

U.S. Sanctions Against ICC Judges: A Betrayal of International Justice and the Legacy of “Never Again”

On February 7 and June 5, 2025, the United States, under President Donald Trump and Secretary of State Marco Rubio, denounced the International Criminal Court (ICC) as illegitimate and politicized. They imposed sanctions on ICC chief prosecutor Karim Khan and judges Solomy Balungi Bossa, Luz del Carmen Ibáñez Carranza, Reine Adelaide Sophie Alapini Gansou, and Beti Hohler in retaliation for their roles in investigating Israeli war crimes and crimes against humanity. These measures, which include asset freezes and travel bans, were explicitly designed to retaliate against the ICC's issuance of arrest warrants for Israeli Prime Minister Benjamin Netanyahu and former Defense Minister Yoav Gallant on November 24, 2024, and to preempt potential charges against ministers Bezalel Smotrich and Itamar Ben-Gvir for their roles in promoting illegal settlements and exacerbating the humanitarian crisis in Gaza. This unprecedented interference threatens the court's operations and undermines the global post-Holocaust commitment to universal accountability.

This essay argues that the international community must move beyond verbal condemnation to enforce accountability, including economic and diplomatic sanctions against Israel and the U.S.A., ICC charges against Donald Trump and Marco Rubio, and the activation of the EU's Blocking Statute to protect the court and its officials from U.S. overreach.

Israel's Actions in Gaza: A Case of Genocide

The Genocide Convention of 1948 defines genocide as acts committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group through killing, causing serious bodily or mental harm, or imposing conditions of life calculated to bring about physical destruction. Israel's military operations in Gaza meet these criteria with alarming clarity. The systematic restriction of humanitarian aid, targeted attacks on civilians - including aid workers, emergency services, healthcare workers, and journalists - and the destruction of essential infrastructure like hospitals demonstrate a deliberate intent to inflict conditions aimed at the physical destruction of Palestinians in Gaza and meet the legal definition of genocide under Article II of the 1948 Genocide Convention. The ICC's November 21, 2024, arrest warrants for Netanyahu and Gallant, charging them with starvation as a war crime and crimes against humanity, affirm this legal assessment.

Amnesty International's December 2024 report unequivocally concluded that Israel's siege, which systematically denied Palestinians access to food, water, medical supplies, and fuel, constitutes genocide by creating conditions intended to destroy the Palestinian population. The UN Special Rapporteur on the Occupied Palestinian Territory, Francesca

Albanese, in her March 2024 report *Anatomy of a Genocide*, identified “reasonable grounds” for genocide, citing over 54,607 Palestinian deaths, 100,000 injuries, and the confinement of Gaza’s population to a mere 15 square miles, leading to rampant disease and starvation. Reports of sexual violence in detention camps, such as Sde Teiman, further indicate genocidal intent, targeting the dignity and survival of Palestinians.

Israeli officials’ rhetoric bolsters these findings. President Isaac Herzog’s October 2023 statement, conflating all Palestinians with Hamas, suggests an intent to target an entire group, not merely combatants. Minister Smotrich’s call “not a single grain of wheat will enter Gaza” and Ben-Gvir’s advocacy for the annexation of Gaza and West Bank reflect with genocidal intent. These statements and actions, supported by U.S. military and political backing, not only violate international humanitarian law but also betray the universal commitment to “Never Again”, a cornerstone of the post-Holocaust era.

Undermining “Never Again”: Echoes of Nuremberg

The promise of “Never Again,” born from the horrors of the Holocaust and enshrined in the Nuremberg Trials, established a global commitment to hold perpetrators of atrocities accountable, regardless of their status. The Nuremberg Trials prosecuted Nazi officials for war crimes, crimes against humanity, and genocide, despite their objections to the tribunal’s legitimacy. The U.S.’s actions and statements mirror the Nazi argument that international tribunals infringed on state sovereignty. This parallel is not merely historical but profoundly symbolic. The Nuremberg Trials established the principle that individuals, including state leaders, bear personal responsibility for international crimes, a principle codified in the Rome Statute, which governs the ICC. The U.S. sanctions, by targeting judges for fulfilling their judicial duties, violate Article 70 lit e of the Rome Statute, which prohibits retaliation against court officials for their work. This act of intimidation undermines the legacy of Nuremberg by shielding perpetrators from accountability, fostering a culture of impunity that betrays the “Never Again” commitment.

The Metaphor of Apophis, Ra, and Ma’at

In ancient Egyptian mythology, the serpent Apophis, the vile embodiment of chaos, slithers through the underworld each night, seeking to devour Ma’at - the sacred goddess of truth, justice, and cosmic order - and plunge the world into eternal darkness. Seth with his spear, Isis with her magic and Thoth with his wisdom protect Ma’at until dawn breaks and the light of Ra ultimately defeats the forces of darkness.

Similarly Israel by it’s actions in Gaza and the United States by shielding it from justice have plunged our world into darkness. The International Community, the 125 member states of the ICC must now assume the roles of the guardians of Ma’at. Sanction Israel and the U.S. like Seth spears the serpent’s heart, use EU’s Blocking Statute like a magical shield to protect the ICC and it’s officials from U.S.-sanctions and use the wisdom of legal experts to press charges against those who are committing and supporting genocide. The guardians of truth and justice must act decisively to prevent the world from descending into chaos and darkness.

The Need for Decisive International Action

Mere verbal condemnation of the U.S. sanctions, as expressed by the ICC, UN experts, and human rights organizations, is insufficient to counter this assault on international justice. The international community must act decisively to protect the ICC's independence and ensure accountability. First, the ICC should pursue charges against U.S. officials, including President Donald Trump and Secretary of State Marco Rubio, under Article 70 lit d and e of the Rome Statute for offenses against the administration of justice. Their executive order and sanctions constitute deliberate attempts to impede, intimidate and retaliate for the court's work, actions that meet the criteria for prosecution. Such a bold step would reaffirm the ICC's commitment to impartiality and deter further interference by powerful states.

Second, the European Union, with its 27 member states party to the Rome Statute, must activate its Blocking Statute (Council Regulation (EC) No 2271/96) to counteract the extraterritorial effects of U.S. sanctions. This regulation, designed to protect EU entities from foreign sanctions, could prohibit compliance with U.S. measures against ICC judges, ensuring that European banks and institutions do not freeze the judges' assets or restrict their activities. By invoking the Blocking Statute, the EU can safeguard the ICC's operations within its jurisdiction and signal that it will not tolerate attempts to undermine international justice.

Third, ICC member states must strengthen their support through increased funding, cooperation in executing arrest warrants, and public reaffirmation of the court's mandate. These actions would counter the chilling effect of U.S. sanctions, which human rights activists warn could deter witnesses and hinder investigations in other conflict zones. Failure to act decisively risks eroding public trust in the international legal system and emboldening other states to follow the U.S. example, further weakening the ICC's ability to deliver justice to victims of atrocities worldwide.

Conclusion: Restoring the Balance of Justice

The U.S. sanctions against ICC judges represent a direct attack on the principles of international justice, echoing the defiance of Nazi officials at Nuremberg and undermining the promise of "Never Again." Israel's actions in Gaza, characterized by systematic mass-murder with genocidal intent, demand accountability, yet U.S. interference shields perpetrators and perpetuates impunity. The metaphor of Apophis, Ra, and Ma'at underscores the stakes: allowing chaos to prevail threatens the global order that upholds truth and justice. The international community must act decisively, pursuing ICC charges against U.S. officials Trump and Rubio for obstructing justice and activating the EU's Blocking Statute to protect the court and its officials. Only through such assertive measures can the legacy of Nuremberg be preserved. The victims of Israel's atrocious aggression demand and deserve justice.