

US War on ICC Isn't New, Isn't Just Coming From GOP, and Isn't Just About Israel

This is a disingenuous bipartisan effort to discredit the ICC and international humanitarian law as a whole.

By [Stephen Zunes](#) , [Truthout](#) August 7, 2026

The United States has launched an all-out assault on the International Criminal Court (ICC). In the past few weeks alone, the Trump administration has vowed to eradicate the top court, pressured countries to withdraw from it, and has attacked progressive political leaders like New York City Mayor Zohran Mamdani who seek to carry out its mandates.

These attacks are jarring, but they are not new, are not only about Israel, and are not just coming from Republicans. The renewed chorus of attacks began on July 13, when Secretary of State Marco Rubio renewed a U.S. attack on the court by [announcing](#) a plan to “dismantle” the ICC “[brick by brick, if necessary](#).” Rubio claimed that, without such action, U.S. police officers or border patrol agents “could be dragged before an international court, tried by judges from random countries across the globe, found guilty under international laws we neither consent to nor control, and then imprisoned thousands of miles from America.”

This claim is utter nonsense. The ICC has no jurisdiction over crimes committed by law enforcement officers in the United States. And while Rubio claims that the U.S. has not consented to the international humanitarian law that the ICC seeks to uphold, such law is actually drawn directly from binding treaties — including the [Genocide Convention](#) as well as the [Geneva Conventions](#) and related [protocols](#), which the U.S. government has signed, [ratified](#), and in many cases, [incorporated](#) into its own military [manuals](#).

More revealing is Rubio’s complaint that the United States can’t “control” international law. No country can do that, nor should they be able to. The law is the law. As [Kenneth Roth](#), the former longtime director of Human Rights Watch, put it: “Law is meant to bind people, not be controlled by them.”

In an op-ed for the *Wall Street Journal* accompanying his official announcement from the State Department, Rubio [claimed that the court](#) is “run” by “hostile Third World governments united by their enmity toward the U.S.” This is also untrue. Virtually every [European government](#) is a member of the ICC. None of its [18 justices](#) are from countries with hostile state relations with the U.S., and all but three of those countries are inarguably democracies. Of the 73 people indicted by the ICC, none of them have been Americans and only six of them have been associated with governments allied with the United States.

Rubio’s attack was followed by continued attention on the court, this time from [Mamdani](#), who called on federal authorities to act on an ICC warrant for Israeli Prime Minister Benjamin Netanyahu and arrest him during a planned trip to New York later this year. In response, Mamdani was falsely accused of unfairly singling out Israel, even though he explicitly stated that his position would apply to “any other war criminals.” His focus on Netanyahu was simply because no other indicted war criminal was scheduled to visit his city.

Only two Israelis have ever been indicted by the ICC. This hasn’t stopped prominent U.S. politicians like Democratic Senate leader [Chuck Schumer](#) (D-New York) to insist that the court has an “anti-Israel bias.” Similarly, Rep. Josh Gottheimer (D-New Jersey) has accused the ICC of a “continued, longstanding bias against the Jewish state,” and former Rep. [Kathy Manning](#) (D-North Carolina) has criticized what she referred to as its “efforts to single out and undermine Israel.”

What actually appears to bother these lawmakers is not the baseless claim that the ICC has an anti-Israel, anti-American, or anti-Western bias, but that it refuses to make exceptions for the United States and its allies. These demonstrably false

statements from lawmakers reveal a disingenuous bipartisan effort to discredit the ICC and, by extension, international humanitarian law as a whole, in the eyes of the American public.

If the court has displayed any bias, it would be against Africa. Of the [75 people indicted](#) by the ICC, 59 have been from African nations. Indeed, Mali, Niger, and Burkina Faso jointly announced their withdrawals from the court last year, [claiming](#) the ICC is an “instrument of neocolonial repression in the hands of imperialism.”

It is important to note that none of these anti-ICC U.S. politicians have complained about indictments and investigations against African leaders or militants, leaders of Hamas or the Taliban, or Vladimir Putin and other Russian officials. Their attacks on the ICC are because the court seems unwilling to arbitrarily exempt U.S. allies from their investigations.

The true nature of these denunciations was made quite explicit in a bipartisan [bill](#) called the “Illegitimate Court Counteraction Act” that passed the U.S. House of Representatives in 2024. That bill would have imposed draconian sanctions on non-Americans who directly or indirectly participated in ICC prosecutions of people who are lawful citizens or residents of the U.S. or its allies, so long as their own nation did not consent to ICC jurisdiction.

The bill was both particularly broad — it threatened anyone who was involved in arresting or detaining or even simply investigating U.S. allies — and harsh, in that it would sanction the family members of the people it targeted as well. The lawmakers’ argument was essentially that ICC investigations should be based not on the available evidence, the severity of the crimes, or the basis of international law, but on the geopolitical orientation of the government of those accused. The bill passed the House with [significant Democratic support](#), but failed to reach the floor of the Senate.

It should be noted that the bipartisan attacks against the ICC are not new. In 2002, [a bill](#) drafted by right-wing Sen. Jesse Helms (R-North Carolina) prohibited the United States from cooperating in any way with the International Criminal Court. The bill was supported by then-New York Sen. (and future Secretary of State) Hillary Clinton and other prominent Democrats, and was signed into law by President George W. Bush.

This vindictive legislation also restricted U.S. foreign aid to countries that support the ICC. It also authorized the president of the United States “to use all means necessary and appropriate to free members of the United States military and certain other allied persons if they are detained or imprisoned by an international criminal court,” including military force, which led to its nickname: the “[Hague Invasion Act](#).”

This law also initially constrained the Biden administration from providing intelligence it had gathered to the ICC regarding Russian atrocities in Ukraine until Congress [passed an amendment](#) which opened up some legal space by repealing restrictions on using U.S. funds and other cooperation in order to support the ICC’s investigations targeting Russian war crimes.

In 2024, [Joe Biden](#) became the first president to openly side with alleged war criminals against the ICC when he denounced as “outrageous” a [report](#) to the ICC recommending the indictment of Netanyahu and Israeli Defense Minister Yoav Gallant (along with three Hamas leaders) for war crimes. “We will always stand with Israel against threats to its security,” Biden underscored, despite the fact that the report never questioned Israel’s right to self-defense. Similarly, then-Secretary of State Antony Blinken called it “shameful” and “[a profoundly wrong-headed](#)” decision, which the United States “[fundamentally rejects](#).”

A major argument in Washington against the ICC prosecution of Israeli officials was that Israel was not a signatory to the Rome Statute. The state of Palestine is, however, so attacks on and from Palestinian territory would unquestionably qualify. In any case, neither Russia nor Ukraine are parties to the statute, but that didn’t prevent the indictment of Russian officials and U.S. support for those indictments.

The attacks on the ICC have reached a new level since Trump returned to office. [Executive Order 14203](#) has given the administration the unprecedented authority to impose sanctions on any foreigner who supports the ICC’s investigations of U.S. or Israeli citizens. This has been used to sanction the ICC’s chief prosecutor and 10 of its judges with financial restrictions and travel bans, leading to them not being able to use credit cards or have Google accounts and mandating prison sentences for any American providing them with services. It has also been used to sanction UN Special Rapporteur

Francesca Albanese and three Palestinian human rights organizations as well. As a result, [Georgetown University](#) has removed Albanese, a distinguished Italian jurist, as an affiliate scholar, while the [University of Southern Maine](#) banned a conference she was set to virtually address which was scheduled to take place on campus.

Meanwhile, the respected human rights group [Al-Haq](#) can no longer fund its operations because its bank accounts have been closed. YouTube has removed hundreds of Al-Haq's videos documenting Israeli forces' human rights abuses. In addition, U.S.-based human rights groups with which Al-Haq had long collaborated are no longer able to provide financial support, and in many cases, have severed communications altogether due to threats of being targeted by the U.S. government or losing funding.

Ironically, the targeting of the ICC may actually get members of the administration or congressional allies in the war on the court in trouble. Article 70 of the Rome Statute [criminalizes](#) impeding, intimidating, or corruptly influencing any ICC official as part of an effort to prevent them from performing their duties or retaliate against them for having done so, a provision that even applies to non-signatories.

In his op-ed last month, [Rubio claimed](#) the ICC “threatens every aspect of our political and legal system.” He insisted that the ICC and its supporters are “waging a war against our country, not with bullets or missiles, but with statutes, compacts, and the force of so-called international law.” To address this alleged threat, he announced a new diplomatic campaign that will not only increase the administration's pressure against the ICC, but will also withdraw foreign aid and impose other penalties on countries that continue to cooperate with it.

While the United States is among the minority of the world's countries to have never joined the ICC, it has been [pressuring](#) member countries to pull out. The Trump administration during its first term successfully pressured the Philippines to withdraw in 2019. The U.S. pressured Hungary to announce its withdrawal last year, and Venezuela and Chad to announce their withdrawals last month, after Rubio announced his campaign against the court. Like Burkina Faso, Mali, and Niger, both Venezuela and Chad [mentioned](#) allegations of “bias” against the court, but Chad specifically referenced a request from the U.S. to review its membership.

The [European Union](#) has denounced U.S. “attacks or threats against the court, elected officials, personnel or those cooperating with the court” as “simply not acceptable.” In response to such objections by U.S. allies, American legal scholars, and others, [Rubio](#) has utilized the popular antisemitic dog whistle by claiming the ICC is backed and run by “smug globalists.”

Despite right-wing claims the ICC could prosecute U.S. service members for war crimes, the court can only prosecute those from countries unable or unwilling to prosecute themselves. While unevenly applied, the U.S. [Uniform Code of Military Justice](#) has generally been seen as adequate to forestall the risk of the ICC ever prosecuting American soldiers.

However, now that Secretary of Defense Pete Hegseth has [dismantled Pentagon offices](#) designed to enforce the laws of war and criticized what he calls “[stupid rules of engagement](#)” and “[burdensome rules](#)” on U.S. troops, which he implied could include the Fourth Geneva Convention, such protection from international prosecution might soon be threatened. In any case, the ICC has generally not targeted individual soldiers for atrocities, but those who commanded them.

There is some serious speculation that the administration's assault on the ICC may be based in part of fear that [U.S. officials](#) could be targeted as well.

The post-World War II international legal system upon which the International Criminal Court is based was crafted by Western nations, particularly the idealists of the Roosevelt and Truman administrations. While there are some reasonable critiques of the limitations of this “rules-based international order,” it at least sent a message — however unevenly these principles may have been enforced — that the killing of civilians, torture, territorial conquest, maltreatment of prisoners of war, apartheid, and genocide are illegal, and that perpetrators of these crimes should be held accountable.

This is what Trump administration officials, members of Congress, and critics of Mamdani's statement oppose. They are essentially rejecting the liberal international order in favor of a new system in which governments — at least the United States and its allies — are no longer bound by such principles.