



June 17th 2020

The United States impose unprecedented and highly criticized sanctions on the International Criminal Court

On June 11, 2020, the President Trump signed an [Executive Order](#) blocking the property of certain persons associated with the International Criminal Court ('ICC').

This Trump's decision comes after the international tribunal in The Hague announced it was launching an investigation into alleged war crimes and crimes against humanity by US and Afghan forces in Afghanistan. According to the US, which are not a party to the Rome Statute, these actions on the part of the ICC threaten to infringe upon the sovereignty of the United States and impede their national security and foreign policy.

The Executive Order states that any attempt by the ICC to investigate, arrest, detain, or prosecute any US personnel without the consent of the United States, or of personnel of countries that are US allies and who are not parties to the Rome Statute or have not otherwise consented to ICC jurisdiction, "constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States".

As a result, the following sanctions and restrictions are put in place:

(1) Blocking of all property and interests in property that are in the United States of any foreign person:

- who has directly engaged in any effort by the ICC to investigate, arrest, detain, or prosecute any US personnel without the consent of the United States or its allies or ally of the US without the consent of that country's government;
- who has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any activity described above or any person whose property and interests in property are blocked; or
- who is owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked.

(2) The Executive Order also prohibits donations to blocked persons and their entry (as well as those of their families) into the United States is suspended.

(3) Finally, any transaction that has the purpose of evading or avoiding these sanctions, or any conspiracy formed to violate any of the prohibitions set forth in the order is also prohibited.

These unprecedented and highly criticized action was called by the ICC itself "the latest in a series of unprecedented attacks on the ICC" that "constitute an escalation and an unacceptable attempt to interfere with the rule of law and the Court's judicial proceedings." Several EU

officials have also condemned the sanctions, and in particular EU High Representative for Foreign Affairs Josep Borrell who called Trump's executive order a "matter of serious concern." In fact, the independence of the ICC and its ability to operate without interference must be guaranteed so that it can decide matters without any improper influence or pressure.

DS Avocats International Trade and Customs team is at your disposal to provide you with any additional information.

CONTACT US :

dscustomsdouane@dsavocats.com



Jean-Marie Salva,
Partner
salva@dsavocats.com



Sophie Dumon-Kappe,
Partner
dumonkappe@dsavocats.com

LES BRÈVES

www.ds-savoirfaire.com



Les Brèves ont pour but de donner un aperçu des développements juridiques récents. Leur contenu n'exprime pas un avis juridique et ne saurait se substituer à une consultation juridique.

LES BRÈVES

www.ds-savoirfaire.com



Les Brèves ont pour but de donner un aperçu des développements juridiques récents. Leur contenu n'exprime pas un avis juridique et ne saurait se substituer à une consultation juridique.