

# *U.S. Senate blocks bill sanctioning ICC over Israeli arrest warrants*

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Senate Minority Leader Chuck Schumer speaks to reporters on Capitol Hill in Washington, DC, on January 28 [Evelyn Hockstein/Reuters]

Washington, January 29 (RHC)-- Democrats in the U.S. Senate have blocked the passage of a bill that would sanction the International Criminal Court (ICC) over its issuance of arrest warrants for Israeli Prime Minister Benjamin Netanyahu and former Defence Minister Yoav Gallant for alleged war crimes in Gaza.

The vote on Tuesday saw the bill gain 54 votes in favor and 45 opposed, falling short of the 60 votes needed to advance to a final vote.

United Nations experts, European officials, and the current and former presidents of the ICC's management body have all come out against the bill, warning it would set a dangerous precedent at a time of increased importance for the international legal order.

But many of the Democrats who voted against the measure still accused the court of taking unfair actions against Israel by issuing warrants against Netanyahu and Gallant. The court simultaneously issued a warrant for Hamas commander Mohammed Deif for his role in the attack on October 7, 2023, against southern Israel.

The ICC has denied bias in its actions.

Speaking before the vote, Chuck Schumer, the Democratic Party leader in the Republican-controlled Senate, said the sanctions bill is "one I largely support and would like to see become law."

"However, as much as I oppose the ICC bias against Israel, as much as I want to see that institution drastically reformed and reshaped, the bill before us is poorly drafted and deeply problematic," he said, arguing the bill could hurt both US allies and businesses that deal with the court. He called for Republicans to go back to the negotiating table to tweak the language in the legislation.

Speaking on the Senate floor in support of the bill, Senate Majority Leader John Thune, a Republican, said the targeting of a "close US ally should concern all of us". "While the ICC is targeting Israelis today, it could easily set its sights on Americans," he said.

Senator John Fetterman was the sole Democrat to vote in favour of the legislation. He swiftly earned praise from the American Israel Public Affairs Committee (AIPAC), the vastly influential pro-Israel lobby.

In a post on the social media platform X, the group thanked Fetterman for his "principled pro-Israel leadership and for standing with Israel against the ICC's baseless attacks."

In the past, President Donald Trump took a hard line against the ICC, imposing sanctions on its officials in 2020 over concerns that the court was probing U.S. military actions abroad.

The administration of former President Joe Biden later revoked that order, but Trump reversed Biden's decision upon taking office last week. His move has so far been symbolic, as the reversal did not automatically re-impose the sanctions.

Neither the U.S. nor Israel are parties to the Rome Statute, which established the ICC. However, the court has argued that, because the alleged war crimes occurred in Gaza, Israeli officials could be held liable for their actions.

The State of Palestine has been a member of the ICC since 2015.

In issuing warrants against Netanyahu and Gallant, ICC prosecutors have argued that Israeli restrictions on aid to Gaza, including water and medicine, amounted to starvation as a method of warfare.

The two Israeli officials were also accused of crimes against humanity, including murder and persecution, as well as the war crime of directing attacks against civilians.

To date, Israel's war in Gaza has killed 47,354 Palestinians, while displacing nearly the entire population of the enclave. There has been a tenuous ceasefire since January 19th.

Earlier this month, UN experts called on the U.S. Senate to reject the bill after it was passed by the Republican-controlled House of Representatives.

"It is shocking to see a country that considers itself a champion of the rule of law trying to stymie the actions of an independent and impartial tribunal set up by the international community, to thwart accountability," the experts said. They added that threats to the ICC "promote a culture of impunity."

In an article published by the Just Security website on Monday, current and former presidents of the Assembly of States Parties of the International Criminal Court, the body that manages the court, warned that sanctions could "severely hinder" at least 20 investigations across the world.

"While challenges remain, we are committed to the ICC's vision of justice and its mandate to ensure that no one is above the law, regardless of power," they wrote.

"Efforts to undermine the ICC are attacks on the principle that law protects the weak against the powerful."

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