

For the past two decades, the International Criminal Court has been structurally–broken, politically–compromised, and lacking enforcement. If the U.S. joined, it would only tie our hands down.

That's why River Hill negates, and

Our first argument is Preserving Peace

Subpoint A is Collapsing the Ceasefire

Right now, conflict in Gaza is cooling down. As of two days ago, **Ott 25** finds:

Haley **Ott**, 02-13-20**25**, "**Hamas** says it **will adhere to Gaza ceasefire** after threat to delay next release of Israeli hostages", CBS News, <https://www.cbsnews.com/news/hamas-to-release-israeli-hostages-per-gaza-ceasefire/>

Hamas said Thursday that it would continue **releasing hostages according to the terms of the ceasefire** and hostage release deal with Israel, several days after it accused Israel of violating **the agreement** and **said it would delay** the next scheduled exchange of hostages for Palestinian prisoners. Under the terms of the deal between Israel and Hamas, which is a U.S. and Israeli-designated terrorist group, that **exchange is set to take place on Saturday**, with the release of three more Israeli hostages and dozens more Palestinian prisoners.

This is because, despite allegations made against Israel in the ICC, the U.S.-Israel relationship remains stable.

As **Zengerle 25** reports:

Patricia **Zengerle**; January 10, 20**25**; US House votes to sanction International Criminal Court over Israel; <https://www.reuters.com/world/us-house-votes-sanction-international-criminal-court-over-israel-2025-01-09/> // ose
WASHINGTON, Jan 9 (Reuters) - **The U.S. House of Representatives voted** on Thursday **to sanction the International Criminal Court in protest at its arrest warrants for** Israeli Prime Minister Benjamin **Netanyahu** and his former defense minister **over Israel's campaign in Gaza**. The vote was 243 **to** 140 in favor of the "Illegitimate Court Counteraction Act," which would sanction any foreigner who investigates, arrests, detains or prosecutes U.S. citizens or those of an allied country, including Israel, who are not members of the court. Forty-five Democrats joined 198 Republicans in backing the bill. No Republican voted against it. **"America is passing this law** because a kangaroo court is seeking to arrest the prime minister of our great ally, Israel," Representative Brian Mast, Republican chairman of the House Foreign Affairs Committee, said in a House speech before the vote. The House vote, one of the first since the new Congress was seated last week, **underscored strong support among** President-elect Donald Trump's fellow Republicans **for Israel's government**, now that they control both chambers in Congress. The ICC said it noted the bill with concern and warned it could rob victims of atrocities of justice and hope. "The court firmly condemns any and all actions intended to threaten the court and its officials, undermine its judicial independence and its mandate and deprive millions of victims of international atrocities across the world of justice and hope," it said in a statement sent to Reuters. Trump's first administration imposed sanctions on the ICC in 2020 in response to investigations into war crimes in Afghanistan, including allegations of torture by U.S. citizens.

Problematically, affirming puts the U.S. under the full jurisdiction of the ICC – taking a clear stance against Israel. According to the **Rome Statute** itself:

Rome Statute [International Criminal Court; July 17, 1998; Rome Statute of the International Criminal Court; <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>] //ose

Article 12 Preconditions to the exercise of jurisdiction 1. **A State which becomes a Party to this Statute** thereby **accepts** the **jurisdiction of the Court with respect to** the **crimes** referred to in article 5. 2. In the case of article 13, paragraph (a) or (c), the Court may exercise its jurisdiction if one or more of the following States are Parties to this Statute or have accepted the jurisdiction of the Court in accordance with paragraph 3: (a) The State on the territory of which the conduct in question occurred or, if the crime was committed on board a vessel or aircraft, the State of registration of that vessel or aircraft; (b) The State of which the person accused of the crime is a national. 3. If the acceptance of a State which is not a Party to this Statute is required under paragraph 2, that State may, by declaration lodged with the Registrar, accept the exercise of jurisdiction by the Court with respect to the crime in question. The accepting State shall cooperate with the Court without any delay or exception in accordance with Part 9.

Joining the Court requires America to cooperate in prosecuting Israel.
But even if we don't target them, the perception of the U.S. turning away scares Israel.

Shapiro 17 elaborates:

Shapiro 17 [Daniel B. Shapiro, Master's Degree in Middle East Studies from Harvard University, BA in Near Eastern and Judaic Studies from Brandeis University, Principal at WestExec Advisors, Distinguished Visiting Fellow at the Institute for National Security Studies, Former U.S. Ambassador to Israel and Senior Director for the Middle East and North Africa on the National Security Council during the Obama Administration; "Trump's International Debacles Spell Trouble for Israel"; The Times of Israel Blog; 6/4/2017; <https://blogs.timesofisrael.com/trumps-international-debacles-spell-trouble-for-israel/>] //recut ose

Second, **the perception of US strength and its credibility as a reliable ally are critical Israeli assets. So closely aligned with the United States, and reliant on US security assistance,** Israel obviously **depends on American support** to ensure its own **ability to defend itself and to deter enemies who might attack. The perception of an unreliable United States, turning away from** its closest allies, withdrawing from signed agreements, and **calling into question** solemn commitments, does Israel no favors. As the US reputation as an ally declines, more of Israel's enemies may be prepared to challenge it, dubious as they will be about how the United States will respond. How can **Israel** take American pledges seriously, when even the United States's oldest and closest allies cannot? Finally, **[means] Israel has** good **reason to be unnerved** by the articulation of a new America First doctrine, outlined most recently by White House Economic Adviser Gary Cohn and National Security Adviser H.R. McMaster in an op-ed in the Wall Street Journal, and exemplified by the Paris Accords decision. Cohn and McMaster describe a theory of international relations that is purely transactional and competitive. To state the obvious, such a model produces relations between nations that are inherently less stable, as the organizing structures of alliances that seek to advance common interests give way to a "winner takes all" mentality, even among friends.

The resulting chaos would collapse the ceasefire. But that's devastating, as **Harrison 25** concludes:

Emma Graham-**Harrison** [senior international affairs correspondent @the Guardian; BA @Oxford University], "The devastating impact of 15 months of war on Gaza" January 15, 20**25**
<https://www.theguardian.com/world/2025/jan/15/the-devastating-impact-of-15-months-of-war-on-gaza> // Oliver J

The Israeli response to Hamas's attacks on 7 October 2023 has killed tens of thousands, left most schools and hospitals in ruins, and caused long-term damage to agricultural land in the territory Israel began bombing Gaza on 7 October 2023, after Hamas crossed the border, killed approximately 1,200 people and took 251 others hostage to Gaza. When ground operations began a week later, most observers in Israel and beyond expected the fighting to last weeks. Instead, it extended for 15 months until Wednesday's announcement of a ceasefire, to become Israel's longest war since the 1948 conflict that led to the country's creation. **The majority of those killed** by militants on 7 October **were civilians**, and the scale and ferocity of the attack was unprecedented. So was the scale and ferocity of Israel's response. After one brief ceasefire and hostage release deal in November 2023, Israeli prime minister Benjamin Netanyahu vowed to keep fighting, promising "total victory" over Hamas. The impact of the campaign on civilians living in Gaza led to accusations of genocide, including from rights groups, scholars and foreign governments. South Africa brought a case to the international court of justice. Omer Bartov, a former soldier in the Israel Defense Forces and historian of genocide, wrote that by May 2024 "it was no longer possible to deny that Israel was engaged in systematic war crimes, crimes against humanity and genocidal actions". The UN Human Rights Office said in November that data on verified deaths indicates "an apparent indifference to the death of civilians and the

impact of the means and methods of warfare". Even Israel's staunchest ally, the United States, restricted some weapons shipments over the concerns, and in September the UK suspended some arms export licences owing to Israel's conduct of the war. **Netanyahu and his former minister of defence Yoav Gallant have been issued with arrest warrants by the international criminal court** for alleged war crimes relating to the conflict. **The Hamas military leader Mohammed Deif has also been issued with an arrest warrant.** Below is a summary of **the cost of the war for Gaza** and its people. The dead and wounded in Gaza **More than 46,000 Palestinians have been killed** inside Gaza by Israeli attacks, according to health officials in the territory. Most of the dead are civilians, and **the total represents about 2% of Gaza's prewar population**, or **one in every 50**. More than 40,000 have been identified, including 13,319 child victims, the youngest only a couple of hours old. The elderly dead include a 101-year-old great-great-grandfather. Another 110,000 have been wounded, over a quarter of whom now live with life-changing injuries including amputations, major burns and head injuries. Yet these figures do not tell the full story of Palestinian losses. The official count of the war dead includes only those killed by bombs and bullets, whose bodies have been recovered and buried. About 10,000 **people** killed by airstrikes are thought to be entombed in collapsed buildings, because of the lack of heavy equipment or fuel to dig through steel and concrete ruins looking for them. A study published this month found the official toll underestimated deaths from traumatic injuries in the first nine months of the war, failing to capture two in every five casualties. That would suggest that by October 2024 "the true mortality figures probably exceeded 70,000", the authors wrote. Authorities plan to count those dead when the fighting stops. Dr Marwan al-Hams, the director of field hospitals at the ministry of health, has said. Israeli officials question the death toll given by the authorities in Gaza, arguing that because Hamas controls the government there, Gaza's health officials cannot provide reliable figures. But doctors and civil servants in the territory have a credible record from past wars. After several conflicts between 2009 and 2021, UN investigators drew up their own lists of the dead and found they closely matched ones from Gaza. Israel's campaign of intense aerial bombing and mass demolitions has levelled swathes of Gaza, and left whole neighbourhoods barely habitable. **Nine in 10 homes in the territory have been destroyed or damaged, the latest UN figures show.** Schools, hospitals, mosques, cemeteries, shops **and** offices have also been repeatedly hit. The devastation is so intense that some experts say that the large-scale destruction of homes and the infrastructure of daily life should be recognised as a new war crime: "domicide". **Even where homes are still standing, many residents have been forced to leave. Eighty percent of Gaza's territory was placed under evacuation orders** that were still active in late December. Some **1.9 million people have been displaced, 90% of the population**, with many of them forced to move repeatedly. Hundreds of thousands now are living in tent cities and severely overcrowded shelters with poor sanitation and access to little clean water. Shelters have also been attacked.

Subpoint B is Halting Humanitarian Efforts

Joining the ICC would **tie down** the U.S. military, hurting its decisionmaking and effectiveness. **Goldsmith 03** explains why:

Jack **Goldsmith**, 2003, "The Self-Defeating International Criminal Court," University of Chicago, <https://heinonline.org/HOL/LandingPage?handle=hein.journals/uclr70&div=14&id=&page=> // RB

I now turn to consider how the **ICC might actually diminish human rights protections.** This perverse result could occur because **the ICC's actions may have a chilling effect on U.S. human rights-related activities.** The main reason why the United States opposes **the ICC** is the fear that its unique international policing responsibilities **will expose it [the U.S.] to politically motivated prosecutions before an unaccountable court.** To be sure, the ICC's safeguards to prevent rogue prosecutions are all ultimately subject to ICC interpretation. The most notable safeguard is complementarity. Complementarity requires that the ICC dismiss a case under investigation "unless the State is unwilling or unable genuinely to carry out the investigation or prosecution."⁹ **But the ICC has the final word on what counts as a "genuine" investigation based on its judgment whether the domestic proceedings are "inconsistent with an intent to bring the person concerned to justice."**¹⁰ The perceived efficacy of complementarity and other ICC safeguards turns on the level of trust a nation has toward the ICC. **The United States has little** trust. This lack of **trust** is magnified by the ICC's assertion of jurisdiction over non-signatory nations and the more favorable immunities the ICC provides to signatory nations (most notably, the option for a seven year immunity from war crimes prosecution"). These are genuine bases for U.S. concern, but they strike me as secondary. **The real concern is that the indeterminateness of international criminal law**

makes it easy to imagine the ICC and the United States having genuine, principled disagreements about whether a particular act is an international crime. The most likely basis of disagreement relevant to the United States concerns war crimes **arising from military strikes**. The ICC has jurisdiction, for example, over a military strike that causes incidental civilian injury (or damage to civilian objects) "clearly excessive in relation to the concrete and direct overall military advantage anticipated."² Such proportionality judgments are almost always contested.

Jack **Goldsmith**, 20**03**, "The Self-Defeating International Criminal Court," University of Chicago, <https://heinonline.org/HOL/LandingPage?handle=hein.journals/uclr70&div=14&id=&page=> // RB

The fatal compromise appears to **expose the only nation practically able to intervene to protect human rights** to the greatest potential liability for human rights violations. **So in the end the ICC** will likely have two ironic consequences. It **will affect the generally human-rights-protecting,** but globally active, **United States more than rogue human rights abusers who hide behind national walls and care little about world opinion** or international legitimacy. And **it will have the greatest chill on U.S. military action** not when important U.S. strategic interests are at stake (as they are now in Afghanistan), **but rather in quasi-humanitarian situations (such as in Kosovo) where the strategic benefits of military action** are lower and thus a remote possibility of prosecution weighs more heavily.

Our best reference for this is **history**. For example, after the UK joined the ICC, **Mackinlay 07** finds:

Major W. G. L. **Mackinlay** British Army, 04-10-20**07**, "Perceptions and Misconceptions: How are International and UK Law Perceived to Affect Military Commanders and Their Subordinates on Operations?", Taylor & Francis, <https://www.tandfonline.com/doi/full/10.1080/14702430601135651> // RB

This article set out to 'examine how international and UK law is perceived to affect military commanders on operations'. **The evidence suggests that international and UK law is perceived to be having a significant adverse effect on operation[s]al capability,** yet it has changed little since the end of World War II. **What has changed is the context in which service personnel must operate and this context has also placed considerable pressure on the chain of command to show that the military justice system is functioning effectively.** This study shows that it is the combination of these two factors which is most likely to be affecting the operational capability of the armed forces on operations and perhaps the most important finding is that many commanders genuinely believe that operational capability has been reduced. Unfortunately, addressing this is not simply a matter of perception management; it requires a well considered action plan to meet the **full gambit of issues which are playing on the minds of British commanders.** From the literature review it can be seen that there has been little change to UK law since the adoption of ICC legislation, however **across the services 49 per cent of commanders believe that UK law has changed significantly as a direct result of incorporating ICC legislation.** A similar percentage of commanders also **believe that these** perceived **changes** are so **considerable** they merit a change to military operating procedures and are damaging the operational effectiveness of the armed forces. More than 50 per cent of those surveyed believed they did not receive adequate legal training and this was reinforced by the fact that **58 per cent of [British commanders]** the sample surveyed **believed, incorrectly that they could be tried by the ICC even when the UK agrees to investigate and prosecute their case.** In order to address these concerns frontline units, particularly those who do not benefit from in-house legal support, must receive a more comprehensive training package. The evidence indicates that legal training prior to operational deployments is no longer adequate and a new package which includes a more general legal education must be developed and spread across the training year.

Empirically, in Rwanda, the UN took too long to determine whether there was a genocide or not. As a result, **Dorn** explains:

A Walter **Dorn**, ND, "Preventing the Bloodbath," Cornell,

<https://walterdorn.net/35-preventing-the-bloodbath-could-the-un-have-predicted-and-prevented-the-rwanda-genocide> //rchen

The key **international leaders** have admitted that they should have acted. US President Bill Clinton, Secretary of State Madeleine Albright (who was the US ambassador to the UN at the time of the genocide) and UN Secretaries-General Boutros Boutros-Ghali and Kofi Annan (who was under-secretary-general for peacekeeping at the time)³ have all said that early intervention could have saved many thousands of lives. On a visit to Africa in March of 1998, President Clinton admitted that the world **"did not act quickly enough"** and that "we did not immediately call these crimes by their rightful name—genocide."⁴ Secretary of State Albright stated that "we—**the international community—should have been more active in the early stages of the atrocities in Rwanda.**"⁵ Many believe that **if the international community** could have **acted even earlier, to prevent the genocide before it started**, or to nip it in the bud in the first few days. There are, however, no detailed studies on the precise measures that could have been undertaken by the international community and the international organization that bears the most responsibility for maintaining international peace and security, the United Nations.⁶ **What was necessary for prevention? Three things were needed: an intelligence capability (for early warning and planning), preventive measures (i.e., a capability for intervention), and the political will to make use of these two.** Tragically, it was the latter that was fundamentally lacking, since the first two were present in a nascent state. **Though inadequate, they could have been further developed given more political will.** There was, in fact, a UN peacekeeping force already deployed in the country, with a mandate to contribute to Rwandan security. Its **commander** had received **secret intelligence** about a genocide plot which he deemed convincing enough to **begin planning for an active intervention.** He was, however, **[were] restrained by his superiors at UN Headquarters** in New York, who felt strongly the lack of commitment from the major powers in the Security Council, especially the United States. The atmosphere in New York, reflecting that in Washington, greatly dimmed the prospects for a greater, **more pro-active[ness]** UN presence in Rwanda that **could have saved hundreds of thousands of human lives.**

The impact is global stability.

Absent U.S. humanitarian interventions, **Haftar 25** cautions:

Khalifa **Haftar**, 01-24-20**25**, "Vicious Cycles: How Disruptive States and Extremist Movements Fill Power Vacuums and Fuel Each Other", Critical Threats, <https://www.criticalthreats.org/analysis/vicious-cycles-how-disruptive-states-and-extremist-movements-fill-power-vacuums-and-fuel-each-other>

American war-weariness and **retrenchment [allows]** has **opened a power vacuum across the Middle East and Africa.** **Disruptive states such as Iran and Russia**, which **seek to** upend regional or global balances of power and **fundamentally alter the current world order**, **[i] have aggressively filled that vacuum by intervening in conflicts in ways that erode international norms.** Such interventions, especially those that become multisided proxy wars, prolong and worsen conflicts by flooding them with weapons, money, and man power, all while raising the conflict's geopolitical stakes and paralyzing the international community's response. This prolonging and deepening of conflict also destroys responsive governance and deepens popular grievances in the host country.

and put millions of lives at risk.

Rebuttal evidence

Jack **Goldsmith**, 20**03**, "The Self-Defeating International Criminal Court," University of Chicago, <https://heinonline.org/HOL/LandingPage?handle=hein.journals/uclr70&div=14&id=&page=> // RB

But perhaps **the greatest effect will be on U.S. humanitarian and quasi-humanitarian interventions, such as in Haiti, Kosovo, Bosnia, and Somalia. Human rights advocates increasingly view such interventions as legitimate and necessary to protect human rights.** It is hard enough to generate domestic support in the United States for these interventions when there is no threat of liability. **U.S. intervention will now be much harder. Such interventions invariably involve combat against irregular forces interspersed in civilian populations and thus invariably run the risk of war crime accusations.** The fatal compromise appears to **expose the only nation practically able to intervene to protect human rights** to the greatest potential liability for human rights violations. So **in the end the ICC** will likely have two ironic consequences. It **will affect the generally human-rights-protecting, but globally active, United States more than rogue human rights abusers who hide behind national walls and care little about world opinion** or international legitimacy. And **it will have the greatest chill on U.S. military action** not when important U.S. strategic interests are at stake (as they are now in Afghanistan), **but rather in quasi-humanitarian situations (such as in Kosovo) where the strategic benefits of military action are lower and thus a remote possibility of prosecution weighs more heavily.**

Christen Romero **Philips**, June 20**16**, "The International Criminal Court & Deterrence A Report to the Office of Global Criminal Justice, U.S. Department of State", **Stanford Law** School: Law & Policy Lab, <https://law.stanford.edu/wp-content/uploads/2016/07/Philips-The-International-Criminal-Court-and-Deterrence-A-Report-to-the-U.S.-Department-of-State.pdf> // RB

Similarly, Smeulers argues that the **most extreme crimes are committed by ruthless dictators who do not care about the international legal order or their own legitimacy and they are much less likely to be deterred by the ICC.**⁴⁹ When an individual's primary objective is to secure power by whatever means necessary, "their survival instincts will make them focus on the (alleged) danger to their lives rather than the danger to their reputation or the possibility of at some point being prosecuted for their crimes."⁵⁰ She also points to the fact that some dictators begin to "suffer from megalomania once in power," which skews their cost-benefit analysis away from the rational actor model we would expect.⁵¹

Steven **Groves**, 08-18-20**09**, "The U.S. Should Not Join the International Criminal Court", Heritage Foundation, <https://www.heritage.org/report/the-us-should-not-join-the-international-criminal-court> // RB

As an institution, the ICC has performed little, if any, better than the ad hoc tribunals that it was created to replace. Like the Rwandan and Yugoslavian tribunals, the ICC is slow to act. The ICC prosecutor took six months to open an investigation in Uganda, two months with the DRC, over a year with Darfur, and nearly two years with the Central African Republic. It has yet to conclude a full trial cycle more than seven years after being created. Moreover, like the ad hoc tribunals, the **ICC can investigate and prosecute crimes only after the fact. The alleged deterrent effect** of a standing international criminal court **has not ended atrocities in the DRC, Uganda, the Central African Republic, or Darfur,** where cases are ongoing. Nor has it deterred atrocities by Burma against its own people, crimes committed during Russia's 2008 invasion of Georgia (an ICC party), ICC party Venezuela's support of leftist guerillas in Colombia, or any of a number of other situations around the world where war crimes or crimes against humanity may be occurring.

Rest were analytics