

# 1NC

Our sole contention is the disruption and delegitimization of the ICC.

Many countries rely on the ICC for international order.

**ICC quantifies that** “The States Parties to the Roman Statute”

<https://asp.icc-cpi.int/states-parties#:~:text=125%20countries%20are%20States%20Parties,Western%20European%20and%20other%20States.>

**125 countries are States Parties to the Rome Statute** of the International Criminal Court. Out of them **33 are African States, 19 are Asia-Pacific States, 20 are from Eastern Europe, 28 are from Latin American and Caribbean States, and 25 are from Western European and other States.**

**Ayllon**, Luis, June 16, 20**24**, “Spain and 92 other countries sign a declaration of support for the International Criminal Court”

<https://thediplotainSpain.com/en/2024/06/16/espana-y-otros-92-paises-suscriben-una-declaracion-de-apoyo-al-tribunal-penal-internacional>

**Spain and 92 other countries have** published a statement of their “**full support**” for the International Criminal Court (**ICC**) and defend **its work** “free of intimidation” after criticism of the international judicial body. “We affirm that the Tribunal, its officials and its staff must carry out their professional duties as international public servants free from intimidation,” the statement said. They also remember that it is an “independent and impartial” court and undertake to “preserve its integrity in the face of any political interference and pressure.” **The signatories recall that the ICC is** the “first and only permanent international criminal court in the world” and represents “**an essential component of the international architecture of peace and security.**” For this reason, they ask “all States” for their “full cooperation” in their investigations into genocide, war crimes, crimes against humanity and the crime of aggression.

However, the U.S. has denounced the ICC on multiple occasions, as recently as this year.

**Al Jazeera**, January 9, 20**25**, “US House votes to advance bill to sanction ICC over Israel arrest warrants”

<https://www.aljazeera.com/news/2025/1/9/us-house-votes-to-advance-bill-to-sanction-icc-over-israel-arrest-warrants>

**The United States House of Representatives** has **voted in favour of a bill to sanction the** International Criminal Court (**ICC**) **in retaliation for its arrest warrants against Israeli** Prime Minister Benjamin Netanyahu and the country’s former Defence Minister Yoav Gallant. **Legislators**

in the lower chamber of the US Congress **passed the “Illegitimate Court Counteraction Act”** by an overwhelming margin, 243 to 140, on Thursday in a signal of strong support for Israel. **Forty-five Democrats joined** 198 Republicans in backing the bill. **No Republicans voted against it. The bill now heads to the Senate, where a Republican majority was sworn in earlier this month. The legislation** proposes **sanctions** for **any foreigner who helps the ICC in its attempts to investigate, detain or prosecute a US citizen or citizen of an allied country that does not recognise the authority of the court.** Neither the US nor Israel are parties to the Rome Statute, which established the ICC. The sanctions would include the freezing of property assets, as well as the denial of visas to any foreigners who materially or financially contribute to the court’s efforts. “America is passing this law because a kangaroo court is seeking to arrest the prime minister of our great ally, Israel,” Representative Brian Mast, the Republican chairman of the House Foreign Affairs Committee, said in a speech before Thursday’s vote. **The 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, despite its ongoing war in Gaza. That conflict has killed more than 46,000 Palestinians since it began in October 2023, many of them women and children. United Nations experts have denounced Israel’s methods in Gaza as “consistent with the characteristics of genocide”. That prompted ICC prosecutors last May to issue the arrest warrants against Netanyahu and Gallant. In response, US legislators threatened retaliation against the ICC. In a letter sent to outgoing US President Joe Biden in May, dozens of human rights groups urged him to reject calls for punitive action. “Acting on these calls would do grave harm to the interests of all victims globally and to the US government’s ability to champion human rights and the cause of justice,” the groups wrote at the time. This week, another group of human rights organisations issued another letter ahead of Thursday’s vote, denouncing the House bill as an attack on an “independent judicial institution”. Sanctioning the court, they wrote, will “jeopardize the ability of desperate victims across all the court’s investigations to access justice, weaken the credibility of sanction tools in other contexts, and place the United States at odds with its closest allies”. The letter warned that imposing “asset freezes and entry restrictions” on ICC allies would bring the US “the stigma of siding with impunity over justice”. Nevertheless, the US Senate, under Majority Leader John Thune, has promised swift consideration of the act so Trump can sign it into law after he takes office on January 20. In 2020, **during his first term in office, Trump sanctioned senior ICC leaders over the court’s investigations of US crimes in Afghanistan and Israeli crimes in occupied Palestinian territory.** President Biden later lifted those sanctions. The ICC, based in The Hague, is a permanent court that can prosecute individuals for war crimes, crimes against humanity, genocide and the crime of aggression. The State of Palestine has been a member since 2015, and the court first announced an investigation of crimes committed there by both Israeli and Hamas officials in 2019. Though Israel is not party to the ICC, the court has jurisdiction over crimes committed on a member state’s territory, regardless of the nationality of those committing them.

**If a signatory, the U.S. will never fully abide by the Rome Statute because of their disrespect to international treaties. Look to historical precedent.**

**Wahal**, Anya, January 7, 20**22**, “On International Treaties, the United States Refuses to Play Ball”  
<https://www.cfr.org/blog/international-treaties-united-states-refuses-play-ball>

**The United States enters into more than two-hundred treaties each year on a range of international issues**, including peace, defense, human rights, **and** the environment. **Despite this seemingly impressive figure, the United States constantly fails to sign or ratify treaties the rest of the world supports. It has failed to ratify treaties that tackle biodiversity and greenhouse gas emissions, protect the rights of children and women, and govern international waters. For a country frequently looked to as a global leader, the United States has consistently failed to step up in international partnerships.** In fact, **the United States has one of the worst records of any country in ratifying human rights and environmental treaties.** Why hasn't the United States stepped up to the plate? According to scholars and policymakers, one major reason is the fear of treaties infringing on national sovereignty. **The United States shuns treaties that appear to subordinate its governing authority to that of an international body** like the United Nations. **The United States consistently prioritizes its perceived national interests over international cooperation**, opting not to ratify **to protect the rights of U.S. businesses or safeguard the government's freedom to act on national security.** Politics also poses a significant barrier to ratification. While presidents can sign treaties, ratification requires the approval of two-thirds of the Senate. Oftentimes, the power of special interest groups and the desire of politicians to maintain party power, on top of existing concerns of sovereignty, almost assures U.S. opposition to treaty ratification. The failure of the United States to lead on international treaty accession can have dangerous consequences. **It can undermine the credibility of those treaties, weaken international partnerships, and raise concerns about the United States' own commitments to matters such as human rights** and environmental protection.

The U.S. has even failed to contribute its share to the United Nations, the world's largest international organization.

**Better World Campaign states,**

<https://betterworldcampaign.org/us-funding-for-the-un/un-budget-formula#:~:text=Is%20the%20U.S.%20typically%20behind,the%20fairness%20of%20U.S.%20dues.>

**Beginning in the 1980's, the U.S. Congress started withholding** part of its **contribution to the UN.** This reflected U.S. domestic policy debates about the need for UN reform and the fairness of U.S. dues. In 1993, Congress placed a cap of 22% of the regular budget and 25% of peacekeeping. In 2000, the detrimental impact to the UN caused by the U.S. withholding its full dues, resulted in international criticism and the potential loss of U.S. voting rights in the UN General Assembly. This led to the passage of the Helms-Biden Act that included partial payments of U.S. arrears, along with subsequent payments predicated on lowering the U.S. assessed rate from 25% to 22%, and hitting certain UN reform targets. In the exchange, the U.S. committed to paying \$926 million of its \$1.3 billion in arrears. Since the Helms-Biden Act, **the U.S. has had a mixed record with regards to fully paying its peacekeeping rate.** During the latter half of the George W. Bush Administration, Congress reinstituted a cap, putting the nation back in debt to the UN. Following the election of President Obama, \$721 million in peacekeeping back payments were made to the UN, and the U.S. resumed full

payments during the first several years of his Administration. **Today,** although partial and periodic arrears payments are made to the UN, a 25% peacekeeping payment cap remains in place. **The U.S. owes more than \$1 billion to the UN.**

**It also views the Rome Statute as incompatible with national interests.**

**Dworkin,** Anthony, September 8, 20**20**, “Why America is facing off against the International Criminal Court,” EU Council on Foreign Relations

[https://ecfr.eu/article/commentary\\_why\\_america\\_is\\_facing\\_off\\_against\\_the\\_international\\_criminal\\_court/](https://ecfr.eu/article/commentary_why_america_is_facing_off_against_the_international_criminal_court/)

Under US law, the government can impose sanctions on any country, organisation, or person deemed to pose an “unusual and extraordinary threat” to US national security or foreign policy. In the past, the United States has imposed sanctions in connection with terrorism and proliferation of weapons of mass destruction, and on countries including Iran, North Korea, and Syria. On 2 September this year, secretary of state Mike Pompeo marked a new departure in US policy by announcing sanctions on two senior officials of a treaty-based international organisation of which most major US allies are members, the International Criminal Court (ICC). The move will strike most Europeans as a blatant attack on the international rule of law, but it is also **the culmination of an evolving confrontation between the US and the ICC that stretches back to the organisation’s founding.** The ICC was set up by the Rome Statute in 1998, with a brief to prosecute those responsible for the most serious international crimes – war crimes, crimes against humanity, and genocide. European countries were among the court’s strongest advocates, seeing it as a step towards a world where no one has impunity for mass atrocities. But the court is a treaty-based body, and many of the world’s most powerful states remain outside – including the US, Russia, and China. **The tension** between the vision of justice embodied by the ICC and the realities of international power politics has been present from the start and **has been particularly marked in the court’s fluctuating and turbulent relationship with the US.** Under the Rome Statute, the ICC has jurisdiction to prosecute crimes committed by nationals of member states, but also crimes committed on the territory of member states, even if those responsible are citizens of a country that is not a member of the court. The US fought hard against this provision in the negotiations leading to the ICC’s founding, fearing that it could open US citizens to prosecution, but it lost the argument. **The US regards the prosecution of its citizens before an**

**international body without US consent as a violation of its sovereignty.**

Supporters of the ICC argue that if states can prosecute foreigners for war crimes committed on their territory in their own courts, they have the authority to transfer that power to an international court such as the ICC.

**The U.S. has a tremendous amount of influence.**

**World Population Review,** 20**24** “World Superpowers 2024”

<https://worldpopulationreview.com/country-rankings/world-superpowers>

**The United States is the one country today whose global superpower status is undisputed.** In fact, some experts argue that the U.S. is currently the world's only true superpower. The U.S. is the

world’s most dominant military and economic power, **with a military budget of US\$778 billion**

**for 2020 and a** Gross Domestic Product (**GDP**) **of US\$20.9 trillion.** The United States spends more on defense than the next nine highest-spending countries (China, India, Russia, the U.K., Saudi Arabia, Germany,

France, Japan, and South Korea) combined. The U.S. also has strong economic growth capacity. According to Tufts University political scientist Michael Beckley, long-term economic growth depends upon a country's geography, demography (people), and political institutions, and the United States is better-positioned than competing powers in all three categories, being "big (geographically), young, and highly educated" with a healthier government than competing superpowers.

**Because of this global influence, if the U.S. showed their disdain for the ICC while being a signatory, this would decrease the ICC's legitimacy.**

**Wilson Center**, May 8, 20**03**, "American Power in the World"

<https://www.wilsoncenter.org/article/american-power-the-world>

**The U.S. occupies a position that is unprecedented in the history of international relations.** The essential truth of today's world is that the U.S. has the power to achieve its aims in a way that other nations do not. Americans must ask themselves what they want to do with this power. How will the U.S. protect itself? How will we protect our friends and allies? What is the future of international cooperation, security, and economic globalization? How does the U.S. want to be perceived in the world, and how will that perception help or hinder our ability to get things done? In answering these questions, Americans will determine more than the outcome of the war on terror; Americans will determine what kind of country – and world – they want their children to inhabit. American Power First a few words about American power. **American**

**preeminence is pronounced in nearly every facet of power – military, economic, technological, cultural and moral. But power is distributed differently on different issues, and this effects how we act in the world.** 1. Military: **American**

**military preeminence is unquestioned and growing. It is the strongest military force the world has ever known. The U.S. defense budget is more than the next 15 nations spend combined. U.S. weapons technologies have opened up a yawning gap between the American armed forces and other countries – precision guided missiles, supercarrier groups, overwhelming airpower, tremendous firepower, unmanned aircraft, military space dominance, and advanced satellite systems all allow enormous flexibility and awesome capability in military planning. We are projecting this power abroad as never before. We have military personnel in about 140 nations.**

The massive intervention in Iraq, basing in Afghanistan and Central Asia, and joint operations in countries like Colombia and the Philippines are just a part of our aggressive military posture in the wake of 9/11. Militarily, the world is in a true unipolar moment – there is no challenger to U.S. preeminence, and it is the stated policy of the Bush administration to keep things that way. 2. Economy: The U.S. is the world's preeminent economic power. The American economy is as large as the next three – Japan, Germany and Britain – combined. **With only 5% of the world's**

**population, the U.S. accounts for 43% of the world's production, 40% of its technological production, and 50% of the world's research and development.**

We also speak with the loudest voice in international monetary institutions like the WTO and IMF. But American economic dominance is not as pronounced as our military dominance. For instance, the European Union has nearly the same output as the U.S., and – unlike on security and foreign policy issues – the E.U. generally speaks with one voice on economic affairs. But even in the multipolar world of global economics, it is still the American economy that is at the forefront of the world economy. 3. Cultural: American power includes the exportation of American culture. People from

all over the world come to American schools and universities. Increased media and technology have spread American popular culture and the English language around the world – teenagers now listen to American pop music in Iran, go to American movies in China, drink Coca-Cola in Indonesia, and study the English language in Egypt.<sup>4</sup> Soft Power:

**American** power includes “**soft power**”. Likewise, our soft power – our capacity to get others to want what we want, without coercing them, because they admire our achievements and want to emulate us – **is**

**unparalleled**. This is the power of example and of persuasion. People admire American prosperity, freedom and technology. We have ascended to our position of preeminence in part because nations do trust us to work for the values of democracy, the rule of law, market-economics, and human rights. These values are the moral cornerstones of American power; and they are widely admired and sought after, even by people who disagree with American policies.<sup>5</sup>

Necessity of American Leadership: America must lead. So, **in today’s world, the U.S. is simply too big and too important to sit on the sidelines**. It must lead. It really cannot do

otherwise. If the U.S. does not step forward, nothing happens. **There is consensus in this nation that the U.S. should use its power vigorously to reshape the world**. Paradox of Power: But there is a paradox to American power. The U.S. towers above the world as never before, but Americans themselves have never been more vulnerable. Militarily it is a unipolar world of U.S. hegemony; economically it is a multipolar world with U.S. leadership; but on many transnational issues – such as international terrorism, the proliferation of weapons of mass destruction, the migration of people, epidemic disease, drugs, and environmental degradation – we live in a world only a step or two short of chaos. How do we address these threats to our security and way of life? How do we use our power in pursuit of a world that is not threatened by violence and chaos?

**Without a legitimate international higher court for serious war crimes, the impact would be a disruption in international order, affecting the millions who rely on the ICC for justice and further development.**

**Coalition for the International Court says,**

<https://www.coalitionfortheicc.org/explore/20-icc-benefits>

**It is a Global Court for the powerless** - Around the globe, **victims of genocide, crimes against humanity and war crimes** are **demanding justice and redress**. By making the ICC and Rome Statute system of international justice truly GLOBAL, individuals suspected of committing these universally abhorred crimes can be held to account in courts of law around the world.<sup>2</sup> It is a Court of last resort - The ICC prosecutes individuals for war crimes, crimes against humanity and genocide. But only if governments don't do so first.<sup>3</sup> **It gives us a path to global peace - Grave crimes threaten the peace, security and well-being of the world**.<sup>4</sup> It is a symbol of hope – **Throughout history, millions of children, women and men have been victims of unimaginable atrocities. In the 20th century alone, an estimated 200 million people died as a result of conflict** massacres and oppression. That's around **1 in every 27 deaths**.<sup>5</sup> It is independent and impartial - **One of the main achievements and pillars of the Rome Statute is the independence of the ICC**, including the prosecutor and judges, from governments and **from the United Nations Security Council**. The ICC Rome Statute carries with it safeguards against politically motivated investigations and prosecution.<sup>6</sup> **It is mandated by the international community** - By existing, the ICC



is implementing its mandate as laid out in the Rome Statute, bravely fought for by the like-minded group of states. This **is one of the most remarkable human rights and diplomatic achievements in history.** 124 states are now **members** of the Assembly of States Parties. They **must continue to** defend the Court and **provide it with support in difficult times.** 7. It is supported states and civil society – **The push for the ICC was driven by a ground-breaking alliance between states and civil society around the world.** This is a movement to end impunity that has defied all the odds. 8. It is making progress – **The ICC has made significant progress in holding high-level suspected perpetrators of atrocities to account.** The Court has issued its first verdicts and **thousands of victims are receiving reparations.** It is true that **the Court** is not there yet – but it **was only set up in 2002.** We believe that **by making the ICC stronger and ensuring states can fairly and genuinely investigate and prosecute crimes in their own courts.** 9. It is a court for future generations – The ICC may stumble, but its full potential will be realized in the generation of our children. 10. **It can contribute to** preventing crimes – ICC investigations and prosecutions can contribute to **a global effort to prevent genocide, crimes against humanity and war crimes from happening in the first place.** 11. It stands for equality of all before the law – Because of the cornerstone Rome Statute prohibition of immunity, for the first time in history, we can bring all individuals – including presidents, generals and rebel leaders – to justice for grave international crimes. 12. **It is a victim-centered Court – Victims of grave crimes are the reason the ICC exists. In this unique system, they can participate in ICC proceedings and receive reparations, including through the Trust Fund for Victims,** to help rebuild their lives. 13. It is responding to the calls of victims – Victims of grave crimes have said time and again they want justice, either through national judicial systems or through the ICC. 14. It sets justice standards – Through fair, effective and independent justice, the ICC's investigations, trials and staff must set the standard for justice for grave crimes. 15. It protects women and advances gender justice – **The ICC is leading efforts to develop an international framework to prosecute those responsible for horrific sexual and gender-based crimes** around the world. 16. It protects children and advances justice for children – **Children suffer terribly by crimes under ICC jurisdiction. Hundreds of thousands of children are also forced to take part in these wars.** The ICC's **very first verdict was against Congolese militia leader Thomas Lubanga for enlisting and recruiting children under the age of 15 to actively participate in hostilities.** 17. It is a sound investment in peace – International justice is certainly not cheap in a world of ever rising prices. But consider this: the ICC \$170 million yearly budget is a fraction of the costs of the conflicts that make justice and redress necessary. In 2015, governments spent \$14 trillion on war. 18. It builds stable societies – Ratifying the Rome Statute brings states into a framework of international support to develop national laws and capacities to prosecute war crimes, genocide and crimes against humanity. 19. It increases access to justice – Access to justice is goal 16 of the new United Nations Global Goals, agreed to by all UN member states. 20. It involves states in its governance – Through its governing body, the Assembly of States Parties, **the ICC provides forum for states to shape the future of international criminal justice and to advocate for reform.** Each state has one equal vote.

## On their argument about legitimacy?

1. There is absolutely no reason why the US would legitimize the court as they have conceded that
  - a. We violate of 200 treaties each year pertaining to human rights, etc
  - b. Trump decks all chances at credibility because he's abandoning allies, and what he's done isn't going to be fixed by joining the ICC
  - c. Even if the US joins, they aren't going to follow the ICC which bites harder into their link
2. Further evidence that the U.S. would delegitimize the ICC:

**Perrigo**, Billy, "Already Dead to Us": Why the Trump Administration Has a Problem with the International Criminal Court," September 12, 2018  
<https://time.com/5393624/john-bolton-international-criminal-court/>

**President Trump's National Security Adviser John Bolton launched a broadside against the** International Criminal Court (**ICC**), the body mandated by most of the international community to prosecute genocide, war crimes and crimes against humanity. In a speech to the conservative Federalist Society on Monday, **Bolton announced that Washington would "use any means necessary" to push back against the organization's influence.** The ICC was established in 2002 in response to a decade of human rights abuses in countries such as Rwanda and the former Yugoslavia. Supported by 123 nations, it was intended to act as a "court of last resort," to step in when nations' legal systems fail. Since then, it has succeeded in convicting several war criminals, even as critics have slammed its slow bureaucracy and its toothlessness in prosecuting crimes outside Africa. Bolton added to those criticisms on Monday, his ire apparently provoked by the Court's preparation to launch a probe into war crimes in Afghanistan. Last November, the ICC's chief prosecutor asked judges to authorize an investigation, which could include examining the alleged torture of detainees by U.S. military and intelligence personnel. "Any day now," Bolton said, "the ICC may announce the start of a formal investigation against these American patriots." As a result, **he warned, Washington was ready to take steps including banning judges of the "illegitimate court" from the country and sanctioning their funds in the U.S. financial system.** It wasn't first time Bolton has crossed the Court. Like several countries, **the U.S. sees the court as a challenge to its constitutional authority. The U.S. joined Israel, China and Saudi Arabia in refusing to ratify the ICC's founding document in 2002, citing its "unacceptable consequences for our national sovereignty."** A key person working on that decision was an Under Secretary of State in the George W. Bush Administration: John R. Bolton. In the years that followed, he spearheaded the signing of approximately 100 bilateral deals to prevent countries around the world handing Americans over to the ICC. That work, he said on Monday, "remains one of my proudest achievements." None of those deals has ever been tested—no American has been indicted by the Court, let alone convicted. But murmurs of an investigation into war crimes in Afghanistan threaten to change that. Although the U.S. is not a member of the ICC, Afghanistan is. As a result, crimes committed on its territory can legally be brought to the Court, no matter the nationality of the perpetrator. "What we saw from Mr. Bolton on Sept. 10 was a preemptive strike to intimidate the ICC," the director of the international justice program at Human Rights Watch, Richard Dicker, tells TIME. **Washington's resistance to the ICC is not new, but the threats coming from a senior**



**administration official are—not to mention that the country's refusal to cooperate could hinder other investigations, too, including**

**Taliban war crimes committed in Afghanistan.** “Bolton barely referenced any importance to holding to account in fair trial those responsible for mass slaughter of civilians, the use of rape as a weapon of war, ethnic cleansing as a practice,” says Dicker. “The first casualty here is any prospect of the U.S. credibly asserting itself as a champion for justice.” But it seems Bolton has a different casualty in mind. “The ICC,” he said in his speech, “is already dead to us.”

### 3. **Trump isn't gonna suddenly bend to the ICC**

**Bridgeman**, Tess and Rebecca Hamilton, “What Just Happened: With ICC Sanctions,” January 21,

20**25** <https://www.justsecurity.org/106627/what-just-happened-with-icc-sanctions/>

What happened? As part of his omnibus day one executive order (E.O.) called “Initial Recissions of Harmful Executive Orders and Actions,” President Donald **Trump has revoked** former President Joe

**Biden's** April 1, 2021, **E.O. that terminated controversial sanctions**

**against the** International Criminal Court (**ICC**). Biden's E.O. (14022) had made clear that “the threat and imposition of financial sanctions against the Court, its personnel, and those who assist it are not an effective or appropriate strategy for addressing the United States' concerns with the ICC.” Prior to Biden's April 2021 E.O., Trump-era sanctions that applied to “any effort by the ICC to investigate, arrest, detain, or prosecute any personnel of a country that is an ally of the United States without the consent of that country's government” remained in effect, alienating the United States from its allies and partners and making it more difficult for the United States to assert its interests before the ICC. (See Amb. Todd Buchwald's May 2024 analysis following the ICC's issuance of arrest warrants for Israeli and Hamas officials, for an explanation of why sanctions are counterproductive to the U.S.' stated interests in this context). What is the effect?

**Trump's actions, thus far, are largely symbolic of a policy turn away from the ICC as a venue for international criminal accountability for war crimes, crimes against humanity, and genocide.**

President Biden's 2021 E.O. terminated the “national emergency” Trump had declared in order to levy sanctions against the ICC in the first place. Trump's day one E.O. revoking Biden's revocation of that national emergency, though, doesn't spring the prior ICC sanctions back to life. Instead, Trump would have to declare a new “national emergency” justifying the use of financial sanctions against an independent court. The first time he did this, Trump relied on the ICC's open investigation into alleged U.S. torture and other war crimes in Afghanistan as his justification for sanctions (a novel and, in our view, a gross misuse of U.S. financial power). Now, however, the ICC has long since turned its attention away from that investigation, having announced in 2021 that it would focus on Taliban and ISIS-K actions within Afghanistan, and essentially dropping the investigation into U.S. torture during the war there. Without an active investigation into U.S. actions, it is harder for Trump to make the case that the Court's actions necessitate the declaration of a “national emergency” for the United States. What

happens next? That said, **the Trump administration may well attempt to jump through the hoops needed to declare a new national emergency and re-impose sanctions on the ICC and its personnel.**

He may try to rely on the Court's indictments of purported U.S. allies (Israel's Benjamin Netanyahu and Yoav Gallant) in justifying the action. Those actions would surely be challenged in litigation. And even if upheld, they could range from essentially symbolic to extraordinarily damaging sanctions that cripple the ability of the ICC to work even on cases for which there has been bipartisan U.S. congressional support, like the investigation into the situation in Ukraine. Sanctions Regardless?

**Even if President Trump does not move forward with declaring another national emergency, the ICC continues to be threatened by legislation that passed in the House** (240- 143) last week **with the Illegitimate Court Counteraction Act.**

The Act would sanction any foreigner who aids, materially assists, sponsors, or provides “financial, material, or technological support for, or goods or services to or in support of” ICC efforts to “investigate, arrest, detain or prosecute” any American or foreign

citizen or resident of a “U.S. ally” that has not consented to the ICC’s jurisdiction or has not joined the Court. Such sanctions, which extend to asset freezes and visa revocations for the immediate family members of those sanctioned, sweep much more broadly than those issued under the Executive Order during the first Trump Administration. Indeed, the provisions related to financial, material, and technological support mean that businesses who provide software or banking services to the Court are implicated. Americans also risk being caught up in the legislation, since anyone who supports work being done by someone who is sanctioned can incur enforcement penalties of up to \$250,000 in civil fines and up to 20 years of imprisonment.

#### 4. **We have already not abided by the ICC as a signatory, and withdrew.**

**Wittner**, Lawrence, “Resistance to ICC by World’s Most Powerful Nations,” December 3, 20**24**  
<https://fpif.org/resistance-to-icc-by-worlds-most-powerful-nations/>

Although 124 nations have ratified the Rome Statute, Russia, China, the United States, India, Israel, and North Korea are not among them. Indeed, the world’s major military powers, accustomed to the privileged role in world affairs that their armed might usually affords them, have often been at odds with the ICC, for it has the potential to investigate, prosecute, and convict their own government officials. **The desire of the**

**“great powers” to safeguard themselves from the enforcement of international law is exemplified by the record of the U.S.**

**government.** Although **President Bill Clinton signed the Rome Statute in December 2000, he warned about** “significant flaws in the treaty,” among them **the inability to “protect US officials.”** Refusing to support Senate ratification, he recommended that his successor continue this policy “until our fundamental concerns are

satisfied.” **President George W. Bush “unsigned” the treaty in 2002, pressured other nations into bilateral agreements requiring them to refuse surrendering U.S. nationals to the Court, and signed the American Servicemembers Protection Act, authorizing the use of military force to liberate any Americans held for crimes by the ICC.**

Although the Bush and Obama administrations subsequently warmed somewhat toward the Court, then engaged in prosecuting African warlords and Libyan dictator Muammar Gaddafi, President **Donald Trump reverted to staunch opposition in 2018, informing the UN General Assembly that the U.S. government would not support the ICC, which he claimed had “no jurisdiction, no legitimacy, and no authority.”**

In 2020, the Trump administration imposed economic sanctions and visa restrictions on top ICC officials for any effort to investigate the actions of U.S. personnel in Afghanistan. Like the United States, Russia initially signed the Rome treaty. It withdrew its signature, however, after Ukraine appealed to the ICC in 2014 and 2015 to investigate war crimes and crimes against humanity that Russia committed in Ukraine. The ICC did launch a preliminary investigation that, after the full-scale Russian military invasion of February 2022 and Russian murder of Ukrainian civilians and prisoners of war in Bucha, expanded into a formal investigation. Taking bold action in March 2023, the ICC issued arrest warrants for Russian President Vladimir Putin and Commissioner for Children’s Rights Maria Lvova-Belova for the mass kidnapping of Ukrainian children. Having previously denied wrongdoing in Bucha, the Russian government reacted furiously to the kidnapping charge. “The very question itself is outrageous,” declared Kremlin spokesman Dmitry Peskov, and the ICC’s decisions “are insignificant for the Russian Federation.” Dmitry Medvedev, deputy chair of the Russian Security Council and a former Russian president, publicly threatened a Russian hypersonic missile attack on the ICC headquarters, remarking: “Judges of the court, look carefully at the sky.” Subsequently, Moscow issued arrest warrants for top ICC officials. Meanwhile, the United States has continued its ambivalence toward the ICC. President Joe Biden scrapped the Trump sanctions against the Court and authorized the sharing of information and funding for it in its investigations of Russian atrocities in Ukraine. But he reaffirmed “our government’s longstanding objection to the Court’s efforts to assert jurisdiction” over U.S. and Israeli officials. **The incoming Trump**

**administration** seems likely to **take a** much **harsh**er **line.** The Republican-led House of Representatives recently passed legislation to sanction the ICC, while Senator Lindsay Graham (R-SC) called the Court a “dangerous joke,” urging Congress to sanction its prosecutor and warning U.S. allies that, “if you try to help the ICC, we’re going to sanction you.” Given the policies of the “great powers,” are the Court’s efforts to enforce international law futile? Leading human rights advocates don’t think so.

5. o/w on probability b/c it's empirically proven that the US doesn't like the ICC
6. o/w on all their impacts because in so far as legit decreases b/c the US pressures other countries out of it, there will be no solvency in the affirmative, but rather it will be worse. And, o/w on scope b/c US influence spills over to other countries and prevents them from cooperation.

On their arg on accountability:

1. Delegit pre-reqs all impacts because if we don't have a legitimate court there is no way we can solve all the atrocities they've outlined.
2. They say that the US can reshape the court or change it in a way, which is def bad bc if the US has power over the court, they're def not going to use it for good, which means they link in to our case.
3. They say that Russia and China will be held accountable but there's absolutely no warrant for how
  - a. ICC is already taking actions in Russia, and the only way to stop the war is keeping the ICC legitimate
  - b. There is no implication of what China is doing — simply human rights abuses can't be targeted by the ICC — and the Uighyr genocide has been happening for so long, there's no reason why China suddenly wants to stop committing genocide, or cares about international law.