

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.

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