

Congress of the United States
Washington, DC 20515

April 30, 2024

The Honorable Joseph R. Biden
President of the United States of America
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

President Biden and Secretary Blinken,

We write to you today regarding incredibly concerning reports that the International Criminal Court (ICC) plans to issue arrest warrants for Israeli Prime Minister Benjamin Netanyahu, Defense Minister Yoav Gallant, and several senior officials within the Israeli Defense Forces (IDF). As the Israeli government continues its military operations in the Gaza Strip with the goal of wiping out the terrorist group Hamas, the United States must remain steadfast in its support of our greatest ally. You both must ensure that any error, like your abandonment of Israel at the United Nations Security Council in March 2024, is not repeated when dealing with these accusations.

As neither the United States nor Israel have ever been party to the ICC, empaneled in The Hague, the Court's authority has never been recognized by any presidential administration. If the Court does decide to move forward with these sham prosecutions, based on accusations leveled by terrorist organizations and corrupt foreign governments, there must be consequences. We call on the Biden administration to consider the harshest punishments for those involved with this prosecution if they do move forward.

The leadership of our greatest ally stands falsely accused of war crimes, ranging from disproportionate force to deliberately starving the Palestinian civilians within the Gaza Strip. These accusations cannot be further from the truth. The civilian casualty ratio reported during these ongoing operations in the Gaza Strip is one of the lowest in any instance of urban warfare. That remains true even if you believe the figures coming from the Gaza Health Ministry. The latter accusation also stands on unsound foundations, as Israel has attempted to allow as much well-vetted humanitarian aid in as possible under the current security situation, accompanied by direct aid deliveries from the United States and our allies. With attacks by terrorist groups within Gaza on the humanitarian aid pier being constructed by United States military personnel, the ICC should consider who really does not want aid reaching the civilian population.

There must not be any false equivalencies made between Israel and the barbaric terrorist organizations like Hamas, the Palestinian Islamic Jihad, and the other members of the Palestinian Joint Operations Room who directly targeted and massacred Israeli civilians on October 7th, 2023. In its operations in the Gaza Strip, Israel has attempted to minimize civilian casualties. In their terrorist attacks in Israel, the members of the Palestinian Joint Operations Room did everything possible to maximize civilian harm.

The United States must continue to pressure the ICC to prevent any of these warrants being issued for members of the Israeli government. The ICC's time and resources would be much better spent prosecuting the leadership of the terrorist groups in the Gaza Strip, who sit in lavish apartment blocks in Qatar, far away from the conflict, and whose members have been well documented engaging in war crimes on October 7th. If they do decide to move forward with these arrest warrants, it is our hope that the administration will stand with our ally Israel, reject any attempts to execute these warrants, and enforce severe consequences on those engaged in this sham prosecution. We look forward to a prompt reply and immediate action.

Sincerely,



Anthony D'Esposito
Member of Congress



Marcus J. Molinaro
Member of Congress



Elise Stefanik
Member of Congress