



By: *Tomorrow's Affairs Staff*

# Short-sighted threats by Republican senators against the ICC



A group of Republican US senators **sent** a threatening letter to the personnel of the International Criminal Court (ICC) to put pressure on the court if they initiate war crimes proceedings against Israel's military and political leadership.

"You have been warned... Target Israel, and we will target you." Twelve Republican senators have threatened ICC personnel and their families with sanctions if they indict Israeli leaders over the Gaza operation.

Their move was intended to be the continuation of support for Israel in its actions against Hamas, but the end effect could be the exact opposite.

The senators, led by Tom Cotton from Arkansas, said issuing arrest warrants for Israeli leaders "would align the ICC with the largest state sponsor of terrorism and its proxy."

Their insinuation was clear. The ICC would align itself with Iran and its proxy, Hamas, if it took legal action against Israeli leaders, including Prime Minister Benjamin Netanyahu.

## Political declaration

The letter from the group of senators is a political declaration, not a document calling for legal action. Irrespective of this, it shows short-sightedness in wanting to support Israel in its actions against Hamas.

Their position jeopardises the overall US position towards Israel, in which Washington has been the staunchest ally despite being at the forefront of warning Netanyahu's government to prevent civilian casualties and a humanitarian catastrophe in Gaza.

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Last week, the administration of US President Joe Biden also declared that it does not support criminal investigations by the ICC against the Israeli leadership.

This is not only because the US does not recognise the jurisdiction of the ICC, but also because of the political position of the US government, which will remain Israel's staunchest ally in the fight against Hamas.

However, the US government's response was limited to the formal point that the US does not recognise the jurisdiction of the ICC in international criminal proceedings.

## Undermining the ICC's credibility

Republican senators, however, went a step further and threatened the ICC's activities with a political position and possible retaliation if their investigation led to charges.

The group of senators seriously damaged the ICC's international credibility with their position, stating that its possible action against the Israeli head of state would be "illegitimate and lack legal basis".

This destruction of the ICC's credibility also implies the undermining of its authority in other ongoing proceedings, on which the Republicans have a very different perspective.

A year ago, the ICC indicted Russian President Vladimir Putin for war crimes committed in Ukraine and issued an international arrest warrant against him, obliging **124 countries** to respond.

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In contrast to numerous political declarations by international bodies, including the UN, which have a significant but still declarative force, the ICC's indictment and arrest warrant have so far been the only effective threats directed at the Russian president personally.

The decisions of the ICC have a very practical consequence. The Russian president has hardly left the country in the last two and a half years for fear of being arrested by countries that recognise the jurisdiction of the ICC.

It is precisely for this reason that Putin did not attend last year's summit of the BRICS organisation in South Africa, even though he is one of the founders. Although South Africa gave assurances (at the last minute) that it would not comply with the ICC order, Putin nevertheless cancelled his participation as a precaution.

## A disservice to the Allies

Some Republican senators welcomed the indictment and arrest warrant against Vladimir Putin, which today, after the harsh reaction regarding Israel, gives a bad impression of the political foresight of the Republican political elite.

"The decision by the ICC to issue an arrest warrant for Vladimir Putin is a giant step in the right direction for the international community. It is more than justified by the evidence", said US Senator Lindsey Graham in March last year.



*The decision by the ICC to issue an arrest warrant for Vladimir Putin is a giant step in the right direction for the international community - Lindsey Graham*

The threat directed at the ICC by the group of Republican senators also ignores the fact that among the countries that recognise the court's jurisdiction are many of the US's closest allies: the UK, Australia, Canada, and leading EU and NATO countries.

Their threatening rhetoric towards the international court, which has confirmed its competence and independence in many cases, threatens the important alliance the US has with partners that play a crucial role in joint actions in the crises in Ukraine and the Middle East.

If it was the intention of the group of Republican senators to strongly support the Israeli response to the Hamas terror attacks on October 7, it was the wrong way to go about it.

Threats and challenges to the expertise and independence of the ICC by Republican politicians not only do a disservice to the mission of this court recognised by the US's closest allies, but they also discredit the justification for the measures the ICC has already taken against the Russian leadership for war crimes committed in Ukraine.