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Opinion | Trump is waging another war – on the International Criminal Court

The administration's actions risk further erosion of the rules-based international order.

By Ellen J. Kennedy

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The International Criminal Court, or ICC, in The Hague, Netherlands. (Peter Dejong/The Associated Press)

The United States is involved in international wars in many places and in many ways today: the war on terror (Nigeria, Somalia and Syria), the war on cartels (Operation Southern Spear in the eastern Pacific Ocean and the Caribbean Sea) and the Iran war. Wars with indirect U.S. involvement with weapons, funding and military advice include the Russo-Ukrainian war, the Gaza war and the Israel-Hezbollah conflict.

But there is another war that doesn't get much attention, and it is perhaps the most dangerous of all: the U.S. war against the International Criminal Court. This is a war of vengeance and destruction of the rules-based international order that has been in place since World War II. That order has been the foundation of "Pax Americana," our promotion of liberal democracy, global free trade, international human rights and international institutions that the U.S. helped to establish through the United Nations, NATO, the International Monetary Fund and the World Bank.

The post-World War II Nuremberg trials, led jointly by the four Allied nations (the U.S., United Kingdom, Soviet Union and France), demonstrated cooperative international justice, using the rule of law to prosecute accused perpetrators for the worst atrocities ever committed on the planet.

From the watershed trials at Nuremberg came the dream of a permanent international court to hold high-ranking individuals criminally responsible for carrying out the world's gravest crimes. This court would serve not only as a tool of retributive justice and punishment; it would also be a global deterrent,

a standard-bearer for sustainable peace. And this court's legal foundation would become the model for just laws to be adopted by nations around the world.

Half a century after the Nuremberg proceedings, the Rome Statute, the foundational document for a new, permanent, global criminal court, was ratified, and the International Criminal Court began operations in 2002 at its seat in The Hague, Netherlands. Its jurisdiction addresses the major human rights crimes: genocide, war crimes, crimes against humanity, aggression (the illegal invasion of another country), and soon, ecocide — willful environmental destruction.

It is a court of last resort, to be used only when a nation is either unable or unwilling to prosecute its own criminal actors. The court now has 125 member states. It is self-governing, self-funded and self-sustaining. All of the countries long considered to be our allies are members. Nonmember states include China, Russia, India, Israel, North Korea, Turkey, Iran, Cuba — and the U.S., which signed on to the Court in 2000 but has never ratified its participation.

Nongovernmental organizations (NGOs, or nonprofit organizations) can participate at most court meetings as nonvoting civil society members, providing information on humanitarian crises, processes of evidentiary collection and other critical issues. Although the U.S. is not a member of the court, many U.S.-registered NGOs can participate in meetings, including the organization that I direct, [World Without Genocide](#).

The U.S. has had a back-and-forth relationship with the court, with some administrations cooperating to arrest and transfer accused persons to the court, while other administrations have been openly hostile to the court, refusing to have the U.S. held accountable for any actions that might violate international law.

President Donald Trump is attempting to weaken and demolish this court.

The court opened an investigation in March 2020 into alleged war crimes and crimes against humanity committed by U.S. and Afghan personnel in Afghanistan. In response, the Trump administration issued sanctions in June 2020 against top ICC officials.

These sanctions were lifted under the Biden administration, opening a period of restored cooperation.

On Nov. 21, 2024, the court issued arrest warrants for Israeli Prime Minister Benjamin Netanyahu and then-Defense Minister Yoav Gallant for alleged war crimes and crimes against humanity committed in Gaza.

Trump responded with executive order 14203 on Feb. 8, 2025, about two weeks into his second term, placing severe sanctions, asset freezes and travel bans on at least 11 court officials, including prosecutors and judges, and several Palestinian NGOs.

The consequences are grave, according to three 2025 [Amnesty International](#) reports that detail:

- Financial and personal disruption: Sanctions include asset freezes and travel bans. Judges and prosecutors are cut off from U.S. credit cards, and tech companies including Microsoft, fearing U.S. retaliation, have restricted access to email and cloud services.

- Staff resignations: Staff members, particularly those with ties to the U.S., face severe pressure, leading some investigators and key personnel to resign.
- Obstruction of ongoing investigations: The restrictions bar Americans and U.S.-based groups from providing goods, funds or services to targeted ICC officials, limiting the court's ability to conduct inquiries and depriving staff of crucial resources. This threatens the prosecution of cases and endangers witnesses.
- Broader implications: Human rights organizations and legal experts see this as an unprecedented attack on the global rule of law and the independence of the court as a court of last resort.

Every December, the court has a weeklong administrative meeting, the Assembly of States Parties, at which the member states and NGOs consider policies and procedures for the coming year. I have attended these annual meetings for nearly a decade. The meeting location has a three-year rotation: two years in The Hague and the third year at U.N. headquarters in New York, including this year's meeting in December.

However, as of Jan. 1, Trump has placed visa bans on any travelers from at least 39 countries. Delegations from many member states and NGOs will be unable to attend. In addition, because of the sanctions, even those who legally could attend may be afraid to do so, concerned that they will incur the same reprisals as other individuals and entities. In fact, I have that fear for myself and for my organization. Moving the meeting to The Hague is no answer; the same threats remain.

Civil and legal communities are the last line of defense for maintaining jus cogens, the "super norms" of international law, the moral foundation from which the international community does not permit deviation.

Examples of jus cogens include prohibitions of genocide, crimes against humanity, illegal aggression, war crimes, racial discrimination and torture. And now, these highest-order principles are being destroyed to wage illegal wars with impunity and to eviscerate the international order to benefit individuals and their personal agendas.

More than 150 NGOs, including World Without Genocide, joined with member states in publicly decrying the sanctions. The U.S. administration must be excoriated, and the court must be defended with all possible measures, because the rules-based international order is perilously close to destruction.

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