

Lawsuit Challenging Executive Order 14,203 and ICC-Related Sanctions

Questions and Answers

August 11, 2026

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Overview

On August 11, 2026, the American Friends Service Committee (AFSC), the Center for Constitutional Rights (CCR), Human Rights Watch, and the Open Society Institute (OSI) filed a lawsuit challenging Executive Order 14,203, signed by President Donald Trump on February 6, 2025, and the sanctions designations made pursuant to it.

The lawsuit argues that the executive order unlawfully authorizes sanctions against International Criminal Court (ICC) officials and others involved in seeking accountability for genocide, war crimes, and crimes against humanity. It asks the court to strike down the sanctions regime in its entirety.

1. [What is Executive Order 14,203?](#)

Executive Order 14,203, Imposing Sanctions on the International Criminal Court, authorizes sanctions against certain ICC officials and other non-US persons and entities that engage with the court.

The administration has justified the order by contending that any effort by the ICC to investigate nationals of the United States or of certain allied countries constitutes a “national emergency” and specifically references the court’s arrest warrants for Israeli Prime Minister Benjamin Netanyahu and former Defense Minister Yoav Gallant.

The result is an attack against independent international judicial actors and mechanisms. The order also exposes US-based individuals and organizations to civil and criminal penalties for providing services to or for the benefit of sanctioned persons.

2. [What is the ICC?](#)

The International Criminal Court is a permanent international court that prosecutes individuals accused of genocide, crimes against humanity, war crimes and the crime of aggression. Established under the Rome Statute of 1998, the ICC operates as a court of last resort when national authorities are unwilling or unable to genuinely investigate or prosecute such crimes.

3. [Who has been sanctioned?](#)

The administration has sanctioned:

- Eight ICC judges
- Former ICC Prosecutor Karim Khan
- The ICC’s two deputy prosecutors
- UN Special Rapporteur Francesca Albanese
- Three Palestinian human rights organizations:
 - Al-Haq
 - Al Mezan Center for Human Rights
 - Palestinian Centre for Human Rights (PCHR)

The order allows the US Secretary of State to make additional designations.

4. [What are the penalties?](#)

US persons who violate the restrictions imposed by the executive order face penalties of up to 20 years in prison and a fine of up to \$1 million.

5. [Why does the executive order matter?](#)

The executive order prohibits, among other things, providing assistance to the ICC’s sanctioned prosecutors and judges, and any other sanctioned person, including organizations that are working to document and seek accountability for serious international crimes. Sanctioned persons

lose access to banking, financial transactions, technology services, collaborations, and other forms of engagement. The order has a profound chilling effect on broader human rights and accountability efforts.

The sanctions have already prevented the plaintiffs from, among other things:

- Providing legal representation of victims before the ICC
- Making policy and legal submissions to the ICC
- Engaging in collaboration with Palestinian human rights organizations, including on documentation of human rights violations
- Carrying out humanitarian and advocacy work

6. [Who filed the case?](#)

The four plaintiffs are:

- American Friends Service Committee
- Center for Constitutional Rights
- Human Rights Watch
- Open Society Institute

They are represented by Foley Hoag LLP.

The lawsuit was filed in the US District Court for the Southern District of New York.

7. [Who are the defendants?](#)

The lawsuit names President Donald Trump and senior administration officials in their official capacities: Secretary of State Marco Rubio, Treasury Secretary Scott Bessent, Attorney General Todd Blanche and Director Bradley Smith of the Office of Foreign Assets Control (OFAC). It also names the Departments of State, Treasury, and Justice, along with OFAC.

8. [What are the main legal claims?](#)

The plaintiffs argue that:

- The sanctions exceed the president's authority under the International Emergency Economic Powers Act (IEEPA).
- The sanctions are arbitrary and capricious, contrary to law, and an abuse of discretion under the Administrative Procedure Act.

- The sanctions violate the plaintiffs' First Amendment protections for speech and association and AFSC's religious freedom rights under the Religious Freedom Restoration Act.
- The restrictions imposed by the sanctions are unconstitutionally vague under the Fifth Amendment.

9. What relief are the plaintiffs seeking?

The plaintiffs ask the court to:

- Declare the sanctions regime unlawful;
- Enjoin the administration from enforcing its sanctions designations and from making any further designations; and
- Enjoin the administration from enforcing any civil or criminal penalties for violations of the executive order.

10. Where does the ICC have jurisdiction?

The court can generally investigate and prosecute crimes committed:

- On the territory of ICC member states, or
- By nationals of ICC member states, or
- In any country only when the UN Security Council (of which the US is a permanent member) so authorizes.

The ICC currently has 125 member countries.

11. What is the US relationship with the ICC?

The United States is not a party to the Rome Statute.

US policy toward the ICC has varied over time. While US administrations have opposed aspects of the court's work, Republican and Democratic administrations have both provided support for certain ICC investigations and accountability efforts, including in Darfur, Libya, and Ukraine.

12. Can the ICC investigate Americans?

The ICC may exercise jurisdiction over nationals of non-member states, including US citizens, when the alleged crimes are committed on the territory of an ICC member state and fall within the court's jurisdiction. In such cases, US citizens could also be tried by the courts of the country concerned.