

Launch of a Broad U.S. Campaign Against the International Criminal Court

U.S. Secretary of State Marco Rubio:

“We will dismantle the International Criminal Court, brick by brick, if necessary.”

First: What Did Marco Rubio Say?

On **13 July 2026**, U.S. Secretary of State **Marco Rubio** announced the launch of a broad U.S. campaign against the **International Criminal Court (ICC)**, declaring that the United States would work to dismantle the Court **“brick by brick, if necessary.”**

The U.S. Department of State further stated that the campaign would employ **diplomatic, economic, and legal measures** to isolate the Court and weaken its ability to operate institutionally, financially, and diplomatically, while also obstructing international cooperation with it.

Second: What Does the New U.S. Campaign Involve?

According to official U.S. statements and credible reports, the campaign may include:

- Imposing additional sanctions on ICC judges, prosecutors, and staff.
- Freezing assets and bank accounts connected to the U.S. financial system.
- Imposing travel bans and revoking visas.
- Expanding sanctions to organizations and entities cooperating with the Court.
- Applying diplomatic pressure on States Parties to limit cooperation with the ICC or withdraw from the Rome Statute.
- Increasing pressure on countries that rely on U.S. military assistance or security cooperation if they refuse to join the campaign.
- Potentially imposing sanctions on the ICC itself as a legal institution, rather than solely targeting individual officials.

The U.S. State Department also declared that “**no diplomatic option will be excluded**” from this campaign, indicating that the announced policy extends well beyond previous individual sanctions.

Third: What Arguments Does Washington Present?

The U.S. administration argues that the ICC threatens American sovereignty because it may exercise jurisdiction over U.S. nationals even though the United States is **not a Party to the Rome Statute**.

According to the U.S. position:

- The United States has never ratified the Rome Statute.
- Israel is likewise not a State Party.
- Therefore, the ICC should not prosecute nationals of States that have not accepted its jurisdiction.
- Proceedings relating to **Afghanistan** and **Palestine** are viewed by Washington as exceeding the Court’s lawful jurisdiction.
- Prosecuting U.S. or Israeli military personnel or government officials is considered harmful to U.S. national security and foreign policy.

In **Executive Order 14203**, issued on **6 February 2025**, President Donald Trump described ICC investigations or prosecutions involving U.S. nationals or officials of allied countries as an “**unusual and extraordinary threat**” to U.S. national security and foreign policy.

Fourth: Is the U.S. Legal Argument Correct?

Not entirely.

It is true that the ICC does not possess universal jurisdiction over all individuals worldwide and that the United States is not a member of the Court.

However, under the **Rome Statute**, the ICC may exercise jurisdiction when crimes are committed on the territory of a **State Party** or a State that has accepted the Court’s jurisdiction—even if the accused is a national of a non-State Party.

In other words, the fact that an accused person is a national of a non-State Party does **not** automatically grant immunity if the alleged crimes occurred within the Court's territorial jurisdiction.

This principle lies at the heart of the legal disputes concerning both **Afghanistan** and **Palestine**.

Furthermore, the ICC operates under the principle of **complementarity**, meaning it intervenes only when national authorities are unwilling or genuinely unable to investigate or prosecute international crimes.

For this reason, the Court is **not** intended to replace domestic judicial systems.

The **European Union** has rejected the characterization of the ICC as a threat to national sovereignty, emphasizing that the Court prosecutes **individuals responsible for the gravest international crimes**, rather than States as sovereign entities.

Fifth: Why Is the Campaign Closely Linked to Palestine?

The escalation of U.S. measures is directly connected to the ICC's proceedings concerning the **Situation in the State of Palestine**, particularly:

- The arrest warrants issued against senior Israeli officials.
- The ongoing investigation into alleged war crimes and crimes against humanity.

This connection is reflected in the U.S. Executive Order itself, which expressly referred to the arrest warrants issued against:

- Israeli Prime Minister **Benjamin Netanyahu**, and
- Former Defense Minister **Yoav Gallant**,

describing them as illegitimate actions.

By late 2025, Washington had reportedly demanded:

- The termination of investigations involving Israeli officials.
- The closure of proceedings relating to U.S. personnel in Afghanistan.
- Assurances that Donald Trump and senior U.S. officials would not become subjects of future ICC investigations.

The United States also warned that broader sanctions could follow if the Court failed to comply.

Accordingly, the campaign may reasonably be understood as an effort to shield U.S. and Israeli officials from international criminal accountability, rather than merely reflecting an abstract disagreement over sovereignty.

Sixth: Can the United States Actually Dismantle the ICC?

Legally, **no**.

The International Criminal Court was established by an international treaty—the **Rome Statute**—and its continued existence depends upon its **States Parties**.

Because the United States is **not** a State Party, it possesses **no legal authority** to abolish the Court or amend the Rome Statute.

Nevertheless, the United States can significantly weaken the Court in practice by:

- Restricting access to the global financial system.
- Preventing U.S. banks and technology companies from providing services to the Court.
- Pressuring States not to execute ICC arrest warrants.
- Imposing travel restrictions.
- Discouraging lawyers, experts, and organizations from cooperating with the Court.
- Limiting intelligence and law-enforcement cooperation.
- Pressuring States that host suspects or assist ICC investigations.

Therefore, the principal risk is **institutional paralysis**, not legal dissolution.

Seventh: What Impact Do the Sanctions Have on Judges and Court Officials?

The sanctions are far from symbolic.

They may result in:

- Frozen bank accounts and financial assets.
- Cancellation of credit card services.

- Loss of access to U.S.-based digital platforms and financial services.
- Entry bans to the United States.
- Restrictions affecting family members.
- Reluctance among lawyers, experts, and institutions to cooperate with the Court.
- Difficulties in paying salaries or contracting essential service providers.
- Reduced capacity to preserve evidence and protect witnesses.

Reports indicate that several sanctioned ICC officials have already encountered practical difficulties involving banking services, digital platforms, and international travel.

Eighth: Do the Sanctions Undermine Judicial Independence?

From the perspective of international law and numerous international legal and human rights organizations, **yes**.

The sanctions target judges and prosecutors **because of judicial decisions and prosecutorial actions carried out in the exercise of their official functions**.

Article **48** of the Rome Statute grants ICC officials privileges and immunities necessary for the independent performance of their duties.

Article **70** criminalizes certain acts that interfere with the administration of justice, including retaliation against judicial proceedings.

Sanctioning judges for judicial decisions therefore raises a direct challenge to the principles of:

- judicial independence,
- separation between political power and judicial authority, and
- the rule of law.

The United States, however, maintains that the Rome Statute imposes no legal obligations upon it because it is not a State Party.

Consequently, legal debates continue regarding possible challenges to these sanctions before U.S. courts, European courts, or through domestic blocking statutes.

Ninth: How Does Washington's Position Differ from That of the States Parties?

The United States argues that the ICC threatens sovereignty whenever it investigates nationals of States that are not Parties to the Rome Statute.

States Parties and supporters of the Court maintain that:

- A State joining the Rome Statute confers jurisdiction over crimes committed on its territory.
- An accused person's nationality does not negate the Court's territorial jurisdiction.
- The gravest international crimes are matters of international concern rather than purely domestic affairs.
- Sanctioning judges constitutes political interference with judicial independence.
- Allowing powerful States to intimidate the Court would undermine equality before the law.

This disagreement represents the central issue in the current confrontation:

Should international crimes be governed by law—or by political power?

Tenth: What Are the Likely Future Scenarios?

Four principal scenarios appear possible:

1. Expansion of Individual Sanctions

Additional judges, prosecutors, lawyers, experts, and cooperating organizations could be added to U.S. sanctions lists.

2. Sanctions Against the ICC as an Institution

This would represent the most serious scenario, potentially disrupting banking operations, financial transfers, contracts, technology services, and institutional functioning.

3. Increased Pressure on States Parties

Countries dependent upon U.S. security cooperation or financial assistance may face increased pressure not to execute ICC arrest warrants or cooperate with the Court.

4. European and International Countermeasures

Potential responses include:

- Activation of EU Blocking Regulations.
- Protection of financial transactions.
- Development of alternative banking and payment mechanisms.
- Legal and financial support for sanctioned judges and prosecutors.

Conclusion

The statements made by the United States are **not merely political rhetoric**.

They reflect an officially declared policy aimed at weakening, isolating, and limiting the operational capacity of the International Criminal Court.

However, an important distinction must be made:

- **The United States cannot legally abolish the International Criminal Court.**
- **It can, however, seriously impair the Court's ability to function through financial sanctions, diplomatic pressure, and political measures.**

This issue is particularly significant in the context of **Palestine**, where the ICC remains one of the few international judicial mechanisms capable of holding individuals accountable for **war crimes, crimes against humanity, and other international crimes**, irrespective of their official position or political status.