

## **EU Should Defend the ICC**

### ***International Criminal Court Under Attack by US, Others***

(Brussels, April 4, 2025) – The [European Union](#) should defend the International Criminal Court (ICC) amid serious attacks on its mandate and mission, 58 nongovernmental groups said today. These attacks could undermine justice for victims of serious international crimes around the world, making urgent EU action to uphold the international rules-based order.

The ICC is the cornerstone of a broader system for accountability, acting as a court of last resort when other avenues to justice are blocked. The recent [arrest](#) and transfer of former Philippine President Rodrigo Duterte to face a charge of crimes against humanity before the ICC reaffirms the Court's relevance and underscores its significance in ensuring accountability for the most serious crimes.

The EU and its member states have long been strong advocates for the ICC and have made [legally binding commitments](#) to promote the universality and integrity of the Rome Statute, the Court's founding treaty. The EU has [pledged](#) to support the ICC's independence, cooperation with the Court, and the implementation of the principle of complementarity, which ensures that the ICC acts only when national authorities do not genuinely investigate and prosecute, as appropriate, international crimes. This firm support has been essential to the ICC's functioning since its establishment more than 20 years ago.

US President Donald Trump issued an [executive order](#) on February 6, 2025, [authorizing](#) the use of asset freezes and entry bans on ICC officials and others supporting the Court's work. US sanctions targeting the ICC are an affront to victims and their families. Sanctions are never meant for prosecutors, judges, and others pursuing independent and impartial justice for core international crimes.

The US [designated](#) ICC Prosecutor Karim Khan for sanctions under the February 6 order and could issue additional designations in a bid to undermine ICC investigations it opposes. US financial sanctions have serious effects that go far beyond those targeted, and could result in the Court losing access to essential services necessary to carry out its mandate. The order appears designed not only to intimidate Court officials and staff involved in the Court's critical investigations, but also to have a chilling effect on broader cooperation with the ICC, including by civil society organizations supporting victims.

While [most EU member states](#) have condemned the US sanctions in [national](#) and [joint statements](#), the EU as a whole has yet to express its opposition in an official statement, in stark contrast to its [clear positions](#) following the imposition of similar sanctions by the first Trump administration in 2020. [Expression of support for the ICC's mandate is welcome](#), but the EU should also clearly denounce US sanctions on the Court, signal that they will not go unaddressed, and call on the US to rescind the executive order.

The EU should, without further delay, make use of the [Blocking Statute](#) to counter the US sanctions. This instrument aims to shield European operators from the effects of extraterritorial sanctions and could help ensure that the Court's work can continue unaffected. The European

Commission, the European External Action Service, and EU member states should also develop other measures to mitigate the impact of the sanctions on the ICC. The Court, [the European Parliament](#), a number of EU member states, and civil society have already urged the European Commission to activate the Blocking Statute.

These are only some of the many threats facing the ICC, as well as human rights defenders advocating for justice before the Court. ICC officials [face](#) arrest warrants issued by the Russian Federation in retaliation for the Court's decision to issue an arrest warrant against President Vladimir Putin for alleged war crimes in Ukraine. Meanwhile, legislation criminalizing cooperation with the Court has already [been enacted in Russia](#) and is under [consideration](#) by Israeli authorities. Moreover, the Court is still dealing with the aftermath of a sophisticated [cyberattack](#) that took place in 2023 and [there are allegations](#) that Israel carried out a nine-year espionage campaign on the Court.

Overcoming these threats to justice also requires EU member states to show they are steadfast in their own obligations under the Rome Statute, the groups said. In September, the EU rightly [condemned](#) Mongolia's breach of its obligation as an ICC member country to arrest Putin.

On April 2, Israeli Prime Minister Benjamin Netanyahu began a visit to Hungary at the invitation of Hungary's prime minister. The Hungarian government [announced](#) the following day that it would seek to begin the legislative process to withdraw the country from the ICC. As of April 4, Hungary had failed to arrest and surrender him to the ICC, disregarding an ICC warrant against him for alleged war crimes and crimes against humanity committed in Gaza and its ICC obligations.

Regrettably, officials from the governments of several other European Union member states, including [France](#), [Poland](#), [Italy](#), [Romania](#), and [Germany](#) have recently explicitly said that they would not uphold their obligations [or failed to commit to enforce the court's warrant](#). [Italy](#) has also returned an ICC fugitive to Libya, apparently [flouting](#) its obligation to arrest and surrender him to the ICC.

Without cooperation and arrests, [there can be no justice](#) before the ICC. Ambivalent or even negative signals about the validity of ICC decisions erode EU law, practice, and commitment to international justice and display regrettable selectivity, sending the message that the rule of law is for some, but not all.

The groups called on EU actors to take decisive action to reaffirm their commitment to and protection of the international rule-of-law, as follows:

- The EU leadership, including Commission President von der Leyen, High Representative Kallas, and Council President Costa should urge governments across the EU to respect the EU's position on the ICC, including on cooperation, universality of the Rome Statute, and safeguarding the independence of the Court, and respect their obligations to protect, uphold, and enforce the Court's decisions.
- The EU, in particular through High Representative Kallas as well as the EU Council should publicly condemn the US sanctions against the ICC and reaffirm their unwavering

support for the Court and its independence and urge the US to rescind the executive order authorizing sanctions.

- The EU Commission should also swiftly make use of the EU Blocking Statute by adding to it the US executive order authorizing ICC-related sanctions and develop any additional measures to protect the Court and counteract the chilling effect of sanctions on those cooperating with the Court.
- EU member states should unequivocally affirm they will enforce all their legal obligations under the Rome Statute, including executing all ICC arrest warrants, in all situations before the Court. EU leadership should spare no efforts in reminding member states of their legal obligations to cooperate with the ICC, and act to prevent and respond to any instance of noncooperation with the ICC.

**The supporting organizations are:**

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ACT Alliance EU

Adala For All

Advocates for the Future

Al Mezan Center for Human Rights

Al-Haq

Al-Haq Europe

Aman Against Discrimination - AAD

Amnesty International

Armanshahr|OPEN ASIA

Avocats Sans Frontières

Bir Duino Kyrgyzstan

Broederlijk Delen

Cairo Institute for Human Rights Studies (CIHRS)

CCFD-Terre Solidaire

Center for Constitutional Rights

CIDSE – International family of Catholic social justice organisations

CNCD-11.11.11

Coalition Française pour la Cour pénale internationale (CFCPI)

Committee on the Administration of Justice (CAJ)

Committee to Protect Journalists

DIGNITY - Danish Institute Against Torture

Egyptian Initiative for Personal Rights (EIPR)

Entraide et Fraternité

EuroMed Rights

European Center for Constitutional and Human Rights, ECCHR

Foundation Sunflowers

Fundación Chile Sin Ecocidio

Fundación Internacional Baltasar Garzón –FIBGAR–

Global Initiative Against Impunity for International Crimes and Serious Human Rights Violations

Human Rights House Foundation

Human Rights Watch

Human Rights Without Frontiers

Institute for Environmental Security

International Commission of Jurists

International Federation for Human Rights (FIDH)

International Service for Human Rights (ISHR)

Lebanese Center for Human Rights (CLDH)

MEDEL (Magistrats Européens pour la Démocratie et les libertés)

Netherlands Helsinki Committee

No Peace Without Justice

Nürnberger Menschenrechtszentrum

Parliamentarians for Global Action

Pax Christi International

Platform for Peace and Humanity

Protection International

REDRESS

Reporters Sans Frontières (RSF) / Reporters Without Borders (RSF)

SOLIDAR

Stichting Stop Ecocide NL

Stop Ecocide Foundation

Swedish Peace and Arbitration Society

Syndicat de la magistrature

Synergy for Justice Stichting

The Finnish League for Human Rights

United Nations Association of Sweden

Women's Initiatives for Gender Justice

Young European Federalists - JEF Europe