

U.S. congressional members slam ICC prosecutor's Israel arrest warrant requests, warning that the international court is playing with fire

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Republican legislators threaten 'consequences' against International Criminal Court officials, including travel bans.

Washington, May 20 (RHC)-- Lawmakers in the U.S. Congress have slammed the International Criminal Court's (ICC's) decision to seek arrest warrants for senior Israeli officials accused of war crimes in Gaza with some Republicans threatening to impose "consequences" against the international tribunal.

U.S. President Joe Biden also expressed his opposition to Monday's announcement from ICC Prosecutor Karim Khan, and labelled the move "outrageous."

Khan is seeking arrest warrants for Israeli Prime Minister Benjamin Netanyahu and Defense Minister Yoav Gallant. Khan accused the Israeli leaders of bearing "criminal responsibility" for war crimes and crimes against humanity in the Gaza Strip, including intentional attacks against civilians, willful killings and starvation of civilians as a weapon of war.

The response in Washington, DC – where Israel enjoys staunch support among lawmakers from both the Democratic and Republican parties – was swift and cutting.

Republican Senator Tom Cotton said Monday's announcement shows that the ICC — which is tasked with investigating war crimes, crimes against humanity and other atrocities — is "a farce." "My colleagues and I look forward to make sure neither Khan, his associates nor their families will ever set foot again in the United States," Cotton wrote on X.

Republican Congressman Anthony D'Esposito said the ICC was "playing with fire", writing on social media that "there will be serious consequences if they proceed."

Brian Mast, another Republican in the House of Representatives, said: "America doesn't recognize the International Criminal Court, but the court sure as hell will recognize what happens when you target our allies."

Neither the U.S. nor Israel are parties to the Rome Statute, under which the ICC was established, and neither recognise the jurisdiction of the court. Palestine, a non-member observer state at the United Nations, formally accepted the ICC's jurisdiction in 2015, extending the court's authority to investigate atrocities committed in the occupied Palestinian territory.

Several Republican legislators had warned Khan in late April against seeking arrest warrants against Netanyahu or other Israeli officials after reports began to circulate that such a request was imminent.

"Such actions are illegitimate and lack legal basis, and if carried out will result in severe sanctions against you and your institution," they wrote in a letter that was made public this month.

The letter was signed by a dozen top Republican senators, including Cotton, Mitch McConnell, Ted Cruz, Marco Rubio and Tim Scott. "Target Israel and we will target you. If you move forward ... we will move to end all American support for the ICC, sanction your employees and associates, and bar you and your families from the United States. You have been warned," it concluded.

For months, rights groups and Palestinian advocates had urged Khan and the ICC to seek arrest warrants for Israeli leaders involved in the country's war and siege on the Gaza Strip. Israeli attacks on the coastal enclave have killed more than 35,000 Palestinians since the war began in early October, prompting accusations that Israel was committing genocide.

Severe Israeli restrictions on water, food, medical supplies, fuel and other critical aid from entering Gaza have also created a humanitarian crisis.

During his announcement on Monday, Khan said: "Israel, like all states, has a right to defend its population," but that does not "absolve Israel of its obligations to comply with international humanitarian law." He also said: "It is critical in this moment that my office and all parts of the court continue to conduct our work with full independence and impartiality."

“And I insist that all attempts to impede, to intimidate or to improperly influence the officials of this court cease immediately. My office will not hesitate to act, pursuant to provisions of Article 70 of the Rome Statute, if such conduct continues and persists.”

Article 70 makes “impeding, intimidating or corruptly influencing an official of the Court for the purpose of forcing or persuading the official not to perform, or to perform improperly, his or her duties” an offence that the court has jurisdiction over.

Biden rejected what he portrayed as an attempt to compare the actions of Israel and Hamas. “The ICC prosecutor’s application for arrest warrants against Israeli leaders is outrageous,” Biden said in a statement. “And let me be clear: whatever this prosecutor might imply, there is no equivalence – none – between Israel and Hamas. We will always stand with Israel against threats to its security.”

While Biden came into office in 2021 pledging to re-engage with international institutions after his predecessor Donald Trump’s isolationist stance, the US continues to have a fraught relationship with the ICC.

Last week, a spokesperson for the U.S. Department of State said Washington does not believe the ICC has jurisdiction over the situation in Gaza. “We have made clear that we do not believe the ICC has jurisdiction in this case and oppose their investigation,” Matthew Miller told reporters.

The Biden administration has provided largely unwavering diplomatic and military support to Israel during its war on Gaza, prompting widespread protests and criticism. Some members of Biden’s own Democratic Party have joined calls for the US president to cut off aid to Israel. Others also have expressed support for the arrest warrants against Netanyahu and other Israeli leaders, stressing that international law must be applied evenly.

Nancy Okail, president of the Center for International Policy, a U.S.-based think tank, urged the U.S. government “to fully cooperate with – and in no way impede – the ICC process currently underway on this matter.”

“One need not agree with the prosecutor’s allegations to respect and defend the legitimacy of the court, its processes and the law which it is tasked to enforce. Any attempt to penalize or intimidate the court or its officers must be categorically condemned,” she said in a statement on Monday.

“The United States should also fulfill its own obligations and immediately cease military support enabling the violations of human rights and international law enumerated in the requested ICC warrants.”

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