

United States Senate

WASHINGTON, DC 20510-0908

May 9, 2024

President Joe Biden
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear Mr. President:

We write following reports that the International Criminal Court (ICC) is on the verge of issuing arrest warrants for senior Israeli officials. We are deeply concerned about the ICC's efforts to politically target Israel and respectfully urge you to forcefully counter this judicial overreach to protect our ally and American interests.

On October 7, 2023, Hamas broke a ceasefire with Israel when it slaughtered over 1,200 Israelis, making it the deadliest day in history for Jews since the Holocaust. Hamas committed mass rape and sexual violence, murdered babies, kidnapped hundreds of hostages, including American citizens, and refused to return victims' bodies to their families. The brutal killings were depraved and left anyone with a conscience in total shock.

As your administration has affirmed, the ICC does not have jurisdiction over this matter, as Israel is not a party to the ICC and has not consented to the Court's jurisdiction. ICC rules prohibit the Court from prosecuting cases against the citizens of a country with an independent judicial system. As a democratic country with a robust judicial system, including a military justice system, Israel is capable and has proven its ability to carry out its own proceedings. Moreover, since October 7th, Israel has exercised its right under international law to self-defense in response to an armed attack. Israel has taken significant actions to protect Palestinian lives as Hamas uses civilians as human shields.

It is outrageous that the ICC would make a political calculus to target Israel, which only further undermines the Court's legitimacy and undercuts efforts to advance peace between Israelis and Palestinians. Under the American Servicemembers Protection Act of 2002 (P.L. 107-206), the President is granted broad authorities to respond to these types of actions by the ICC, and we urge you to fully implement the law should the Court move forward with action against Israel. It is critical that you strongly oppose the ICC's efforts to target Israel and stand firmly with Israel in the face of the Court's overreach.

Thank you for your attention to this important matter.

Sincerely,



Marco Rubio
U.S. Senator



Jacky Rosen
U.S. Senator



Tim Scott
U.S. Senator



Joe Manchin III
U.S. Senator



Chuck Grassley
U.S. Senator



Kirsten Gillibrand
U.S. Senator



Dan Sullivan
U.S. Senator