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Monday 9 November 2026

Dear President von der Leyen,

## Subject: To protect the International Criminal Court, activate EU Blocking Statute and safeguard the Court from interference

We are writing to you on behalf of ten members[1] of the International Network of Civil Liberties Organizations (INCLO), a global network of major national civil liberties organizations that come together to strengthen the international human rights movement.

We are writing in response to the United States' announcement on 9 October 2026 of new sanctions against the International Criminal Court (ICC) as an institution[2]. Whilst the ICC has demonstrated resilience and resourcefulness throughout a long-standing U.S. campaign against it, the new sanctions represent a major intensification and threaten its capacity to carry out its core functions. We urge you to match this escalation with a renewed diplomatic, legal, and policy effort to protect the court, including through the urgent activation of Council Regulation (EC) No 2271/96 (hereinafter, the 'EU Blocking Statute').

[1] The American Civil Liberties Union (United States of America), the Canadian Civil Liberties Association (Canada), Centro de Estudios Legales y Sociales (Argentina), Conectas Direitos Humanos (Brazil), Dejusticia (Colombia), the Irish Council on Civil Liberties (Ireland), the Human Rights Law Centre (Australia), the Hungarian Civil Liberties Union (HCLU), the Kenya Human Rights Commission (Kenya), and the Legal Resources Centre (South Africa).
[2] Available at: https://www.state.gov/releases/office-of-the-spokesman/2026/10/imposing-sanctions-on-the-international-criminal-court

This letter follows up our prior correspondence on the subject, dated 31st August 2026[3].

The new sanctions are part of an ongoing legal and diplomatic campaign by the United States to dismantle the ICC 'brick by brick'[4]. As national human rights organizations working across every region of the world, we regard the ICC as a cornerstone of the international rule of law, accountability, and respect for human rights, which underpin our work at national and regional level. For many survivors of the gravest human rights violations, the Court has offered the only avenue to justice and remedy, and its continued existence and effectiveness stand as a deterrent against further atrocities.

Match the escalation in the U.S. campaign by activating the EU Blocking State

We welcome the EU's continued financial and political support for the Court, and the public reaction by the European Commission and the EU to the sanctions announced by the United States, including through the 15-16 October Council Conclusions[5]. As we noted in prior correspondence, the EU has a major role to play in defending the ICC, given that it hosts the Court and has long positioned itself as a champion of international law and human rights on the world stage. The Union itself was established to ensure the worst atrocities in modern history are not repeated.

However, the reaction to the U.S. campaign has so far not matched the scale of the assault on the ICC which is threatening its existence as a functioning institution. In the absence of adequate policy responses, sanctioned individuals and organizations within and outside the EU remain exposed to the weaponization of U.S. dominance over global finance, payment systems, and IT services. We therefore urge all States Parties to the Rome Statute to adopt or activate, without delay, blocking legislation that prohibits operators from implementing the sanctions against the ICC, including the EU Blocking Statute.

Safeguard the ICC from interference

With a prolonged six-month winding down notice and an explicit offer to use that period to negotiate a 'solution', the new sanctions are plainly designed to coerce the ICC and the States Parties to the Rome Statute into shielding the United States and certain allies from ICC investigations. This is despite the extreme gravity of the crimes under investigation, and despite the fact that the events under investigation have taken place within the territory of States party to the Rome Statute where the jurisdiction of the Court is firmly established.

While diplomatic engagement with the United States is necessary, entertaining any tailor-made arrangement, or even creating the impression that one is under consideration, would gravely undermine the independence and credibility of the Court and, by extension, the international rule of law and the multilateral system. We therefore urge the EU to state clearly, in diplomatic, policy, and legal communications, that interference with the Court's work is not open to negotiation.

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[3] Available at: https://inclo.net/latest/statements/inclo-letters-to-the-eu-and-the-hague-group-icc
[4] See: https://www.wsj.com/opinion/why-were-dismantling-the-icc-0af0a8a6?mod=opinion_lead_pos5
[5] See: https://www.consilium.europa.eu/media/4tglqede/en-20261016-european-council-conclusions.pdf

Include civil society organizations in the response to the U.S. sanctions

The most recent sanctions add to the existing designation of several ICC judges and staff, a former prosecutor, a candidate judge, a UN independent expert, and three Palestinian human rights organisations.

As we highlighted in our prior correspondence, the targeting of civil society organizations solely for collaboration with an international court constitutes an unprecedented attack on freedom of association and expression, as well as on the international justice system itself. On top of its devastating impact on the target organizations, these sanctions have had a significant chilling effect, at a global level, on entities engaged in the pursuit of international justice for the most serious crimes, and on those who seek to support or cooperate with them.

We therefore urge you to ensure that the three designated Palestinian human rights organizations and any future designated civil society entities fall within the scope of any measure taken to protect the ICC. In particular, the EU Blocking Statute should cover all designated individuals and entities, not only the Court itself or those it directly employs.

Our recommendations

In light of the above, we respectfully urge you to:

- **Condemn the sanctions publicly.** The EU should continue to take a clear public stance, at the highest possible political level, unequivocally condemning in the strongest terms U.S. sanctions against the ICC, its judges, and individuals and organizations that cooperate with it.

- **Reject coercion.** The EU should state publicly that the sanctions cannot be used to coerce the ICC or to interfere with ongoing or future investigations into international crimes.

- **Activate the Blocking Statute. T**he EU should protect individuals and organizations targeted by U.S. sanctions from their extra-territorial reach by immediately activating the Council Regulation (EC) No 2271/96, including by adopting a delegated act to incorporate such sanctions within the regulation.

- **Provide guidance to operators.** The Commission should also Issue interpretive guidance[6] to clarify that EU banks, payment processors, and other operators may not pre-emptively de-risk against ICC staff, judges, or cooperating NGOs, and facilitate concrete banking alternatives for designated individuals and institutions.

[6] The 2018 guidance on the Blocking Statue could serve as precedent: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.CI.2018.277.01.0004.01.ENG

- **Include civil society and independent experts.** Civil society organizations and individual experts, not only the Court and its officials, should be included in any coordinated response to the sanctions.

- **Pursue a coordinated diplomatic effort**. The EU should continue to show leadership in bilateral, regional, and international settings, to protect the ICC, including by:
    - Urgently reaching out to other Member States to prevent withdrawals from the Rome Statute in the context of the US campaign, and to encourage further ratification;
    - Providing strategic, long-term support to, and ensure coordination with, initiatives such as the Hague Group, to ensure cross-regional support for the Court;
    - Seek further engagement on this issue by multilateral bodies such as the UN General Assembly, the Human Rights Council, the UN human rights system, international courts and other regional bodies, to ensure that the multilateral system is clearly positioned against the sanctions and in support of the ICC; and
    - Explore any legal avenues to challenge the sanctions and their legality under international law.

- **Sustain engagement with the United States through public and private channels.** This engagement should aim to secure the withdrawal of the sanctions and an end to the campaign against the ICC.

- **Maintain full operational cooperation with the ICC**. Including the prompt arrest and surrender of individuals subject to ICC warrants regardless of office, nationality, or political sensitivity.

Sincerely Yours,



**Diana Esther Guzman**
**Co-Chair, International Network of Civil Liberties Organizations**