



Who's Afraid of the Big Bad Wolf? The International Criminal Court as a Weapon of Asymmetric Warfare

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ABSTRACT

The United States is engaged in a war on terror against enemies who wage “asymmetric war” through terrorism, media manipulation, and “law-fare”—exploiting judicial processes to achieve political or military objectives.

This Article explores whether the fledgling International Criminal Court (ICC) could eventually be exploited by these groups as a tool of asymmetric “law-fare.” It briefly traces the history of the ICC and recounts why the United States opposes the Court. Examining the methods of asymmetric war, the Authors then explore whether the ICC could be exploited by future asymmetric warriors.

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The Authors describe three asymmetric methods that could be used to exploit the Court: (1) misusing the Court's investigative processes, (2) filing questionable or fraudulent complaints, and (3) manipulating mass media. They then discuss three terrorist objectives that could be obtained through asymmetric tactics.

The Authors conclude that, at its current stage, the Court does not pose a large threat from this exploitation. A future, more stable ICC, however, could pose a greater danger—especially if the United States ratifies the Rome Treaty.

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