To: Varsha Gandikota-Nellutla, Executive Secretary of The Hague Group, varsha.gandikota@progressive.international

Cc: Coordinator, the Hague Group, thehaguegroup@progressive.international

Monday 9 November 2026

Dear Ms Gandikota-Nellutla,

Subject: The Hague Group must take urgent action to ensure cross-regional support for the International Criminal Court and safeguard it 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 activation of blocking legislation.

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 levels. 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.

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[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

[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

Match the escalation in the U.S. campaign by galvanizing support for blocking legislation

We welcome the Hague Group's global leadership in championing international law, defending international legal institutions, and standing in solidarity with the people of Palestine. Given that the ICC has a major role to play to achieve such aims, we urge the Hague Group to prioritize protecting the ICC and ensuring a robust civic space for organizations that work to secure international accountability for human rights violations against the Palestinian people.

So far, the international reaction to the U.S. campaign has not matched the scale of the aggression. Statements in support of the Court have mostly come from Global North countries, underscoring the need for increased cross-regional support for the Court. Furthermore, in the absence of adequate policy responses, sanctioned individuals and organizations 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 speak out in defence of the court and to adopt or activate, without delay, blocking legislation that prohibits operators from implementing the sanctions against the ICC.

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 all countries to state clearly, in diplomatic, policy, and legal communications, that interference with the Court's work is not open to negotiation.

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 this Secretariat to place the following actions within the agenda of the Hague Group, to ensure that the Member States that integrate it:

- **Condemn the sanctions publicly.** 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.** State publicly that the sanctions cannot be used to coerce the ICC or to interfere with ongoing or future investigations into international crimes.

- **Activate blocking legislation.** Protect individuals and organizations targeted by U.S. sanctions by immediately adopting or activating blocking legislation at the national or regional level - such as the EU Blocking Statute (Council Regulation (EC) No 2271/96) and equivalent legislation elsewhere - which require banks, payment processors, and other operators to not implement the sanctions.

- **Engage operators.** Engage with and provide legal security to banks, payment processors, and other operators to ensure that they do not pre-emptively de-risk against ICC staff, judges, or cooperating NGOs, and facilitate concrete banking alternatives for designated individuals and institutions.

- **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**. Act 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;
    - 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.
    - 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.** Aim to secure the withdrawal of the sanctions and an end to the campaign against the ICC.

- **Maintain full operational cooperation with the ICC**. Support 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