

European lawyers call on the EU to protect the International Criminal Court

The European Union must do more to protect the International Criminal Court from US sanctions, according to bar associations. “Not only is the Court under threat, but European sovereignty is as well.”



Source: front page Dutch newspaper [Trouw](#), 24 August 2026

It is high time for concrete European action to protect the International Criminal Court (ICC) in The Hague from US sanctions. That is the view of the Council of Bars and Law Societies of Europe (CCBE), which represents European bars and law societies, including the Netherlands Bar. Last Tuesday, the United States announced new sanctions against the ICC. This time, they target the Court's President, Japanese judge Tomoko Akane, and Abdoulaye Seye, a Senegalese Senior Trial Lawyer in the ICC's Office of the Prosecutor.

Previously, eight ICC judges, the Prosecutor, and his two deputies had already been placed on the US sanctions list. As a result, they are unable to use credit cards or other banking services, even within Europe. They cannot book travel or hotels online, nor can they use American technology services such as Gmail. The ICC's work has also been hampered by an executive order issued by US President Donald Trump last year. Under those sanctions, virtually all organisations and individuals are prohibited from cooperating with the ICC.

The ultimate goal is the dismantling of the ICC

According to US Secretary of State Marco Rubio, Akane and Seye are being sanctioned because they support the Court in “prosecuting individuals from countries that do not recognise the ICC's jurisdiction.” He was referring to Israelis, including Prime Minister Benjamin Netanyahu and former Defence Minister Yoav Gallant, against whom arrest warrants have been issued, as well as Americans under investigation for alleged war crimes in Afghanistan.

Israel and the United States are not parties to the ICC, but Palestine and Afghanistan are. Because the alleged crimes under investigation took place in those territories, the ICC has jurisdiction over them. Trump considers this an infringement of the sovereignty of the United States and its ally Israel. According to him, it even undermines national security. Rubio stated last month that the ultimate objective is the complete dismantling of the ICC.

What is happening behind the scenes?

The new sanctions were swiftly condemned by, among others, Japan, the European Union and the Netherlands. Dutch Minister of Foreign Affairs Tom Berendsen said he “disapproves” of the sanctions. He told Dutch broadcaster NOS that the Netherlands is doing everything it can “behind the scenes” to mitigate their impact. However, the CCBE sees too little evidence of concrete action being taken, according to Secretary General Simone Cuomo. In July, the European umbrella organisation therefore issued a statement calling for action by the EU. “Individuals subject to sanctions must be protected, for example by ensuring alternative payment mechanisms and providing financial and technical support,” Cuomo said.

More concrete measures

In addition to protecting the ICC and its staff, the CCBE is calling for clear guidance for European companies, such as banks and insurers, which are unnecessarily complying with US sanctions. One possible solution would be for the European Commission to adopt a blocking regulation. Such a regulation would prohibit organisations and individuals within the EU from complying with those sanctions. Several ICC member states, NGOs that support the Court’s work, and ICC staff members have already voiced support for this approach.

Proactive and preventive measures are needed to ensure that the effects do not spread like an oil slick and paralyse the entire justice system. “We believe this is a measure that should be given very serious consideration because it is a concrete step,” said Sanne van Oers of the Netherlands Bar (NOvA), who is also represented within the CCBE. Both NOvA and the CCBE advocate measures to reduce dependence on the United States for financial and digital services in the near future. “That is precisely why these sanctions currently have such far-reaching effects,” Van Oers said.

A chilling effect

If clearer countermeasures are not introduced, Van Oers and Cuomo fear that the United States may not stop at targeting the ICC. “These kinds of sanctions have a chilling effect,” Van Oers said. “Proactive and preventive measures are needed to ensure that this does not spread like an oil slick and have a paralysing effect on the entire justice system.”

Cuomo agrees that this is a real risk. “There have already been cases in member states where the United States signalled its disagreement with certain judicial decisions. It cannot be ruled out that sanctions may eventually also be imposed on national judges if sufficient resistance is not offered now. Simply letting this happen and limiting the response to verbal condemnation is not enough.”