

***NON-GOVERNMENTAL ORGANIZATIONS, FAITH-BASED GROUPS, LEGAL PROFESSIONALS, EXPERTS,  
AND FORMER GOVERNMENT OFFICIALS UNEQUIVOCALLY OPPOSE U.S. SANCTIONS AGAINST THE  
INTERNATIONAL CRIMINAL COURT (ICC)***

September 21, 2020

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The undersigned organizations and individuals write to express grave concerns and unequivocally oppose the Trump administration's use of the sanctions authority of the United States to attack the International Criminal Court (ICC), an independent judicial institution dedicated to combatting impunity for the gravest crimes known to humanity.

Many of the undersigned spoke out against steps in this direction taken earlier this year by the U.S. administration. We now issue this further statement because it is uniquely dangerous, extreme, and unprecedented to utilize a mechanism designed to penalize criminals, their aiders, and abettors, against an independent judicial institution. Asset freezes and entry restrictions are tools intended to combat individuals and entities constituting a threat to U.S. national security. By applying these measures to a court that 123 countries – and on two occasions, the United Nations Security Council – have entrusted with providing accountability for atrocity crimes, the United States has brought upon itself the stigma of siding with impunity over justice. The administration's actions jeopardize the ability of desperate victims to access justice, weaken the credibility underpinning the use of sanction tools in other contexts, and put the United States at odds with its closest allies.

The ICC represents and constitutes part of a global system of international justice of which the United States was a chief architect at Nuremberg and beyond. Today, the ICC, alongside other tribunals, regional mechanisms, and national courts, is carrying forward these efforts through investigations and prosecutions that could help realize justice for atrocity victims from Sudan to Myanmar. As a court of last resort, the ICC only can intervene when and where a State has demonstrated unwillingness or inability to hold its nationals to account for crimes within the Court's jurisdiction. The ICC therefore provides an essential backstop for victims who have no other recourse to justice. The use of sanctions has the potential for wide-reaching impact against this institution dedicated to advancing justice for victims.

At an historical moment when the global rule of law is under attack from multiple fronts, institutions like the International Criminal Court are needed more than ever to advance human rights protections and the universal goal of preventing future atrocities. Instead, these sanctions send a signal that could embolden authoritarian regimes and others with reason to fear accountability who seek to evade justice. It is essential that the United States answer any allegation of wrongdoing in a manner that does not betray the cause of global justice, abandon international cooperation, or compromise support for human dignity and rights.

As human rights, legal, and faith-based organizations, as well as individuals who have dedicated their careers to these causes, we call upon the U.S. government to rescind the Executive Order authorizing sanctions and return to constructive engagement with the ICC. We urge other governments, Members of Congress, and advocates for victims everywhere to raise their voices to oppose these measures. We invite allies of justice to join us in standing against these destructive measures/attacks.

The Advocates for Human Rights  
American Civil Liberties Union (ACLU)  
American Jewish World Service  
Amnesty International USA  
Center for Civilians in Conflict (CIVIC)  
Center for the Study of Law and Genocide, Loyola Law School  
Cornell International Human Rights Clinic  
Darfur Women Action Group  
Freedom Forward  
Global Centre for the Responsibility to Protect  
Global Justice Center  
Global Justice Clinic, NYU School of Law\*  
Human Rights Center, University of California, Berkeley School of Law  
Human Rights First  
Human Rights Institute, Georgetown University Law Center  
Human Rights Watch  
International Center for Transitional Justice  
International Criminal Court Alliance  
International Criminal Court Student Network  
J Street  
Leitner Center for International Law and Justice, Fordham Law School  
The Maryknoll Office for Global Concerns  
Never Again Coalition  
Pax Christi USA  
Physicians for Human Rights  
Project Blueprint  
The Promise Institute for Human Rights, UCLA School of Law  
Robert F. Kennedy Human Rights Center  
The Sentry  
Syria Justice & Accountability Center  
United Church of Christ, Justice and Witness Ministries  
The United Methodist Church – General Board of Church and Society  
United Nations Association - Greater Philadelphia  
U.S. Campaign for Burma  
Victim Advocates International  
Win Without War  
World Federalist Movement/Institute for Global Policy (WFM/IGP)  
World Without Genocide at Mitchell Hamline School of Law

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\* *Endorsement by the Global Justice Clinic (GJC) does not reflect the institutional views, if any, of NYU.*

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*Affiliations of individuals are for identification purposes only.*

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Yasmine Chubin  
Former Trial Lawyer, Office of the Prosecutor, ICC (2014-2017)

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Founding Chief Prosecutor, Special Court for Sierra Leone; Founder, Global Accountability Network

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Professor of Law, Florida International University College of Law

Benjamin B. Ferencz  
Chief Prosecutor, Einsatzgruppen Trial, Nuremberg War Crimes Tribunal

Professor Mark Harrison  
Clinical Professor, Cornell Law School

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Consultant, Wayamo Foundation; Researcher, Munk School of Global Affairs, University of Toronto

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U.S. Ambassador-at-Large for War Crimes Issues (2006-2009)