

# US condemns International Criminal Court investigation of Israeli war criminals

Andre Damon  
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The Biden administration Monday condemned an ongoing investigation by the International Criminal Court (ICC) of senior Israeli figures who masterminded the Gaza genocide.

Israeli media sources reported in recent days that ICC arrest warrants could be imminently issued against Defense Minister Yoav Gallant, Israeli Defense Forces Chief of Staff Lt. Gen. Herzi Halevi, and Prime Minister Benjamin Netanyahu.

“We’ve been really clear about the ICC investigation. We do not support it. We don’t believe that they have the jurisdiction,” said White House spokesperson Karine Jean-Pierre.

State Department deputy spokesperson Vedant Patel reiterated these points, declaring, “Our position is clear. We continue to believe that the ICC does not have jurisdiction over the Palestinian situation.”

The White House was joined by leading congressional Republicans. Republican Speaker of the House of Representatives Mike Johnson said an ICC arrest warrant for Israeli officials “would directly undermine US national security interests. If unchallenged by the Biden administration, the ICC could create and assume unprecedented power to issue arrest warrants against American political leaders, American diplomats, and American military personnel.”

The United States, the world’s leading perpetrator of war crimes, is not a signatory to the Rome Statute that established the International Criminal Court and does not recognize its authority to prosecute US war crimes or those of Israel, its proxy in the Middle East.

On September 2, 2020, the United States government imposed sanctions on the ICC prosecutor, Fatou Bensouda, in response to an investigation by the court into US war crimes in Afghanistan.

Despite this, the Biden administration publicly welcomed a war crimes investigation by the ICC against

Russian President Vladimir Putin over the war in Ukraine.

Asked why the United States supported an International Criminal Court investigation into Russian officials, Patel declared, “There is no moral equivalency between the kinds of things that we see [Russian President Vladimir Putin] and the Kremlin undertake in comparison to the Israeli government.”

*Bloomberg* and *Axios* reported that Netanyahu and Biden have discussed measures to obstruct the work of the ICC.

“The Israeli media has revealed that the Israeli government is holding secret meetings, consultations, and conversations with several of its allies, including the United States, United Kingdom, and Germany, in an attempt to prevent the issuance of ... arrest warrants and obstruct the Court’s work on the Palestine case,” the Euro-Med Human Rights Monitor noted.

Karim Khan, the chief prosecutor of the ICC, said he was investigating the actions of Israeli forces, adding, “Those who do not comply with the law should not complain later when my office takes action pursuant to its mandate.”

The ICC is separate from the International Court of Justice (ICJ), which does not prosecute individuals. In a case brought by South Africa, the ICJ ruled in January that Israel must work to prevent “genocidal acts” in Gaza and prevent Palestinians from being killed.

Following the ICJ’s ruling, tens of thousands of Gazans have been killed or injured in bombings, mass executions and through deliberate starvation.

Although neither Israel nor the US is a member of the ICC or recognize its jurisdiction, Palestine has been a member since 2015.

On Sunday, Israeli Foreign Minister Israel Katz said he was informed of “rumors” that warrants could be issued imminently against Israeli officials.

He added, “If the warrants are issued, they will harm the

commanders and soldiers of the IDF and provide a morale boost to the terrorist organization Hamas and the axis of radical Islam led by Iran against which we are fighting.”

Netanyahu declared that Israel “will never accept any attempt by the ICC to undermine its inherent right of self-defense.” He said any prosecution of Israeli officials by the ICC would be “outrageous,” adding, “We will not bow to it.”

In a message targeted at the imperialist backers of the Gaza genocide, Netanyahu declared, “Whereas decisions of the court in The Hague will not affect Israel’s actions, they would set a dangerous precedent threatening the soldiers and officials of any democracy fighting criminal terrorism and aggression.”

In other words, any indictment of Israeli leaders would, in effect, be an indictment of the leaders of the US, the UK, Germany and France.

On Monday, Reuters reported that ICC prosecutors have interviewed medical personnel at Shifa and Nasser hospitals, where Israeli forces reportedly carried out summary executions and dumped bodies in mass graves.

In the weeks since the discovery of the mass graves at the two hospitals, which collectively contain more than 500 bodies, evidence has grown that Israeli forces executed critically ill hospital patients.

In a statement, the Euro-Med Monitor wrote:

The presence of urinary catheters or splints, which were found to be still attached to some of the dead patients’ bodies during the exhumation process, as well as medical files that were buried with them in Al-Shifa Medical Complex, confirm the execution of ill and injured people.

On Monday, US and UK officials claimed that Israel had revised its terms for a temporary ceasefire in Gaza, while still repudiating any permanent withdrawal of military forces from the territory.

US Secretary of State Antony Blinken called the proposal “extraordinarily generous,” declaring Hamas to be “the only thing standing between the people of Gaza and a ceasefire.”

Osama Hamdan, a Hamas spokesperson, told *Al Jazeera* in response, “Stopping the attacks against Palestinians is not generous.”

He added:

It’s clear from the Israeli paper that they are still insisting on two major issues. They don’t want a complete ceasefire and they are not talking, in a serious way, about the withdrawal from Gaza. In fact, they are still talking about their presence... which means that they will keep continuing [occupying] Gaza.

Israel, meanwhile, continued its preparations for an attack on Rafah, the southernmost city in Gaza, where 1.5 million people are sheltering. Daily bombings on the city continued, including one strike that killed three Palestinians in the Nuseirat refugee camp.

To date, at least 34,488 people have been killed, including more than 14,500 children, with more than 8,000 individuals missing. The number of injured in Gaza is at least 77,643.

On Monday, *Middle East Eye* reported that Israel is planning on “setting up a complex system of checkpoints that will prevent men of ‘military age’ from fleeing Rafah in preparation for its offensive on the southern Gaza border city.”

It continued:

The checkpoints are designed to allow some women and children to leave Rafah ahead of an expected Israeli offensive, but unarmed, civilian Palestinian men will likely be separated from their families and remain trapped in Rafah during an expected Israeli assault.

Given that Israel has treated areas that it has ordered to evacuate as free-fire zones, it is becoming clear that the looming attack on Rafah will effectively be a mass execution of any who remain in the city.



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