

ABILA International Criminal Court Committee*
Statement against US Efforts to “Disable” and “Dismantle”
the International Criminal Court*

August 11, 2026

On July 13, 2026, the US Secretary of State announced a “sweeping campaign” by the US government to “systematically disable” and “dismantle” the International Criminal Court (“ICC”).¹ The “whole-of-government approach” announced indicates that the United States may pressure states that are parties to the court to abandon commitments to the institution, and pressure non-states parties to “take similar actions alongside” the United States. The threat comes on the heels of the Trump administration’s imposition of sanctions (travel bans and asset freezes)² against prosecutors and judges of the court, as well as others (non-governmental organizations and a UN Special Rapporteur).

The Trump administration’s attack on an independent judicial institution is part and parcel of a greater strategy to undermine the rule of law, both internationally and domestically. The recently announced position suggests that US nationals should be above the law and exempt from prosecution even if they commit grave international crimes. This position betrays a legacy of American ideals at home and subverts US credibility. It also willfully ignores domestic legislative actions that were enacted with the expressed intent of safeguarding US service members from international prosecution.³

Such a policy of exceptionalism aligns the United States with authoritarian governments,⁴ such as the Russian Federation, which also has attempted to undermine the court’s work and target its officials by convicting them of criminal charges *in*

* This communication reflects the views of the International Criminal Court Committee of the American Branch of the International Law Association, but does not represent the official position of the American Branch as a whole. One committee member did not join due to a conflict of interest.

¹ US Department of State, State Department Launches Campaign to Dismantle International Criminal Court’s Threat to American Sovereignty, July 13, 2026, <https://www.state.gov/releases/office-of-the-spokesperson/2026/07/state-department-launches-campaign-to-dismantle-international-criminal-courts-threat-to-american-sovereignty/>.

² President Donald J. Trump, The White House (2025) Imposing Sanctions on the International Criminal Court. <https://www.whitehouse.gov/presidential-actions/2025/02/imposing-sanctions-on-the-international-criminal-court/>.

³ American Service-Members’ Protection Act, H.R. 4775, 116 Stat. 820 (enacted August 2, 2002).

⁴ Gleb Bogush, Washington’s War on the International Criminal Court Is a Gift to the Kremlin, The Moscow Times, July 24, 2026, <https://www.themoscowtimes.com/2026/07/24/washingtons-war-on-the-international-criminal-court-is-a-gift-to-the-kremlin-a93310/pdf>.

absentia.⁵ Russia has also criminalized providing any assistance to the ICC, and “even adopted its own version of the Hague Invasion Act.”⁶

Many of the ICC’s investigations and prosecutions align with US national interests, such as its charges against high-level Russian officials for war crimes and crimes against humanity committed in Ukraine.⁷ The court also recently convicted a militia leader of war crimes and crimes against humanity committed in Darfur, Sudan,⁸ with charges of genocide perpetrated in Darfur still outstanding against Sudan’s former President.⁹ The court’s Rome Statute also permits it to prosecute a wide variety of sexual and gender-based violence crimes, which reflect stated US values and foreign policy commitments.¹⁰ By seeking to undermine the court, the United States also harms the prospect of accountability in these and other situations.

The Trump administration’s attack is also at odds with decades of bipartisan support for international judicial institutions. The United States played a leading role in ensuring accountability after World War II, spearheading prosecutions before the International Military Tribunals at Nuremberg and Tokyo. The United States also provided critical support on a bipartisan basis for judicial institutions such as the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone, and the Extraordinary Chambers in the Courts of Cambodia. In the negotiations that led to the ICC’s establishment, US diplomats, legal professionals, and civil society advocates played critical roles in shaping its foundational statute and rules of procedure and evidence, enshrining core values of the US legal tradition, such as due process provisions and prohibitions on *in absentia* trials. Moreover, the first two individuals surrendered to the ICC itself were remanded thanks to US support, despite the United States not being a party to the Rome Statute. The Trump administration’s campaign is thus a departure from the significant role played by US nationals and representatives advocating for global justice for more than 80 years, grounded on the belief that victims of grave atrocity crimes deserve justice and that perpetrators must be held accountable.

⁵ Russian authorities charged and convicted (*in absentia*) the ICC Prosecutor and eight sitting ICC judges with “unlawful prosecution of Russian citizens.” See UN Special Rapporteurs/OHCHR, Russia Must End Reprisals and Intimidation of ICC Prosecutor and Judges, Feb. 4, 2026, <https://www.ohchr.org/en/press-releases/2026/02/russia-must-end-reprisals-and-intimidation-icc-prosecutor-and-judges-un>.

⁶ Bogush, *supra* note 4. The “Hague Invasion Act” refers to US legislation permitting the use of force to liberate US nationals from the ICC, which has its detention facility in The Netherlands, a NATO ally. See American Service-Members’ Protection Act, *supra* note 3.

⁷ International Criminal Court, Situation in Ukraine, <https://www.icc-cpi.int/situations/ukraine>.

⁸ UN News, Darfur: ICC convicts Janjaweed leader of war crimes and crimes against humanity, October 6, 2025, <https://news.un.org/en/story/2025/10/1166040>.

⁹ International Criminal Court, Al Bashir Case, <https://www.icc-cpi.int/darfur/albashir>.

¹⁰ See, e.g., Rome Statute of the International Criminal Court, entered into force July 1, 2002, UN Doc. A/CONF.183/9, 2187 UNTS 90, reprinted in 37 ILM 999 (July 17, 1998), art. 7(1)(g).

The Trump Administration has also asserted that US citizens never have been subject to the jurisdiction of foreign courts. This is false. US citizens have always been subject to trial in the foreign state in which they commit crimes, and the US has even extradited US citizens for trial abroad. The ICC applies that same principle: it provides the court jurisdiction over nationals of non-party states who commit crimes in the territory of a state party to the Rome Statute. This is a principle that the United States supported in the case of convicted war criminal and former Liberian President Charles Taylor, who was prosecuted by the Special Court of Sierra Leone for crimes committed in Sierra Leone, and in the case of Vladimir Putin when the ICC issued a warrant for his arrest for crimes committed in Ukraine.

Finally, the ICC's jurisdiction only permits it to investigate and/or prosecute the gravest atrocity crimes: genocide, war crimes, and crimes against humanity, with limited jurisdiction over the crime of aggression. The court only acts when national courts are unwilling or unable to do so, meaning domestic legal systems—including those in the United States or in any other country—need not fear the Court's involvement when they investigate or prosecute the crimes themselves. Concerns about the ICC's intervention therefore betray a lack of confidence in the sufficiency and/or genuineness of domestic remedies.

The new US campaign is not just an attack on the ICC or even against the "rule of law"; it also constitutes a fundamental assault on the most basic values of humanity, values for which the United States has fought historically including in World War I, World War II, and Korea. It is in fact nothing short of a disingenuous effort to align with and protect dictators, tyrants, and autocrats around the world who commit the worst offenses known to the international community—genocide, aggression, crimes against humanity, war crimes—with no real risk of being held accountable. In effect, the US State Department argues that people who commit the worst offenses known to humankind should not be held accountable. It is an endorsement of a lawless world order.

The ABILA ICC Committee joins numerous NGOs,¹¹ Bar Associations,¹² practitioners¹³ and academics¹⁴ who have spoken out against the US's latest campaign against the ICC. The United States must cease its attacks against the court and related individuals

¹¹ Washington Working Group on the International Criminal Court, Support the ICC as a Vital Court of Last Resort for Victims of Grave International Crimes, <https://www.washingtonicc.org/> (signed by more than 100 organizations and individuals).

¹² International Bar Association, The International Bar Association calls on States to defend the International Criminal Court as victims' last avenue for justice comes under attack, July 16, 2026, <https://www.ibanet.org/The-International-Bar-Association-calls-on-States-to-defend-the-International-Criminal-Court-as-victims-last-avenue-for-justice-comes-under-attack>.

¹³ David Crane, "Only Authoritarians Fear International Justice," Jurist News, July 14, 2026, <https://www.jurist.org/commentary/2026/07/only-authoritarians-fear-international-justice/>.

¹⁴ Bogush, *supra* note 4.

and organizations. It should instead resume its commitment to international justice, accountability, and the rule of law. The 125 states parties¹⁵ to the ICC's Rome Statute must stand up for the court and help resist pressure against the institution. States not yet parties to the Rome Statute should resist calls to join US efforts to pressure the court and/or its officials. Above all, the international community must heed the promise of "never again" made to victims and survivors of the gravest crimes.

¹⁵ Five countries (Burkina Faso, Chad, Mali, Niger, and Venezuela) have recently deposited withdrawals from the Rome Statute or announced an intent to withdraw. Withdrawals are not effective until one year after deposit of an instrument of withdrawal; thus, none are yet in effect.