molly Quell:

Economic sanctions are extremely harsh penalties that are usually reserved for, you know, extremist groups and hostile governments. And it makes it ver

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Kira Kay:

Ground zero of the ... ring fines. His bank accounts wer

Molly Quell:

Does providing material support include doing research for legal briefs that he is going to sign off on and give him ideas for an investigation that you're working on? Because so much of this has never been done before, I think people don't really have a clear understanding of how these secondary sanctions are going to be pursued by the Trump administration.

Kira Kay:

Matthew Smith was about to bring new evidence to the ICC when the sanctions hit.

Matthew Smith:

We have come into contact with somebody who was in the Myanmar military and who has since defected, who was on the ground during these genocidal attacks back in 2017. And so we're taking that evidence, we're sharing that evidence onward. And if we can't do that, if we can't speak freely, we can't do any of our work.

Kira Kay:

Smith filed a federal lawsuit in his home state of Maine with the help of the American Civil Liberties Union. He claims the sanctions are a violation of his First Amendment rights and put him at risk.

Matthew Smith:

I face severe penalties for doing the work that I do. That could involve up to a million dollar fine, prison sentences, up to 20 years. And to simply sit back and stop that work because the White House says we need to do that is just unacceptable.

Kira Kay:

Joining him in the suit is lawyer Akila Radhakrishnan. She facilitates gender based violence charges at the ICC, but says the sanctions have ground her work to a halt.

Akila Radhakrishnan, Human Rights Lawyer:

Most recently, I've
Afghanistan looks
with them on that

You have to wonder

Man:

It is critical.

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Kira Kay:

Within the ICC, the sanctions have driven some employees to quit, including the top investigator in the Gaza case. He has children who live in the US. Others have sued to receive waivers from the Treasury Department to be allowed to work with sanctioned individuals, but are still barred from working on the Gaza case.

At a United Nations meeting in July, the State Department's legal adviser suggested broader sanctions could be coming.

Reed Rubinstein:

We expect all ICC actions against the United States and our ally Israel to be terminated. If not, all options remain on the table.

Kira Kay:

The assembly of Member States of the ICC says the court has acted within its legal mandate and cannot reverse charges that have been filed. But there are mounting fears that the court's ability to function may be in jeopardy.

Molly Quell:

It's really hard to imagine a world where we don't have this institution, but you know, I think what can be done is very unclear. The U.S. is a very large, very powerful country with a lot of interests. And, you know, I think that makes it very difficult when it's actively hostile towards you.

Kira Kay:

Back in Uganda, court representatives explain that the 39 charges against Joseph Kony cannot advance to trial until he is actually found. The people gathered here know it could be a long wait before their justice is delivered, if ever. Still, they see the ICC's work on behalf of their community as a critical step forward.

Raphael Okot, Social Worker:

The fact that they

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Kira Kay:

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