



By: Tomorrow's Affairs Staff

America against international justice – what do the new sanctions against the ICC mean?



When Washington **extended** the sanctions against four high-ranking officials of the International Criminal Court in The Hague (ICC) on 20 August, many saw this as a repeat of a conflict that is more than two decades old.

Nevertheless, the Trump administration's current move opens up a new dimension – not only as a continuation of the American challenge to universal jurisdiction, but also as an attempt to subjugate international law to the logic of power and interest.

The US Treasury Department's list **includes** names that speak for themselves in terms of the scale of the problem: judges Kimberly Prost from Canada and Nicolas Yann Guillou from France, as well as deputy prosecutors Nazhat Shameem Khan from Fiji and Mame Mandiaye Niang from Senegal.

They are all directly **involved** in cases that touch on two of the most sensitive issues in American foreign policy – the investigation of war crimes in Afghanistan, which includes the actions of American personnel, and the proceedings related to the war in Gaza, including the arrest warrants against Israeli officials.

“A flagrant attack”

The legal framework is clear: Executive Order 14203, which Trump **signed** in February of this year, created an independent sanctions system against the ICC.

It provides for the punishment of any official or employee of the Court who, in Washington's interpretation, attempts to persecute American citizens or close allies.

Based on this order, the Office of Foreign Assets Control (OFAC) **placed** the above-mentioned judges and prosecutors on the SDN list on 20 August.

At the same time, General License No. 9 was **issued**, giving entities until 19 September to “delete” existing financial relationships with sanctioned persons.

The mechanism itself is not new – sanctions mean freezing assets and prohibiting transactions in the US financial system – but the effect goes far beyond this.

The ICC reacted immediately, describing this as a “flagrant attack on the independence” of a judicial institution

In practice, banks outside the US also frequently terminate their relationships with designated persons to avoid the risk of subsequent sanctions.

This disrupts, if only indirectly, the day-to-day work of the court: from contracts and payments to travel orders and logistics.

The ICC reacted immediately, **describing** this as a “flagrant attack on the independence” of a judicial institution.

The United Nations has **expressed** concern that this undermines the core mission of the institution – the prosecution of the most serious crimes where national systems fail.

The European Union reaffirmed its support for the ICC, while Belgium urged Brussels (EU) to implement additional protective measures.

France and Canada – countries whose citizens are directly affected – have **expressed** their displeasure and indicated that they will seek an institutional response.

Beyond the financial pressure

There is another story in the background. Since the establishment of the Court in 2002, the US has never ratified the Rome Statute and has always denied the Court's jurisdiction over its own nationals.

In the era of Donald Trump, sanctions were already imposed on certain prosecutors in 2020, which were **lifted** by Joe Biden's administration in 2021.

The return of the Republicans to the White House in 2025 brought with it not only a renewal but also an institutionalisation of this course – [EO 14203](#) was broader and more aggressively enforced than previous regimes.

It sends the signal that universal jurisdiction is only valid as long as it does not interfere with the interests of the big players

The American statement remains the same: the ICC has no mandate to try citizens of states that are not parties to the Rome Statute.

But the very choice of the timing and the persons against whom the sanctions were imposed clearly shows that they are aimed at two fronts – protecting American soldiers and protecting Israel from arrest warrants.

The consequences go beyond the financial pressure itself. It is, essentially, an attempt to create a "chilling effect": a message to international judges and prosecutors that they will come under fire if they try to prosecute powerful states.

This has an impact not only on the Hague institution but also on the broader framework of international norms, as it sends the signal that universal jurisdiction is only valid as long as it does not interfere with the interests of the big players.

A symbolic dividing line

The European Union is now facing a test. Brussels has already hinted at the possibility of applying the so-called blocking statute [mechanism](#), which would neutralise the extraterritorial effects of American sanctions on European soil.

Should such steps actually be taken, this would mean an open collision with Washington in the area of law and finance, which would be comparable in significance to trade disputes or conflicts over digital regulations.



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The coming months will be decisive. The deadline set by General License No. 9 expires on 19 September, and it remains to be seen whether the US administration will extend the list or introduce additional secondary measures.

In parallel, cases have already been filed in US courts challenging the constitutionality of the executive order, arguing that it interferes with freedom of speech and exceeds the powers of the executive branch.

The outcome of these proceedings could influence the scope and duration of the regulation.

However, the political dimension remains the most important. While Washington emphasises that it is protecting its own sovereignty and the interests of its allies, Europe and international organisations see an attempt to subjugate justice to force.

This raises, perhaps more than in some previous disputes, a fundamental question: Can international justice exist as a universal framework, or will it remain an instrument for medium and small states, while large states continue to challenge it when it does not suit them?

In any case, the August sanctions against the judges and prosecutors of the ICC are not a mere diplomatic incident.

They are a symbolic dividing line between two concepts of international order: one in which the law has universal validity and the other in which power determines the limits of the law. And this line will decide in the coming period how much the idea of international justice is worth in a world in which the powers are increasingly openly imposing their will.