



Neu > Ergebnisse des Justiz-Projekts

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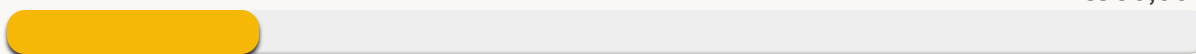


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He prohibits national companies from doing business with the sanctioned individuals, including their family members. A fundamental attack on the separation of powers and the work of the judiciary? Yes! Unimaginable? Unfortunately, no!

This is precisely what the Trump administration has now done with the leadership of the Office of

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limited to (then) Chief Prosecutor Kamini Khan
(currently on leave), but was expanded by
Secretary of State Marco Rubio²⁾ to four judges³⁾
on [June 5, 2025](#), to the two deputy prosecutors⁴⁾
and two other judges⁵⁾ on [August 20, 2025](#), and to



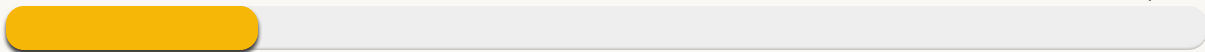
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undermines its national security. Specifically, the
sanctioned individuals are allegedly “directly
engaged in any effort by the ICC to investigate,
arrest, detain, or prosecute a protected person
without consent of that person’s country of
nationality” (Section 1(a)(ii)(A) EO 14203).
However, apart from Israel, no US allies are
mentioned, and in fact, at the time the EO was
issued, the only proceedings still ongoing were

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Minister Gallant (as well as three Hamas leaders who have since been killed).

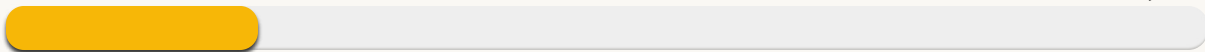
In contrast, Prosecutor Khan had already limited the investigations in the Afghanistan proceedings to the Taliban [11](#) on September 27, 2021, and

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investigations up to December 15, 2023. The other sanctioned judges (Balungi Bossa, Ibáñez Carranza, and Prost) authorized, as part of the Appeals Chamber – alongside the now-retired (and unsanctioned) judges Hofmánski and Morrison –, the Afghanistan investigation on [March 5, 2020](#). The most recent, December 18, sanctioning of two further judges is due to their involvement in the [Appeal Chamber decision of](#)



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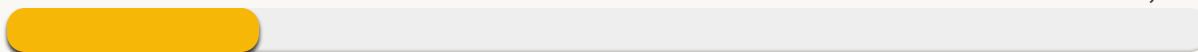
(TOMOKO ARANE, HAS NOT BEEN SANCTIONED). THIS confirms the US government's focus on the Israel/Palestine proceedings. As to the Afghanistan proceedings it makes clear that only judges who are still active and those who, as part of the

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the Trump administration extrajudicially executes alleged “narco-terrorists” in the Caribbean (for evidence of the clear violation of international law, see [here](#), [here](#), and also [here](#)), it simultaneously [pardons](#) the former president of Honduras, Juan Orlando Hernández, who had previously been [sentenced](#) to 45 years in prison by an US court in a fair trial for, inter alia, drug trafficking.



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prohibited from traveling to the United States. All of their property and property interests located in the United States, or in the possession or control of U.S. persons, are blocked and must be reported to the Office of Foreign Assets Control (OFAC) of

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They extend beyond US territory and US citizens and companies, i.e., they have an extraterritorial and global effect. Sometimes they are also a consequence of overcompliance, which at the same time demonstrates the chilling effect of the primary sanctions. By way of example, a European bank based in the EU, which is not itself directly subject to the sanctions, terminates the account of a sanctioned person because it fears negative



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([here](#) and [here](#)). Beyond the ban on entry into the US, they report that from one day to the next they could no longer receive goods, services, or funds from US companies (e.g., Amazon, Airbnb, PayPal, Visa, Master Card), along with indirect (secondary)

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telekom Deutschland GmbH)”, the European Court of Justice (ECJ, Grand Chamber) first confirmed, in accordance with the recitals of the regulation, that the extraterritorial effect of US sanctions “harm[s] the interests of the European Union, as well as those of the persons referred to, in violating international law and compromising the realisation of the European Union’s objectives [in contributing to the development of world



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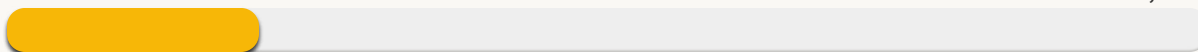
of judicial authorities of the third countries which adopted those laws.” (para. 42-51). An EU company may terminate contracts with sanctioned persons – even without giving reasons – but not solely on the basis of US sanctions; it must adduce and

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[coercion \(Regulation \(EU\) 2023/2675\)](#) adopted in 2023. It dates back to [Chinese coercive measures](#) against Lithuania over its Taiwan policy in 2021. Article 2(1) of the Regulation defines economic coercion as “third-country measure affecting trade or investment in order to prevent or obtain the cessation, modification or adoption of a particular act by the Union or a Member State, thereby interfering in the legitimate sovereign choices of



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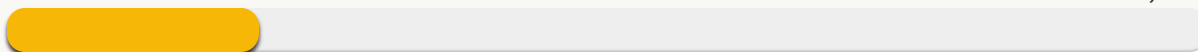
assumes that measures of this kind (such as the ICC sanctions) also interfere with the EU's sovereign foreign policy (in this case, its unconditional support for the ICC),¹⁶ the activation of Regulation 2023/2675 could

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cannot replace the effects of a formal EU response (in particular through a blocking regulation).

Attack on the Law

It is an irony of history that the US, the country that was largely responsible for the Nuremberg trial of the major war criminals, now wants to



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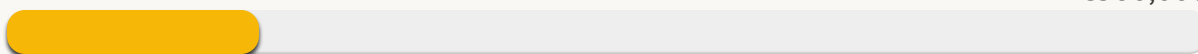
of the ICC's representatives sanctioned. The sanctions amount to a form of civil death because those sanctioned can no longer participate in normal business and social life. Independent prosecutors and judges are being equated with

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a blocking regulation or a more tailored instrument (possibly based on the Regulation against economic coercion) could be such an action (see also [Hovell](#) [with further measures also within the US] and [Iverson](#)). It would not only help like-minded EU actors to maintain their contractual relations with the ICC, but would also send a strong, not merely symbolic signal of European determination beyond the EU and



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Institutional sanctions – make itself independent
of US companies (e.g., [Microsoft Office](#)).

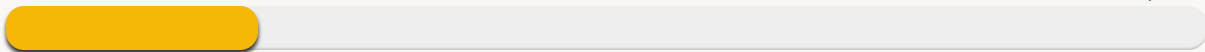
For a brief audio version (in German) see [here](#).

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repealed President Biden's Executive Order 14022 of April 1, 2021, which [lifted](#) the sanctions imposed during Trump's first presidency ("not an effective or appropriate strategy for addressing the United States'

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- Kimberly Prost (Canada), Nicolas Guittou (France).
- Gocha Lordkipanidze (Georgia), Erdenebalsuren Damdin (Mongolia).
- The bill was passed by the US House of Representatives on January 9, 2025, by a vote of 243 to 140, but then failed in the Senate because the majority required to



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- 8 On the bigger picture of Trump's sanctions (attack on the judiciary and the rule of law) see [Galbraith](#) and the [interview](#) with Kim Scheppele.

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(i) any United States person ... including

(A) current or former members of the
Armed Forces of the United States;

(B) current or former elected or appointed
officials of the United States Government;
and



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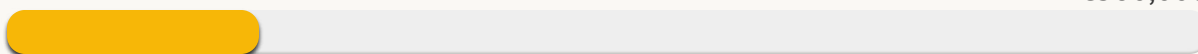
(ii) any foreign person that is a citizen or lawful resident of an ally of the United States that has not

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issued by Pre-Trial Chamber II on [July 8, 2025](#).

- 12 On the substantive issue, i.e., the notification requirement and the respective State's possible objections (in particular the deferral request) within the framework of the complementarity proceedings, see [here](#).



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telecommunications contracts in view of
the Blocking Regulation.

14 See [ECJ, judgment of December 21, 2021](#),
paras. 52-68, with a somewhat cryptic

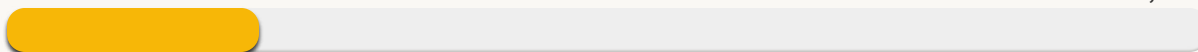
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interpreted as not precluding the
annulment of termination of contracts
effected by a person referred to in
Article 11 of that regulation in order to
comply with the requirements or
prohibitions based on the laws specified in
the annex, even though that person does
not have an authorisation within the
meaning of the second paragraph of



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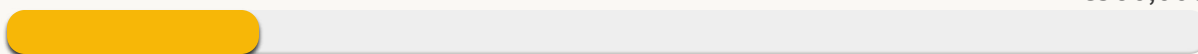
regulation consisting in the protection of the established legal order and the interests of the European Union in general. In that assessment of proportionality, it is necessary to *weigh in* the balance the

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[December 3, 2025](#), para. 3, and the resolution “Strengthening the International Criminal Court” of [December 5, 2025](#), p. 3 and para. 2-3; from a civil society perspective, see [here](#). For criticism of Canada’s silence, see [Kersten](#).

18 See most recently the speech by Registrar Osvaldo Zavala Giler at the last ASP [here](#),



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parallel payment systems such as the Brazilian PIX system (as an alternative to PayPal and ApplePay, see [here](#)).

20 See also the relevant 1973 [UN Convention](#)

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<https://verfassungsblog.de/sanctions-us-icc-united-states/>, DOI: [10.59704/82c27ab6f6f063a5](https://doi.org/10.59704/82c27ab6f6f063a5).

One Comment

Dr. Max Gutbrod, Mon 22 Dec 2025 at 09:23



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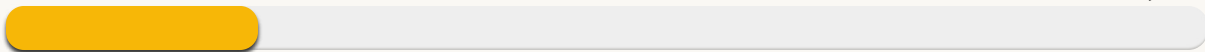
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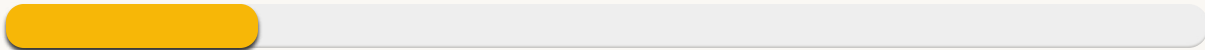
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