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Threats to the International Criminal Court

Report[1]
Committee on Legal Affairs and Human Rights
Rapporteur: Mr Tekke PANMAN, Netherlands, Group of the European People's Party

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1. Reference to committee: Doc. 16124, Reference 4864 of 7 April 2025.

A. Draft resolution[2]

1. The Parliamentary Assembly has a long-standing commitment to international law, international justice and the importance of accountability for the most heinous atrocity crimes – genocide, war crimes, crimes against humanity and the crime of aggression.

2. The Assembly fully supports the work of the International Criminal Court ("the ICC") as the first permanent criminal court seeking accountability for such crimes – following in the steps of the Nuremberg International Military Tribunal and successive ad hoc tribunals. The Assembly recognises the crucial role that the ICC plays as a court of last resort for international crimes committed on the territory of a State Party to the Rome Statute of the ICC ("Rome Statute"), by nationals of a State Party, where jurisdiction is accepted by another State or established following a referral by the United Nations Security Council.

3. The Assembly is deeply concerned that the system of international justice, developed in the aftermath of the Second World War – to restrain brutality, to punish war crimes and to give victims a voice – is under threat. This is particularly acute in attempts to threaten and intimidate international judges and prosecutors of the ICC, by subjecting them to coercive measures for undertaking their functions as part of the international criminal justice system.

4. These actions have been taken by States that are not parties to the Rome Statute and, in particular, the United States of America and the Russian Federation. These coercive measures have been imposed on international judges and prosecutors because they were carrying out the international mandate granted to them to investigate alleged war crimes and crimes against humanity falling within the ICC's jurisdiction, specifically in Ukraine, Afghanistan and Palestine.

5. These measures have far-reaching consequences for the ICC's operational functioning, as well as for the professional and private lives of the officials concerned. Eight judges and the former Prosecutor have been sentenced *in absentia* for up to fifteen years imprisonment by the Russian Federation for their roles in investigating war crimes committed in Ukraine and issuing arrest warrants in those proceedings, including against Vladimir Putin. Half the ICC's judges, including its President, and the entire leadership of the Prosecutor's Office have been individually sanctioned by the United States of America for investigating international crimes allegedly committed in Afghanistan and Palestine. If non-States Parties wish to avoid the exercise of jurisdiction of the ICC over their nationals, there are legal ways of doing this, such as ensuring that adequate measures are in place to prevent their nationals from engaging in war crimes, crimes against humanity or genocide on the territory of one of the States Parties to the ICC and, if necessary, hold them accountable.

6. The Assembly emphasises that international judges and prosecutors should not be subject to sanctions or criminal measures merely for carrying out the functions entrusted to them under international treaties. Such action constitutes an unacceptable attack on their independence and poses a serious threat to the authority and effectiveness of the international criminal justice system. If handing down a judgment or taking another decision within the mandate of an international court in Europe is deemed to be conduct liable to sanctions, this threatens not only the ICC and its independence, but also the rule of law throughout Europe and, therefore, European fundamental values and democratic security.

7. Attacks on international organisations central to the international rules-based order are a direct attack on the international order itself. Whilst a State can always work to improve the functioning or effectiveness of an international organisation, or challenge its decisions through the appropriate diplomatic and legal channels, this is no reason to fundamentally undermine international justice institutions or unduly interfere with their independence.

8. The Assembly is similarly concerned by media reports that foreign States are threatening to impose sanctions to try to intimidate national judges within Europe. Any such interference constitutes an affront to the rule of law and the essence of the core constitutional principle protecting the independence of the judiciary. The Assembly calls on all European States to undertake a reflection on how to better protect national and international judges from such threats of interference.

2. Draft resolution adopted unanimously by the committee on 9 September 2026.

9. The Assembly emphasises the importance of establishing a climate in which international and national judicial institutions and international organisations, based in Europe, can be resilient in carrying out the mandates conferred on them by States without being indirectly paralysed by external political pressure. If European States allow foreign States to interfere in this way with judges exercising a judicial mandate and based within their territory, the very sovereignty of European States is threatened.

10. The Assembly calls on the international community, and in particular the States Parties to the Rome Statute, to take action to protect the ICC and other international institutions from such external threats. This should be achieved by ensuring that the officials' privileges and immunities are scrupulously respected, and by establishing stronger mechanisms to protect international organisations from future risks. Specifically, States Parties must ensure that third-country sanctions have no impact on the functioning of international organisations and their officials within their jurisdictions.

11. The Assembly calls on Council of Europe member States and, where applicable, on all States Parties to the Rome Statute, as well as the European Union, to:

11.1. ratify or accede to the Rome Statute and the Agreement on the Privileges and Immunities of the ICC, if they have not yet done so;

11.2. maintain and reaffirm their commitment to, or as applicable, their support for, the ICC and its integrity and independence, both in bilateral relations with third countries and in all multilateral fora, including the United Nations and other international organisations;

11.3. continue to make clear their support and solidarity for the work of the ICC, including through statements to correct misleading narratives about the work of the ICC;

11.4. provide effective support and protection to judges, prosecutors and staff members of the ICC who face, or are at a foreseeable risk of facing, sanctions or other forms of external pressure as a result of the performance of their official functions. Where appropriate, these measures should also extend to former ICC officials and to the families of those affected;

11.5. take concerted action to ensure that the ICC and other international organisations and their officials based in Europe have unimpeded access to all the services – including banking, insurance, medical and IT services – they need to fulfil their international mandate, thus ensuring technological and financial autonomy for these multilateral organisations, including by:

11.5.1. providing advice and publishing guidance to service providers that access European markets, to ensure that:

11.5.1.1. there is no over compliance with third-country sanctions when service providers operate within European markets;

11.5.1.2. service providers do not arbitrarily deny – or render more difficult – the provision of services to officials working for the ICC or an international organisation based in Europe;

11.5.1.3. service providers are given the necessary legal and practical support to continue to provide services to judges, prosecutors and other officials of the ICC, as well as to officials of other international organisations based in Europe;

11.5.2. undertaking a thorough, strategic review to ensure that European institutions, international organisations based in Europe, as well as companies and governmental organisations based in Europe have access to a wider range of service providers to enable them to be independent and autonomous from external interference;

11.5.3. in the European Union, reviewing the European Union Blocking Statute to make it fit for purpose and more effective in achieving its objectives;

11.5.4. in non-European Union member States, adopting, reviewing and updating, as necessary, national legal protections, equivalent to the European Union Blocking Statute, to guarantee access to services to individuals who are unjustly subject to third-country sanctions and other coercive measures;

11.5.5. in both European Union and non-European Union member States, activating the European Union Blocking Statute and equivalent national legal measures to guarantee access to service provision, including banking and IT, so as to shield the ICC, and its judges, prosecutors and staff, from external coercive measures;

11.6. encourage innovative initiatives to enhance the strategic autonomy of institutions based in Europe, such as the development of alternative technology and banking solutions that are less vulnerable to the actions of non-member States of the Council of Europe;

11.7. ensure that the ICC continues to be provided with adequate financial and human resources, enabling it to fulfil its mandate in an independent and efficient manner, in the light of the new threats it faces.

12. The Assembly calls on all other States that are not Parties to the Rome Statute, including Council of Europe observer States and States whose parliaments enjoys observer or partner for democracy status with the Assembly, to:

12.1. refrain from maintaining or adopting any legal measures giving rise to sanctions or other coercive measures against judges and prosecutors of the ICC, or against other individuals on the basis of their co-operation with the ICC;

12.2. cease any action to intimidate or pressure other States to withdraw or to cease co-operation with the ICC;

12.3. respect the ICC, its mandate, integrity and independence, while maintaining dialogue with States Parties to the Rome Statute to discuss any legal or diplomatic disputes that could arise in connection with the exercise of its jurisdiction, in full respect of international law and the Rome Statute; and

12.4. respect the privileges and immunities granted to UN officials and experts under the 1946 Convention on the Privileges and Immunities of the United Nations.

13. Given that threats to individuals and entities potentially extend to all international organisations supporting the international justice system, the Assembly invites the Secretary General of the Council of Europe to:

13.1. assess the Council of Europe’s level of vulnerability to external risks and threats;

13.2. take appropriate actions to ensure that the Council of Europe, its staff and experts, are adequately protected from any such threats;

13.3. draw lessons from the ICC and avoid over-reliance on companies that are at risk of having their provision of services within Europe interfered with by non-member States, especially in the banking and technology sectors, in order to reduce vulnerability to such risks.

B. Draft recommendation[3]

1. The Parliamentary Assembly refers to its Resolution ... (2026) “Threats to the International Criminal Court” and underlines that attempts to undermine the International Criminal Court by attacking judicial independence and intimidating international officials are an affront to international law, international justice, the principle of accountability and to promises made following the atrocities of the Second World War.

2. The Assembly considers that it is essential for the international community not only to condemn such attacks on international organisations central to the rules-based international order, but also to act in solidarity and defend international justice institutions from such threats. In this context, the Assembly recommends that the Committee of Ministers promote and facilitate international action in this area. In particular, the Assembly calls on the Committee of Ministers to:

2.1. support organisations facing such threats through public statements condemning attacks, threats and coercive measures against the staff of international organisations and supporting their mandates and work;

2.2. support the drafting, adoption and effective implementation of measures to counter unlawful sanctions and reprisals, drawing on the actions taken at the European Union level, to protect international organisations and their staff and family members from the extraterritorial effects of legislation adopted by third countries, including though developing a toolkit, and considering the possible development of a legal instrument to assist member States in protecting individuals and organisations from the extraterritorial effects of third-country measures;

2.3. initiate a reflection within the Council of Europe, involving other international organisations as necessary, to develop tools and the sharing of best practice to support international organisations working to uphold international justice, including:

2.3.1. measures to protect such organisations and their staff against threats, particularly from non-member States;

2.3.2. the examination and sharing of best practice amongst international organisations – including in relation to privileges and immunities protections – and the extent to which good practices from one international organisation can be used or transposed to another in order to best protect their staff and independent functioning against hostile actors;

2.3.3. creative solutions in mitigating the risks of hostile actions;

2.4. organise a meeting of host States of international organisations based in Europe, to exchange best practice on how best to ensure that those international organisations are given appropriate support to be resilient to future threats and attacks by third States.

3. Draft resolution adopted unanimously by the committee on 9 September 2026.

C. Explanatory memorandum by Mr Tekke Panman, rapporteur[4]

1. Introduction, background and process

1. The Parliamentary Assembly has always been a firm advocate of international criminal justice and strongly supported the setting up and functioning of the International Criminal Court ("ICC"). It has repeatedly urged all States to ratify the Rome Statute, to co-operate fully with the ICC and to comply with its orders and arrest warrants, with a view to ensuring accountability for international crimes.[5] In the context of the Russian Federation's aggression against Ukraine, it further noted that the future Special Tribunal for the Crime of Aggression against Ukraine should be complementary to the ICC's jurisdiction over other crimes committed in the context of the war of aggression. The Parliamentary Assembly has recently expressed concerns about current threats to the ICC, specifically in:

– Resolution 2605 (2025) "Legal and human rights aspects of the Russian Federation's aggression against Ukraine", in which the Assembly expressed its deep concern "about sanctions imposed by the United States on the ICC, as they significantly hinder the prosecution of international crimes, including those committed in Ukraine as a result of the Russian aggression" (at paragraph 2);

– Resolution 2598 (2025) "Russian war of aggression against Ukraine: the need to ensure accountability and avoid impunity" in which the Assembly condemned "any attempts by States not party to the Rome Statute to sanction the ICC and its staff, which may result in the obstruction of its work and lack of co-operation by some States Parties" (at paragraph 14.3); and

– Resolution 2556 (2024) "Legal and human rights aspects of the Russian Federation's aggression against Ukraine", in which the Assembly strongly condemned "the attempts of the Russian authorities to prosecute the judges and the Prosecutor of the ICC who were involved in the issuing of these warrants,[6] as a flagrant interference with the judicial independence and mandate of the ICC" (at paragraph 14.3).

2. In addition to many meetings and exchanges as part of my work on the report, I would like to particularly highlight the following actions:

– on 27-28 November 2025, I undertook a fact-finding visit to The Hague to meet with representatives of international institutions there, including the ICC, to better understand the scale and nature of the challenges they face, as well as actions being taken to protect the ICC from such threats;

– on 26 January 2026, the Assembly held a current affairs debate "Safeguarding the system of international justice", with an opening statement by Ms Stefanie Hubig, German Federal Minister of Justice and Consumer Protection;

– on 16 March 2026, the Committee on Legal Affairs and Human Rights held an exchange of views with the participation of Judge Nicolas Guillou and Mr Osvaldo Zavala Giler, Registrar, both of the ICC;

– on 25 March 2026, I undertook a further fact-finding visit to The Hague to meet with members of the diplomatic community and, in particular, representatives of the host State (the Netherlands), to better understand what actions the international community and the host State are undertaking – and those that could be taken – to ensure the ICC is protected from inappropriate interference by non-States Parties.;

– on 27 May 2026, at its meeting in Tallinn, the Committee adopted a declaration on the coercive measures imposed on judges and prosecutors of the ICC.

3. I am grateful to all those who I have met or corresponded with for the valuable insights into the situation. I was particularly inspired by their commitment to international justice, especially those who are subjected to these measures.

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4. This explanatory memorandum is drawn up under the responsibility of the rapporteur.

5. See Assembly resolutions: Resolution 1300 (2002) "Risks for the integrity of the Statute of the International Criminal Court", Resolution 1336 (2003) "Threats to the International Criminal Court"; Resolution 1644 (2009) "Co-operation with the International Criminal Court (ICC) and its universality"; Resolution 2134 (2016) "Co-operation with the International Criminal Court: towards a concrete and expanded commitment".

6. Arrest warrants issued by the ICC in respect of Vladimir Putin, Maria Alekseyevna Lvova-Belova, Sergei Ivanovich Kobylash, Viktor Nikolayevich Sokolov, Sergei Kuzhugetovich Shoigu and Valery Vasilyevich Gerasimov – all for war crimes and/or crimes against humanity.

2. Role of the International Criminal Court

4. The ICC plays a vital role as part of the international architecture supporting respect for the rule of law. It was established in 1998 by the Rome Statute and has 125 States Parties from all regions of the world. 43 of the Council of Europe's 46 member States are States Parties to the ICC – the exceptions being Azerbaijan, Monaco and Türkiye. The most recent member States to ratify the Rome Statute were Armenia (2023) and Ukraine (2024).

5. The ICC, as a permanent institution, builds on the historical legacy of the International Military Tribunal of Nuremberg, which sought accountability for the worst crimes of the Second World War.[7] The ICC continues in the footsteps of the Nuremberg Tribunal, the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, and the Special Court for Sierra Leone by seeking accountability for the worst crimes and atrocities, thus fulfilling the "never again" promise of Nuremberg.

6. It is the first permanent, treaty-based, international criminal court established to help end impunity for the perpetrators of the most serious crimes of concern to the international community. It investigates and, where warranted, tries individuals charged with the gravest crimes: genocide, war crimes, crimes against humanity and the crime of aggression.

7. The ICC is composed of 18 judges, elected by the Assembly of States Parties for nine years. The judges are assigned to the three divisions of the Court (Pre-Trial, Trial and Appeals). The Court is also composed of the Office of the Prosecutor and the Registry. Its seat is in The Hague.

8. The Court can exercise jurisdiction over those international crimes only:

– if they were committed on the territory of a State Party or by one of its nationals;

– if the matter is referred to the ICC by the United Nations Security Council (acting under Chapter VII of the UN Charter);

– if a State makes a declaration accepting the jurisdiction of the Court.

9. The ICC is a court of last resort and therefore complements national courts (principle of complementarity). It thus prosecutes cases only if the national justice systems are unwilling or unable to undertake such prosecutions in a genuine manner. The Prosecutor can initiate an investigation if (i) States Parties refer a situation to the Prosecutor; (ii) the United Nations Security Council, acting under Chapter VII of the UN Charter, requests the Prosecutor to launch an investigation; or (iii) the Office of the Prosecutor initiates an investigation on its own initiative (which requires prior authorisation by a Pre-Trial Chamber composed of three independent judges).

10. The Office of the Prosecutor currently has open investigations in 13 'situations', of which two concern Council of Europe member States and all are based on established jurisdiction under the ICC Statute:

– Jurisdiction is based on territorial jurisdiction due to the relevant country being a State Party in respect of:

  - the Democratic Republic of Congo (DRC) (since 11 April 2002);
  - Mali (since 16 August 2000);
  - Burundi (21 September 2004 – 27 October 2017);
  - Bangladesh/Myanmar (since 1 June 2010): the ICC has jurisdiction only for alleged crimes taking place at least partly within Bangladesh;
  - Afghanistan (since 1 May 2003), with a particular consideration in the opening of the investigation, being that Afghanistan was not carrying out genuine investigations in a matter that would justify a deferral of the Court's investigations;
  - Philippines (1 November 2011 – 17 March 2019);
  - Venezuela (1 July 2002 – 24 July 2027): Venezuela notified its withdrawal from the Rome Statute on 24 July 2026, to take effect one year later;
  - the Republic of Lithuania (since 1 August 2003)/Republic of Belarus: the ICC investigation covers transboundary crimes only;

7. See, for example, Nuremberg Statement of ICC judges.

– Jurisdiction is based on the situation having been referred to the ICC by a UN Security Council Resolution in respect of:

  - Darfur – Sudan (UN Security Council Resolution 1593 (2005));

  - Libya (UN Security Council Resolution 1970 (2011)). Additionally, on 12 May 2025 Libya accepted the ICC's jurisdiction over its territory from 2011-2027;

– Jurisdiction is based on territorial jurisdiction due to the relevant State having accepted the ICC's jurisdiction, together with it subsequently becoming a State Party in respect of:

  - Côte d'Ivoire: the Côte d'Ivoire accepted the ICC's jurisdiction in 2003 and ratified the Statute on 15 February 2013;

  - Palestine: Palestine accepted the jurisdiction of the ICC since 13 June 2014 and has been a State Party since 1 April 2015;

  - Ukraine: Ukraine accepted the ICC's jurisdiction to investigate crimes committed on its territory from 21 November 2013 and has been a State Party since 1 January 2025.

11. As can be seen from the above list, the ICC only investigates when it has jurisdiction. To date, the ICC has indicted 75 individuals and issued 66 arrest warrants (of which 33 individuals remain at large). It has issued 11 convictions[8] and, 4 acquittals[9] – other cases were discontinued due to death of the accused or the charges being dismissed or withdrawn.

3. Threats facing the International Criminal Court

3.1. The source of the threats

12. The International Criminal Court has faced recent threats from certain States which are not States Parties to the ICC, notably:

– Israel (a State whose parliament has observer status with the Parliamentary Assembly of the Council of Europe) has issued statements following the issuing of an arrest warrant for Israeli Prime Minister Benjamin Netanyahu and former Israeli defence minister Yoav Gallant;[10]

– the Russian Federation (a former member of the Council of Europe) prosecuted, convicted and sentenced *in absentia* to lengthy terms of imprisonment, the former Prosecutor and eight Judges of the ICC. The Russian Federation placed ICC officials on Russia's "wanted list", and the former President and Prime Minister, Dmitry Medvedev, threatened to target the ICC in The Hague with missile strikes;

– the United States of America (an observer State of the Council of Europe), has put in place sanctions against nine Judges, including the Court's President, three Prosecutors, including the former Prosecutor, and one official of the ICC, as well as other actors who have cooperated with the ICC. Despite previous cooperation with ICC investigations concerning Darfur, Libya and Ukraine, on 13 July 2026, the US State Department launched a campaign to "dismantle the threat posed by the International Criminal Court" and "systematically disable its ability to operate".[11]

13. All these States have current or former status with the Council of Europe. Given that the Council of Europe is a values-based organisation established in the aftermath of the atrocities of World War II, it is of deep concern that States with past and present relations to the Council of Europe are taking active steps to undermine international organisations seeking to hold individuals accountable for the most serious international crimes, such as genocide, crimes against humanity, war crimes and the crime of aggression. It should also be noted that not only are the measures taken by those States a threat to international justice and accountability, these States with current or former status with the Council of Europe specifically target judges and prosecutors who are nationals of Council of Europe members States, including nationals of France, Germany, Italy, Poland, Slovenia and the United Kingdom.

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8. Convictions for offences of war crimes and crimes against humanity committed in the DRC, Mali and Uganda, as well as offences relating to the administration of justice concerning false testimonies in the Bemba cases.
9. Acquittals for charges of crimes against humanity allegedly committed in Côte d'Ivoire the Central African Republic and the DRC.
10. "Israel/Gaza: Threats against the ICC promote a culture of impunity, say UN experts", Press release of 10 May 2024; "Netanyahu office rips ICC after warrant issues", The Hill, 21 November 2024; "No 'outrageous' decision will stop me, says Netanyahu about ICC arrest warrant", the Jerusalem Post, 21 November 2024.
11. "State department launches campaign to dismantle International Criminal Court's threat to American sovereignty".

14. The purported reasons advanced by these three States seeking to attack the system of international justice are that the ICC Prosecutors and Judges are carrying out the international mandate conferred on them by investigating alleged war crimes and crimes against humanity – specifically in Ukraine, Afghanistan and Palestine – although the alleged crimes concerned fall within the jurisdiction of the ICC. As is clearly set out above, in all three situations, the State where the alleged crimes were committed (territorial State) is a State Party and/or has made a declaration accepting the ICC's jurisdiction crimes. There is thus no ambiguity in relation to the proper jurisdiction of the ICC – indeed, to the contrary, were the international judges to refuse to exercise jurisdiction for crimes in circumstances where the ICC properly has jurisdiction, then they would arguably be in breach of their international mandate and functions.

3.2. The types of threats

15. The types of threats that the International Criminal Court has faced in recent years vary and include:

– cyber-attacks of 2023 and 2025;[12]

– espionage;[13]

– criminal proceedings and sentences *in absentia* of Judges of the Court and the Prosecutor:

  - the Russian Federation prosecuted and convicted, in absentia, the former Prosecutor and eight judges of the ICC for issuing arrest warrants against Vladimir Putin and Russian Children's Rights Commissioner Maria Lvova-Belova for alleged war crimes committed in Ukraine, notably their roles in unlawful forced deportations of Ukrainian children to Russia.[14] The ICC officials affected are current President Tomoko Akane (Japan), the former President, Piotr Hofmański (Poland), First Vice-President Rosario Salvatore Aitala (Italy), Second Vice-President Reine Alapini-Gansou (Benin), Judge Luz del Carmen Ibáñez Carranza (Peru), Judge Sergio Gerardo Ugalde Godinez (Costa Rica), Judge Haykel Ben Mahfoudh (Tunisia), former Judge Bertram Schmitt (Germany), and former Prosecutor Karim Khan KC (United Kingdom). The Russian Federation sentenced these ICC officials to prison terms ranging from 3.5 to 15 years

– sanctions (asset freezes; denial of services; US immigration refusal) against ICC officials:

  - the US has currently imposed sanctions against nine Judges, three Prosecutors and one official at the ICC – ICC President Tomoko Akane (Japan), Second Vice-President Reine Alapini-Gansou (Benin), Judge Solomy Balungi Bossa (Uganda), Judge Luz del Carmen Ibáñez Carranza (Peru), Judge Erdenebalsuren Damdin (Mongolia), Judge Nicolas Guillou (France), Judge Beti Hohler (Slovenia), Judge Gocha Lordkipanidze (Georgia), Judge Kimberly Prost (Canada), the ICC's former Prosecutor Karim Khan KC (United Kingdom), Deputy Prosecutor Nazhat Shameem Khan (Fiji), Deputy Prosecutor Mame Mandiaye Niang (Senegal), and a senior trial lawyer at the Office of the Prosecutor, Abdoulaye Seye (Senegal), as well as others who have cooperated with the ICC;

  - the sanctions were in response to arrest warrants issued for Israeli Prime Minister Banjamin Netanyahu and former Israeli defence minister Yoav Gallant as well as the authorisation of investigations into the actions of US personnel in Afghanistan.[15] As set out above, the territorial jurisdiction of the ICC is well established on the basis that alleged war crimes and/or crimes against humanity were committed on the territory of a State Party (Palestine[16] and Afghanistan, respectively). This is not the first time the US has pursued such action – in 2020, the then

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12. "The International Criminal Court Confirms New Hack Attack", article dated 1 July 2025; "ICC detects and contains new sophisticated cyber security incident", Statement of 30 June 2025; "Measures taken following the unprecedented cyber-attack on the ICC", Press Release of 20 October 2023; "International Criminal Court hit in cyber-attack amid Russia war crimes probe", article dated 20 September 2023.
13. Attempts by a hostile intelligence officer to infiltrate the Court under the guise of an intern- "Measures taken following the unprecedented cyber-attack on the ICC", Press Release of 20 October 2023.
14. "Russia jails ICC judges, Prosecutor in absentia over Putin arrest warrant", the Moscow Times, 12 December 2025.
15. "The ICC strongly rejects new US sanctions against Judges and Deputy Prosecutors", Statement of 20 August 2025; "The International Criminal Court deplores new sanctions from the US administration against ICC Officials", Press Release of 5 June 2025; "US sanctions on ICC officials undermine independence of tribunal and justice for victims: UN experts", Press Release of 22 August 2025. US Executive order of 6 February 2025 imposing sanctions on Karim Khan, Prosecutor of the ICC. Press Statement by Marco Rubio, US Secretary of State of 20 August 2025 and the related fact sheet.
16. In February 2021, the ICC Pre-Trial Chamber held that the Court's territorial jurisdiction extends to Gaza and the West Bank, including East Jerusalem. See: "ICC Pre-Trial Chamber I issues its decision on the Prosecutor's request related to territorial jurisdiction over Palestine" | International Criminal Court.

Prosecutor Fatou Bensouda (The Gambia) and staff members of her Office were subjected to US sanctions, for investigating war crimes allegedly committed on the territory of a State Party (Afghanistan);

- the US sanctions list currently includes approximately 15,000 individuals and entities, with the ICC judges and prosecutors surreally listed alongside some of the world's most wanted international terrorists, war lords, human rights abusers and international drug traffickers. The US administration's sanctions list includes the names of war criminals alongside the international judges and prosecutors responsible for seeking accountability for those war criminals – seemingly without distinction;
- The sanctions against the ICC officials have various components:
  - asset freeze – no access to property and assets in the US, such as money held in US bank accounts;
  - refusal of services – No US individual, company nor any of its employees may provide the individuals with a service, nor receive a service from them. They are no longer permitted to purchase anything from US companies or use their services. In practice, the three areas most affected in daily lives are banking, digital services, including online services, and healthcare:

    Banking: For most international judges subjected to sanctions, banking services were restricted even though they work in Europe and may have no link at all to the US. For example, Europe over-relies on and has limited alternatives to US credit cards (and thus to US service providers for credit cards). Banks, even those located in Europe often over-comply with US sanctions (for example due to their having significant business interests in the US, or due to banks' risks assessments resulting in a preference to cease providing services to a few individuals rather than engage in complex compliance analysis). This means that payments to sanctioned persons and their means of payment can disappear. Some of those targeted had their bank accounts closed or had transfers to or from them refused. There are also many service providers and banks who have been working in good faith with the national authorities in European States and with the ICC to ensure the continuation of services;

    Digital services: Phone access can be a problem given Apps, tech or voice assistants developed in the US. Access to common IT platforms and services such as Microsoft was often affected or at risk;

    Services for online purchases were significantly affected, such as Amazon, Airbnb, PayPal and other accounts, as well as bookings made on these platforms that were often blocked or cancelled. This treatment is not limited to US companies or their subsidiaries, since some European companies can be affected through the reach of US sanctions, whilst others simply over-comply and align themselves with the US sanctions lists. Other difficulties concern online shopping;

    Health insurance: as for other service providers, health insurance service providers can be reluctant to provide services to sanctioned individuals;

    Families: some of the sanctions are also enforced against the families of those targeted. For example, banking or online services can be declined for family members of sanctioned ICC judges and prosecutors given over-compliance due to concerns that service provision could be linked to the sanctioned individual. Family members with US nationality are particularly affected given the application of the sanctions regime to US nationals, wherever they reside.
  - ban on travel to the US for targeted officials, their spouses and children;
  - US staff members were also told that they risked being arrested if they travelled to the US.[17]
- three judges at the International Criminal Court – ICC Second Vice-President Reine Alapini-Gansou (Benin), Judge Kimberly Prost (Canada) and Judge Solomy Balungi Bossa (Uganda) have commenced legal action in New York against the US government in response to these

17. See, for example, "From The Hague to Handcuffs? U.S. Threatens 900 ICC Staff with Arrest for War Crimes Investigations - Regtechtimes".

sanctions. They argue that the US authorities are not authorised to impose the sanctions, as there was no real state of emergency (the grounds for the imposition of sanctions under domestic US law[18]). Furthermore, they consider the decision to impose the sanctions to be "arbitrary and capricious".[19]

- sanctioning international judges and prosecutors for performing, independently and impartially, the mandate conferred on them by 125 States Parties to the ICC is a clear infringement on the independence of an impartial judicial institution. Such a threat to the core principles of judicial independence and respect for the rule of law is a concern for the safeguarding of the international justice system more generally;

– threats of violence:

- threats by former Russian President and Prime Minister Dmitry Medvedev to target the ICC in The Hague with missile strikes;[20]

– media and diplomatic campaigns against the work of the ICC, to seek to undermine cooperation with the ICC:

- threats by the United States of America to "dismantle" and "disable" the ICC's ability to operate, in particular through (i) diplomatic calls from the US Ministers and diplomats to other countries urging them to withdraw from the ICC; (ii) calling on any States that partner with US law enforcement or military to reject the ICC's purported authority to prosecute American officials and servicemen (even for war crimes and/or crimes against humanity allegedly committed on the territory of States Parties to the ICC); (iii) increased scrutiny of nations that refuse to reject the ICC while relying on U.S. assistance; (iv) diplomatic calls urging other nations that, like the US, are not party to the Rome Statute to leverage their diplomatic networks to take similar actions; (v) visa revocations and travel bans for ICC personnel; (vi) increased sanctions against the ICC and affiliated organisations.[21] The aim seems to pressure countries to withdraw from the ICC and cut off any cooperation with, and support for, the ICC;

- concerns that States Parties may be pressured to obstruct or refuse to cooperate with the ICC – examples from previous years include Mongolia[22], France,[23] and Hungary;[24]

- concerns that States Parties have withdrawn or may withdraw from the ICC, including the Philippines[25], Niger, Mali, Burkina Faso,[26], Chad[27] and Venezuela.[28] Although I note positively that Hungary and South Africa provide two examples of countries that reversed their initial decision to withdraw from the ICC.[29]

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18. The US Executive Order states that certain ICC actions constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and on that basis, declares a national emergency.
19. "Knoops: 'Amerika wil strop rond de nek van de ICC verder aantrekken'" | BNR Nieuwsradio; Rechters Internationaal "Strafhof beginnen rechtszaak tegen Amerikaanse regering", 25 June 2026.
20. Telegram. "…It is quite possible to imagine the targeted use of a hypersonic carrier from the North Sea from a Russian ship against the Hague court building. … So, citizens, judges, look carefully at the sky".
21. "US State department launches campaign to dismantle International Criminal Court".
22. Press Release of 24 October 2024 "Ukraine situation: ICC Pre-Trial Chamber II find that Mongolia failed to cooperate in the arrest and surrender of Vladimir Vladimirovich Putin and refers the matter to the Assembly of States Parties" and "Finding under article 87(7) of the Rome Statute on the non-compliance by Mongolia with the request by the Court to cooperate in the arrest and surrender of Vladimir Vladimirovich Putin and referral to the Assembly of States Parties".
23. "France says 'immunities applies' to Netanyahu regarding ICC arrest warrant", 27 November 2024.
24. "Hungary withdraws from International Criminal Court during Netanyahu visit" 3 April 2025.
25. The Philippines announced in 2018, under then-President Duterte, that it would withdraw from the ICC. Any crimes committed prior to the final withdrawal in 2019 still fell within the court's jurisdiction. The trial of Former President Duterte is due to take place later in 2026.
26. Niger, Mali and Burkina Faso announced in September 2025 their intention to withdraw from the ICC and to establish a Sahel Criminal and Human Rights Court to prosecute those guilty of terrorism and crimes against humanity. Withdrawal from the ICC takes effect one year after formal notification.
27. "US pressures African states to leave ICC", 4 August 2026; "Chad becomes fifth nation to quit ICC amid US pressure campaign" - RFI, 28 July 2026.
28. "Venezuela: International scrutiny and justice must prevail", 7 August 2026.
29. "Hungary withdraws from International Criminal Court during Netanyahu visit" 3 April 2025; "The Presidency of the Assembly of States Parties welcomes Hungary's decision to remain a State Party to the Rome Statute", 25 May 2026; and "South African remains a participant in the International Criminal Court", 25 April 2023.

3.3. The potential impacts of the threats

16. Whilst all these threats risk undermining the system of international justice and the rule of law, some of these threats have a greater impact than others on the day-to-day functioning of the ICC and its staff. US sanctions have been described as "a deliberate weaponisation of an individual state's power against the international legal order aiming to dismantle key institutions and principles that sustain the rule of law at the global level".[30] They have the potential to have significant reach given the current practice of over-compliance with US sanctions by service-providers operating in Europe, and over-reliance by international organisations and international companies on US banking and IT sectors. Impacts include:

– risk of arrest and lengthy detention if certain Judges and Prosecutors convicted *in absentia* go to the Russian Federation or to a country allied to it, even inadvertently (including risks if planes get diverted when flying over the airspace of countries with close links to Russia, such as Belarus);

– difficulties accessing banking and financial services for individuals affected by sanctions as well as for the ICC's own bank accounts in some instances of over-compliance.[31] This is particularly marked given the links between many banking transactions and the US banking system. Such sanctions can have significant impact on basic rights of individuals affected and their family members, for example due to the inability to pay basic bills or child support. The impacts are even worse for individuals with family members who have US citizenship;

– the need for the ICC to take proactive steps to protect itself from potential institution-wide sanctions. The impacts include concern about the ICC's ability to pay lawyers and staff and sustain the funding of its investigations, with salaries being paid three months in advance due to fears over the impact of sanctions on the ICC's banking system;

– difficulties in accessing IT services for individuals affected by US sanctions;

– this has led to awareness within the ICC of the importance of securing IT services and platforms that can withstand undue interference by US sanctions. Concerns relate to over-reliance on Microsoft, for example, and the operational difficulties that this has already caused for the ICC.[32] The ICC is now implementing a programme of improved diversification of its IT suppliers to remove the risks of over-reliance on US technology companies;

– bans on travel to certain countries for those affected by US sanctions (e.g. on travel to the USA);

– psychological and moral impact on the staff of the ICC (including due to uncertainty as to whether further measures could impact on the payment of salaries or the continued availability of healthcare);

– concerns were sanctions to be more institution-wide and thus to impact on health insurance for staff, banking and finance and IT;

– concerns that this is an attack on the independence of an international court, which is deemed to operate with independence and impartiality;[33] and

– concerns that diplomatic pressure on States Parties may lead to withdrawals from the ICC or refusals to cooperate with the ICC.[34]

17. These threats aim at halting the ICC's work and endanger the entire architecture of international peace and security, particularly as the ICC continues its complex work related to situations in Ukraine, Darfur, Libya, Palestine and the Philippines.

18. To mitigate these risks, the ICC has mapped its contractual relations with its service providers, identifying vulnerabilities, and is transitioning its IT architecture away from US-based providers toward European public-sector solutions to ensure technological autonomy.

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30. "Punishing Sanctions: A Call to Arms Against Fortress America", Devika Hovell, 25 February 2025, EJIL Talk!
31. "Government under fire for handling of ICC Spuerkees accounts", RTL Today, 1 June 2026.
32. See "Knoops: 'Amerika wil strop rond de nek van de ICC verder aantrekken'" | BNR Nieuwsradio, 14 July 2026, noting the impact of US tech companies re-evaluating whether they can continue to supply services; "The International Criminal Court is replacing Microsoft Office with 'sovereign' EU suite OpenDesk" | TechSpot; "Justice Recoded? Why It Matters that the International Criminal Court Embraced Open-Source Software and Ditched Microsoft" – EJIL: Talk!
33. See concerns expressed by Antonio Costa, the President of the European Council, on X which called the executive order a "threat" to the independence of the international judicial institution and said that sanctioning the ICC "undermines the entire international legal system" – Article of 7 February 2025 "Trump zet Internationaal Strafhof in Den Haag onder druk vanwege arrestatiebevel Netanyahu".
34. "Withdrawal of African countries puts further pressure on the International Criminal Court", Maurice Lede, NOS Nieuws, 8 July 2026.

19. Financial transactions are particularly affected by over-compliance, particularly in the eurozone, where over-compliance with unilateral US sanctions – whether current or the threat of future sanctions – is affecting salaries, service providers, and field operations despite the ICC's funding coming from 125 States Parties.[35] National and regional legal protections, such as the EU Blocking Statute, are therefore necessary to guarantee access to banking services and shield the ICC from external coercive measures.

4. Threats facing other international bodies

20. The ICC is not the only institution of the international order that has faced hostile measures, it is however one of the most visibly vulnerable to such threats. Other examples include:

– the Government of the Russian Federation has declared a significant number of organisations as "undesirable", including the Council of Europe Register of Damage for Ukraine;[36]

– the United States of America has placed sanctions on UN officials, specifically the Special Rapporteur on Human Rights in the Occupied Palestinian Territories, Francesca Albanese.[37] The US justification for the sanctions explicitly referred to her "efforts to prompt International Criminal Court action against US and Israeli officials, companies and executives". As the sanctions are a response to her UN mandate work, they raise significant doubts about respect for the privileges and immunities granted under the 1946 Convention on the Privileges and Immunities of the United Nations to UN officials and experts. The Special Rapporteur and her family (some of whom are US nationals) have successfully challenged the imposition of these sanctions before the US Courts, which temporarily blocked the sanctions, finding that the US Administration had likely violated Ms Albanese's free speech rights by imposing the measures after she criticised Israel for its conduct in Gaza. However, the US appeals court has determined that the sanctions should remain in place pending appeal.[38] The sanctions were therefore reimposed and remain in force pending these proceedings;

– Israel, on 28 October 2024, prohibited a UN agency, the United Nations Relief and Works Agency for Palestine Refugees (UNWRA), from working in Israeli territory and in the Palestinian territories. The UN General Assembly sought an advisory opinion from the International Court of Justice (ICJ) to clarify Israel's obligations.[39] On 22 October 2025, the ICJ concluded that Israel is under an obligation to cooperate in good faith with the UN, must not impede the activities of UN entities, including UNRWA, and must respect the privileges and immunities of the UN, its agencies, personnel, premises, etc., in accordance with Article 105 of the UN Charter and the 1946 Convention on the Privileges and Immunities of the UN.[40]

21. The Statement of the UN human rights experts unconditionally denounced the sanctions on a Special Rapporteur:

> *"Sanctioning the Special Rapporteur for fulfilling this responsibility, which is mandated by the Human Rights Council, is a direct attack on the integrity of the UN human rights system. These measures violate international law, including the 1946 Convention on the Privileges and Immunities of the United Nations. The 1946 Convention accords UN experts such privileges and immunities as are necessary for the independent exercise of their functions. Violating this framework sends a dangerous message, threatens the independence of the Special Procedures system and has a chilling effect on global human rights advocacy. States that disagree with the views of UN experts should constructively engage with them through established processes of diplomatic dialogue".*[41]

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35. "ICC Takes Preventive Measures Against Threat Of US Sanctions" - i24NEWS.
36. "Russia designates Register of Damage against Ukraine as undesirable organization", Kyiv Independent, Article of 7 February 2025; "Russian authorities designate the World Organisation Against Torture (OMCT) as an 'undesirable' organisation", FIDH, 21 May 2026. The list of 'undesirable' organisations includes most major human rights NGOs, universities, political parties (e.g. ALDE), think tanks and others.
37. "U.S. Sanctions UN's Francesca Albanese in Unprecedented Move After UN Watch Campaign" - UN Watch, 9 July 2025; "US sanctions on Special Rapporteur Francesca Albanese threaten human rights system: UN experts", 8 August 2025.
38. See "Federal judge blocks US sanctions against UN expert on occupied Palestinian territories", The Guardian, 14 May 2026; US Treasury notice; "Appeals Court Keeps Sanctions on Francesca Albanese in Force, Signals Major Weakness in Her Case" - UN Watch, 16 June 2026.
39. "UNRWA banned by Israel: the UN calls for international justice", article dated 15 April 2025.
40. ICJ Advisory Opinion - Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory (A/80/502) - Question of Palestine.

22. Media reports have also suggested that the US administration was considering sanctions against national judges of the Council of Europe member States. Mr Peimane Ghaleh-Marzban, the President of the Paris judicial court stated that if such claims were proven true or were to materialise, they would constitute "an unacceptable and intolerable interference in [France's] internal affairs, which should provoke condemnation from the public authorities".[42]

23. There have been other US threats and sanctions – three Palestinian human rights organisations have been sanctioned for cooperating with the ICC,[43] and separate sanctions relate to the EU Digital Services Act, including the sanctioning (visa bans) of British, French and German nationals – former EU Commissioner Thierry Breton and non-governmental organisations (Imran Ahmed, who leads the Center for Countering Digital Hate (CCDH), Clare Melford, at the head of the Index for Misinformation (GDI) based in the UK, Anna-Lena von Hodenberg, founder of HateAid, a German NGO, and Josephine Ballon, also from HateAid).[44] These US sanctions targeted European officials and NGOs acting to counter online hate speech and misinformation campaigns.

24. Attacks on international institutions and international and national judges therefore go beyond the ICC – affecting UN bodies and Council of Europe bodies, amongst others. Threats to one organisation charged with acting in defence of international law therefore have repercussions and implications for all such organisations, which may face similar threats and efforts to attack international staff and office-holders. Solidarity – including moral, practical and diplomatic support – is thus crucial.

5. Role of the international community in countering such threats

5.1. Role of the international and legal community in supporting international justice institutions and in correcting misleading narratives

25. Attacks on international organisations central to the international rules-based order are an attack on the international rules-based order itself. Whilst a State or other actors can always seek to improve the functioning of an international organisation or body and engage with it through the established channels, this is no reason to fundamentally undermine international justice institutions, judicial independence or the rule of law.

26. One basic means of support to organisations facing such threats is through statements condemning attacks on their staff and supporting their work in upholding the international order. Support from States Parties and other international organisations is crucial, to express solidarity and also international condemnation of such practices. Support can come from:

– States Parties to the ICC[45], both individually and through resolutions and declarations by the Assembly of States Parties to the ICC, such as the Declaration of 3 December 2025, which reiterated the States Parties unwavering support for the ICC, their commitment to uphold and defend the principles and values of the Rome Statute and their grave concern at attempts to undermine the independence of the ICC through threats, coercive measures and cyber activities;

41. "US sanctions on Special Rapporteur Francesca Albanese threaten human rights system: UN experts", Statement of 8 August 2025. See also: "A Rash Move: U.S. Sanctions Undermine the Privileges and Immunities of UN Special Rapporteurs" - Opinio Juris.
42. "French judges alarmed by rumours of US sanctioning magistrates who sentenced Le Pen", 8 January 2026, Le Monde.
43. "UN experts dismayed by US sanctions against Palestinian human rights organisations" | OHCHR.
44. "US sanctions former EU commissioner and four Europeans over efforts to curb online hate speech", 24 December 2025.
45. For example, the statement by the Foreign Ministry of the Netherlands of 14 July 2026; the statement by the German Foreign Minister, Johann Wadephul (CDU) on 15 July 2026.

– International Organisations, such as the EU,[46] the Council of Europe[47] and UN experts:

- the EU Council Conclusions of 19 June 2026 stated:

> *"the European Council reaffirms the European Union's support for the institutions upholding international law, including by effectively protecting international courts and their officials from any threats or sanctions, and in this regard underlines the importance of unimpeded access to financial and other services";*

- the EU High Representative statement on 15 July 2026 reaffirmed the EU's unwavering support for the ICC, called on all States to ensure full cooperation with the ICC and emphasised that the independence, impartiality and effective functioning of the ICC must be preserved and protected, so that the Court can carry out its mandate free from pressure, intimidation or interference;[48]

- the UN experts stated in response to US measures against ICC Officials:

> *"International standards provide that lawyers and justice personnel should be able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; and should not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics";*[49]

- the UN human rights experts stated in response to the intimidation of ICC officials by the Russian Federation, in which they call the convictions *in absentia* "a flagrant violation of international law":

> *"These convictions are legally null and void under international law… It is an unprecedented attempt to criminalise the exercise of independent judicial and prosecutorial functions of an international court… Threats against the ICC promote a culture of impunity and send a dangerous signal, implying that States can use domestic jurisdictions to intimidate those tasked with investigating and prosecuting the most serious crimes under international law… No State may invoke sovereignty to shield itself from accountability… Attempts by Russia or other UN Member States to undermine the ICC through reprisals against judicial independence and intimidation of the ICC's officials must end... These efforts to dismantle the architecture of international justice set a dangerous precedent of undermining international law – allowing politicisation and avoidance of accountability";*[50]

– legal scholars, commentators and associations play an essential role in correcting misleading narratives:

- as Kenneth Roth, former executive director of Human Rights Watch, explained on social media:

> *"Trump declares war on the International Criminal Court. He claims it is to preserve sovereignty, but the ICC operates only on territory where the national government has given it permission. Trump wants to override those governments' sovereignty by claiming the right to commit war crimes on their territory with impunity… Rubio is dressing up his quest for impunity for American war crimes abroad under the label of national sovereignty, which ignores the sovereign right of other nations to invoke the ICC for crimes committed on their territory… He makes it sound like the ICC acts out of the blue anywhere it wants when in fact it acts only against crimes committed on the territory of states that have invited it";*[51]

- the Council of Bars and Law Societies of Europe (CCBE) issued a statement in support of the International Criminal Court in response to sanctions imposed by the US administration on 22 July 2026.[52]

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46. For example, the statement on X by Mounir Satouri, the Chair of the Sub-Committee on Human Rights of the European Parliament on 21 August 2025; the Statement by the EU High Representative, dated 24 August 2025.
47. For example, Committee on Legal Affairs and Human Rights Declaration on the coercive measures imposed on judges and prosecutors of the ICC.
48. Statement of 15 July 2026.
49. "US sanctions on ICC officials undermine independence of tribunal and justice for victims: UN experts" | OHCHR, 22 August 2025. See also "USA: UN expert demands withdrawal of sanctions against ICC judges and procedures, calls for repeal of executive order", 26 January 2026.
50. "Russia must end reprisals and intimidation of ICC Prosecutor and judges: UN Special Rapporteurs" | OHCHR, 4 February 2026.

5.2. Role of the international community in putting in place protective measures

27. Over-compliance with sanctions imposed by a foreign State has led to companies operating within Europe refusing to provide services to judges in Europe. European States should develop more robust legal frameworks to prevent such unilateral sanctions from producing extraterritorial effects affecting purely internal European business. There is no reason that US administrative measures should prevent European citizens from living their daily life in Europe. Measures to counteract such effects can be administrative or legal.

28. The Court of Justice of the European Union (CJEU) has made this clear in its recent judgment "Jenec"[53], following a preliminary reference from a Slovenian court, in which the CJEU specified that inclusion on a United States sanctions list is not sufficient, on its own, for a refusal to open a bank account by a person legally residing in the European Union. The CJEU determined that such a refusal is possible only following an individual assessment, carried out by the bank, of the risk of money laundering and terrorism financing.

29. States should engage further with service providers offering services within their jurisdictions to ensure that those service providers profiting from access to the markets within their jurisdiction do not then use that access and market share to give effect to coercive measures against international judges and prosecutors. Thus, national governments should be engaging with service providers to ensure European sovereignty is maintained.

30. Initially such engagement with service providers should of course be undertaken through dialogue and guidance for service providers. However, if that does not yield successful or timely results, alternative legal measures should be put in place to protect European societies from service providers' over-compliance with third-State sanctions and from the coercive effects of those sanctions.

31. States and international organisations can introduce measures to counter unlawful sanctions and reprisals and to protect individuals from such measures. For example, EU Council Regulation (EC) No 2271/96 (as amended) – often referred to as the 'EU Blocking Statute' – is intended to protect against the effects of the extra-territorial application of legislation adopted by a third country.[54] This Regulation, however, could benefit from being (i) supplemented by practical guidance for service providers (both to cover circumstances when the Regulation has been applied to a given situation and when it has not); (ii) updated to be more effective; and (iii) complemented by ensuring that equivalent protections apply across the Council of Europe legal space.

32. It is important that any tool introduced is able both to send a clear message and to actually protect those affected. There are concerns that the EU measures are not sufficiently robust in the face of current threats and the attitudes of service providers benefitting from access to EU markets. The Assembly could usefully encourage the EU and other States to develop and strengthen such protective measures, and to ensure that they can be deployed effectively to protect international organisations and their staff in carrying out their work to defend international law and international human rights.

33. Separately, it may be necessary to ensure that sufficient European businesses exist to provide the relevant services in a manner that can be more resilient in the face of threats from the USA. Work on developing European tech companies will be necessary to ensure better European resilience to the risks of over-reliance on US tech companies, for example. States should thus act to support innovative initiatives to enhance strategic autonomy of institutions based in Europe, such as the development of alternative technology and banking solutions that are less vulnerable to the actions of non-Council of Europe member State actors:

– ZenDiS is one such example of efforts to secure digital sovereignty and viable alternatives to over-reliance on US technology companies;[55]

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51. Statements on X by Kenneth Roth.
52. CCBE statement on 22 July 2026.
53. CJEU Case C-81/24, Jenec, see press release.
54. Council Regulation (EC) No 2271/96 (as amended) of 22 November 1996 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom. The European Parliament has called for the Blocking Statute to be activated: Parliamentary question | "The European Parliament's call to trigger the blocking statute to protect and safeguard the International Criminal Court" | E-000718/2026 | European Parliament. See also: "Spain asks European Commission to block US sanctions on ICC" | Reuters.
55. Zendis is the centre for Digital Sovereignty in Public Administration (ZenDiS) whose mission, in Germany, is to "support federal, state and local authorities in freeing themselves from critical dependencies and securing their ability to act".

– it could similarly be necessary to develop banking and payment alternatives, for instance by reducing European reliance on Visa/Mastercard for transactions, given their vulnerabilities.

5.3. Practical considerations for international organisations

34. Given that threats to individuals and entities potentially extend to all international organisations – noting threats already expressed to the UN, ICC and Council of Europe – it is appropriate for all international organisations to assess their level of vulnerability to risks and threats and to take appropriate actions to remove – or at least reduce – the potential impact of those risks, both on their staff and on the work of the organisation.

35. Further, international organisations should be more proactive in exchanging good practices and creative solutions in protecting themselves against such threats. In particular, consideration should be given to diversifying service providers used by international organisations to help to bolster resilience to the risks of third-country sanctions.[56]

5.4. Legal and diplomatic considerations

36. There are 125 States Parties to the International Criminal Court Statute, and even more member States of the UN, whose bodies are also being threatened by US sanctions. The States Parties of these organisations, collectively and individually, must do more to support the international bodies threatened by State actors that are hostile to the idea of international accountability for the most serious violations of international law – genocide, crimes against humanity, war crimes and the crime of aggression. Without a resolute position of the international community, there is a risk that all of the progress that arose from the ashes of World War II will be undone, which would be a betrayal of the memories of those who suffered such atrocities and of the victims of such crimes today, in Ukraine, in Palestine and in many other parts of the world.

37. The principle of non-intervention in matters within the domestic jurisdiction of States is well established in international law.[57] However, the US and the Russian Federation seek to interfere in the independent functioning of international organisations of which they are not members. Given that attacks on international organisations central to the rules-based international order are attacks on the international rule of law, there may be a case for further developing the principles of international law concerning attempts by non-member States to interfere coercively with the independent exercise of an international organisation's mandate. This could be an area for the progressive development of international law.

38. Each international organisation has its own provisions for privileges and immunities designed to protect it from undue interference by States or other actors. It could be useful for international organisations and their host States to exchange best practice – including in relation to privileges and immunities protections and the extent to which good practices from one international organisation could be used or transposed to another in order to best protect the staff and functioning of these organisations against hostile actors. The privileges and immunities protections put in place decades ago may no longer be adequate to respond to the threats of the current era in light of the increasing internationalisation of the global economy and thus of threats from non-member States.

39. There is also the possibility of challenges to the legality of the US sanctions. These sanctions target individuals (nationals of Benin, Canada, Fiji, France, Georgia, Mongolia, Peru, Senegal, Slovenia, Uganda and the United Kingdom) for performing their roles as international prosecutors and judges in investigations into alleged international crimes committed on the territories falling within the jurisdiction of the ICC (in the relevant cases Afghanistan and Palestine). The US has not made clear whether it considers there is any basis, under international law, for enforcing these sanctions. It is also far from clear that these sanctions are legal under domestic US law. A similar logic applies to sanctions the US has introduced against UN Special rapporteurs for undertaking those UN mandates and for exercising the right to free speech.

40. Challenges have been brought before US Courts already (as mentioned above). Further consideration could also be given to the availability of international jurisdiction for resolving these issues – for example were the States whose nationals are affected to bring a legal challenge before the ICJ or another international forum to review their legality. The US has a strong legal tradition and a historical record of engagement in

56. "Europe's Growing Fear: How Trump Might Use U.S. Tech Dominance Against It" - The New York Times, article of 20 June 2025.
57. See UNGA Resolution 2625 (XXV) (1970) Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

international criminal law – indeed the US was heavily involved in the previous attempts to seek accountability for war crimes (such as in the Nuremberg Tribunal and in the establishment of the *ad hoc* tribunals for the former Yugoslavia and Rwanda). It might therefore be hoped that a legal challenge could help to address these concerns. The US is, for example, a party to certain treaties which grant compulsory jurisdiction to the ICJ.[58] However, it remains to be seen whether any of those treaties could provide a sufficient jurisdictional basis for proceedings before the ICJ regarding the measures at issue.

41. Thought should also be given to the possibility of challenging the legality of the convictions *in absentia* by the Russian Federation. These convictions target individuals (nationals of Benin, Costa Rica, Germany, Italy, Japan, Peru, Poland, Tunisia and the United Kingdom) for performing their official functions as international prosecutors and judges in connection with investigations into alleged international crimes falling within the jurisdiction of the ICC (in the relevant case, committed on the territory of Ukraine). These States could consider – individually or collectively – seeking a method for bringing a challenge before the ICJ or another forum to review the legality of the actions of the Russian State.

42. Consideration should also be given to the effectiveness of Article 70(1)(e) of the Rome Statute which provides that it is an offence against the administration of justice to "retaliat[e] against an official of the Court on account of duties performed by that or another official".

5.5. Role of the host State

43. The Netherlands is the host State for a significant number of international legal institutions including the International Court of Justice and the ICC. As such, the Netherlands as the host State has sought to assume its responsibilities to support the ICC. Through my meetings with the Ministry of Foreign Affairs of the Netherlands, I was reassured that the relevant team were committed in their active support of the ICC.

44. Such support can be practical or legal in nature, for example in relation to the recent cyber-attacks.[59] It can also be displayed through public messages and statements, where the Ministry of Foreign Affairs has highlighted that the ICC is "the embodiment of the idea that the prosecution of the most serious crimes is a shared responsibility of the international community. In this way, these crimes do not go unpunished".[60]

45. Some Dutch MPs believe, however, that the Netherlands should do even more, noting "as a host country, we must oppose the intimidation of a criminal court" and should encourage the use of the EU Blocking Statute to protect the ICC from US sanctions.[61] Of course, support is an ongoing endeavour and it is therefore important that Members of Parliament and the Government continue to propose and act on ideas to better support the institutions hosted by the Netherlands, particularly in light of the unprecedented threats that the ICC currently faces.

46. Additionally, it could be useful to consider which tools could help host States to protect international organisations in their territories against attacks by third States. Given that a number of international organisations have host States that are members of the Council of Europe – noting, for example, the UN bodies based in Switzerland; the Council of Europe, the EU, the OECD, Interpol and the UN bodies based in France; the International Tribunal for the Law of the Sea and the UN bodies based in Germany; the OSCE and various UN bodies based in Austria; the ODIHR based in Poland; the international courts in the Netherlands; the EU institutions and NATO in Belgium; and the EU institutions in Luxembourg – it could be useful for these countries to exchange good practices on how to ensure that international organisations based in their States are given appropriate support to be resilient to future threats.

6. Conclusions

47. We all recognise the injustice of impunity for the most heinous atrocity crimes – not only for the victims but for the international community as a whole; a lack of accountability never leads to lasting peace. Some actors in the current era seek to challenge and undermine the foundation of international law and international justice; it is vital that the rest of the international community stands firm. Rather than merely decrying these

58. See "US Sanctions Against the ICC: From Stuper to Action", Dr Cyril Laucci, 19 December 2025, OpinioJuris.
59. Following the 2023 cyber-attack on the ICC – described as a "targeted and sophisticated attack with the objective of espionage", the Netherlands helped to ensure that the ICC was better prepared in case of future such attacks and Dutch law enforcement authorities conducted a criminal investigation.
60. See, for example, the statement from the Foreign Ministry of the Netherlands of 14 July 2026.
61. D66 MP Hanneke van der Werf - "Ministrie van Buitenlandse Zaken bezorgd over harde Amerikaanse aanval op ICC", Internationaal, 14 July 2026.

actions, I have sought for this to be a forward-looking report that considers how best to support multilateral rule-of-law institutions against such risks, and how to future-proof international organisations from these threats. As this report is conducted within the context of the Council of Europe, specific thought has necessarily been given as to how to protect Europe-based international organisations from such external threats.

48. As work on this report has progressed, efforts towards a constructive and forward-looking report have become increasingly difficult given the increasingly brazen conduct of those States that seek to dismantle the system of international justice. Indeed, the ICC continues the work of earlier international criminal courts, beginning with the Nuremberg Tribunal – and the legacy of renowned jurists such as Hersch Lauterpacht, Robert H. Jackson, Sir Hartley Shawcross, François de Menthon or Auguste Champetier de Ribes. The actions targeting its prosecutors and judges is the modern-day equivalent of targeting those individuals. Seeking to undo the accountability and international justice protections that they fought for and which the world has benefited from since the Second World War is a betrayal to all the victims of atrocity crimes during World War II and since.

49. The unprecedented interference with and persecution of ICC international judges and prosecutors is not a self-contained matter. These threats may also extend to national criminal judges in Council of Europe member States. Moreover, through conversations with diplomats and others, it is clear that the international community is conscious that these threats are not limited to either the ICC or its judges; the threats could extend to other multilateral organisations – whether based in Europe or elsewhere. There is a widely held view in the international community that the ICC is just the first test case and that, unless it is properly defended, other international organisations and national courts may be targeted next.

50. If such actions are enabled or allowed, the international rules-based order will risk coming to an end with a tragic return to the brutality of previous centuries. It is therefore incumbent on the international community to act, in concert, to prevent such threats and to ensure sufficient resilience and autonomy so that international organisations, especially multilateral organisations striving to uphold the rule of law and the system of international justice, are resilient to such threats in the future.

51. Threats to the staff of international organisations whose mandate it is to uphold international law, and to react in response to the most egregious violations of international law, are necessarily a threat to the rule of law and to the international legal order. This measures attack prosecutors and judges who have dedicated their lives to serving others and ensuring accountability for the most heinous crimes. They are being threatened for merely servicing international justice and for standing up for people whose rights have been abused in the most heinous ways.

52. Whilst a State may, at times, disagree with the conclusions of an international organisation on a given topic, there are appropriate diplomatic avenues through which to express such disagreements. Attacks on staff of international organisations for merely dutifully undertaking their international mandates are not an appropriate response to a policy or legal disagreement. These concerns are not restricted to the ICC – there is a credible and broadly held concern that the ICC is the first target of the attacks on the international justice system, and unless the international community reacts effectively, others will be next.

53. I consider that there is scope for improving knowledge-sharing, solidarity, support and sharing best practices as to actions that should be taken by the international community, international organisations affected by such measures, and host States of affected international organisations.

54. Practical, legal and diplomatic measures are all part of a package of potential responses to protect the staff and officials of international organisations, as well as the international organisation themselves, from such threats. Such measures should be proactive to ensure the resilience of the international legal order, as well as reactive in individual cases.