

January 6, 2025

To Members of the 119th Congress and the incoming Presidential Administration of Donald J. Trump:

The undersigned organizations write to express grave concerns and to unequivocally oppose the use of the sanctions authority of the United States to attack the International Criminal Court (ICC), an independent judicial institution dedicated to combating impunity for the gravest crimes known to humanity.

The ICC performs a vital role in international affairs by investigating the worst international crimes that shock the collective conscience of humanity and investigating those accused of committing those crimes. It does so in a manner that protects the due process rights of the accused, the sovereignty of states, including the United States, and the rights of victims. As has been [widely observed](#), supporting the work of the Court is in the interest of the United States, and sanctioning it, conversely, [undermines important US interests](#). The positive role of the ICC has been recognized through [previous bipartisan support](#) for investigations into war crimes allegedly perpetrated by Russian officials in the Ukraine conflict ([S.Res.531](#) and [H.Res.963](#)), [attempts to bring justice](#) for the victims of gross human rights violations [in Myanmar](#), and as a [pathway to accountability](#) for [perpetrators of atrocities](#) in [Sudan](#).

Many of the undersigned [spoke out](#) when the previous Trump administration subjected two senior ICC officials to sanctions and travel restrictions. At that time, we cautioned that it was “uniquely dangerous, extreme, and unprecedented to utilize a mechanism designed to penalize criminals, their aiders, and abettors, against an independent judicial institution.” The previous sanctions against the Prosecutor and a member of her team raised serious concerns about the ICC’s ability to fulfill its mandate, including the Prosecutor’s obligation to report to the UN Security Council on the situations in Darfur and Libya, and to participate in the annual meetings of the Assembly of States Parties (ASP), the ICC’s oversight management and legislative body, where the US participates as an Observer.

In 2024, the House of Representatives passed the so-called [“Illegitimate Court Counteraction Act.”](#) Although the bill’s full scope was ambiguous, the legislative intent was to punish foreign persons who aid, materially assist, or provide financial support for efforts by the ICC to undertake certain investigations and prosecutions. The Biden administration [strongly opposed](#) the bill and the previous Senate did not vote on the legislation. As human rights, legal, and faith-based organizations, the foundations of civil society, as well as individuals who have dedicated their careers to these causes, we decry attempts to attack an independent judicial institution and urge the 119th Congress and incoming administration to reconsider this misguided position.

Asset freezes and entry restrictions are tools intended to combat individuals and entities constituting a threat to US national security, such as kleptocrats committing grand corruption, gross human rights offenders, and perpetrators of war crimes and crimes against humanity. By applying these measures to a court that 125 countries – and on two occasions, the United Nations Security Council – have entrusted with providing accountability for atrocity crimes, the United States has brought upon itself the stigma of siding with impunity over justice. In fact, Russia sanctioned some of the court’s judges last year, and the United States should not similarly adopt such vindictive tools. Such actions jeopardize the ability of

desperate victims across all the court's investigations to access justice, weaken the credibility of sanction tools in other contexts, and place the United States at odds with its closest allies.

The ICC represents and constitutes part of a global system of international justice of which the United States was a chief architect at Nuremberg and beyond. Today, the ICC, alongside other tribunals, regional mechanisms, and national courts, is carrying forward these efforts through investigations and prosecutions that could help realize justice for atrocity victims from Sudan to Myanmar to Ukraine. As a court of last resort, the ICC only can intervene when and where a State has demonstrated unwillingness or inability to hold its nationals to account for crimes within the Court's jurisdiction. The ICC therefore provides an essential backstop for victims who have no other recourse to justice. The use of sanctions has the potential for wide-reaching impact against this institution dedicated to advancing justice for victims.

The proposed sanctions were prompted by the arrest warrants issued on November 21, 2024, for Israeli Prime Minister Benjamin Netanyahu and former Defense Minister Yoav Gallant. Practically, sanctioning the court or its officials would halt its work across all situations that are under its purview, including those critically important to the United States, such as the situation in Ukraine and in Sudan. US citizens who represent victims and survivors also could be implicated for their work to help achieve justice for perpetrators of atrocity crimes. The idea that justice can be selectively used to advance geopolitical concerns is a moral affront to all those who are in peril and an abrogation of the universality of human rights. An attack on the ICC in one situation is an attack on the rule of law itself.

At an historical moment when the global rule of law is under attack from multiple fronts, institutions like the International Criminal Court are needed more than ever to advance human rights protections and the universal goal of preventing future atrocities and advancing justice for victims. Instead, sanctions send a signal that could embolden authoritarian regimes and others with reason to fear accountability who seek to evade justice. It is essential that the United States answer any allegation of wrongdoing in a manner that does not betray the cause of global justice, abandon international cooperation, or compromise support for human dignity and rights.

It would be a terrible irony if a tool designed to penalize gross violators of human rights could instead contribute to their continued impunity. We urge other governments, Members of Congress, and advocates for victims everywhere to raise their voices to oppose attacks on the independence and autonomy of international judicial institutions like the ICC. We invite allies of justice to join us in standing against these destructive measures.

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## **SIGNATORY ORGANIZATIONS**

The Advocates for Human Rights  
Al Haq  
American Civil Liberties Union (ACLU)  
American Friends Service Committee  
American Human Rights Council  
Amnesty International USA  
Aotearoa Lawyers for Peace  
Arizona Justice Alliance  
Association for the Promotion of Sustainable Development  
Association of Reintegration of Crimea  
Association of World Citizens  
Australian Religious Response to Climate Change  
Basel Peace Office  
Center for Constitutional Rights  
Center for the Development of International Law  
Center for International Human Rights, Northwestern Pritzker School of Law  
Center for International Policy Advocacy  
Center for Truth and Justice  
Centro de Desarrollo Étnico-CEDET  
Citizens for Global Solutions  
Coalition for the UN We Need (C4UN)  
Darfur Women Action Group  
DAWN  
Defined Impact Group  
Ensaaf  
Global Centre for the Responsibility to Protect  
Global Justice Center  
Hawaii Peace and Justice  
Historians for Peace and Democracy  
The Human Rights Center, University of California Berkeley School of Law  
Human Rights First  
Human Rights Watch  
Institute for Genocide and Mass Atrocity Prevention, Binghamton University, the State University of New York  
International Alliance of Women to the UN  
International Civil Society Action Network (ICAN)  
International Criminal Court Alliance  
J Street  
The Jacob Soetendorp Institute for Human Values  
Journal of Social Encounters  
Laboratorio de Paz (Venezuela)  
Law and Democracy Support Foundation

Maryknoll Office for Global Concerns  
The Minnesota Peace Project  
Movimento Federalista Europeo  
MPower Change Action Fund  
National Forum for Human Rights (Yemen)  
New Lines Institute  
No Business With Genocide  
Nonviolent Peaceforce  
Open Society Justice Initiative  
Operation Broken Silence  
Pax Christi, Greensburg, Pennsylvania  
Pax Christi, New York State  
Peace Action  
Physicians for Human Rights  
Presbyterian Church (USA), Office of Public Witness  
Programa Venezolano de Educación Acción en Derechos Humanos (PROVEA)  
Progressive Democrats of America - Central New Mexico (PDA-CNM)  
Project Expedite Justice  
Robert F. Kennedy Human Rights  
The Sentry  
StoptheDrugWar.org  
Stop Genocide Now  
Ukrainian Legal Advisory Group (ULAG)  
UN Association of Greater Philadelphia  
Unitarian Universalist Service Committee (UNSC)  
United Church of Christ  
US Boats to Gaza  
Veterans for Peace  
Women's Initiatives for Gender Justice  
World Beyond War  
World Court of Human Rights Coalition  
World Federalist Movement-Institute for Global Policy  
World Without Genocide  
Youth and Women for Change in Eswatini  
Zarga Organisation for Rural Development (Sudan)