

The ICC Takes on Israel and the US Congressional Mafia

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Senator Lindsay Graham was [bursting with contempt](#) for the International Criminal Court (ICC) when he grilled Secretary of State Blinken at a May 21 Congressional hearing. Wagging his finger, he warned that, if the ICC gets away with issuing arrest warrants for Israel's Prime Minister Benjamin Netanyahu and Defense Minister Yoav Gallant, "we are next."

Image: Israel PM Bibi Netanyahu and US Senator Lindsey Graham (Source: The Unz Review)



The audience at the hearing, stacked with CODEPINK pro-Palestine supporters, burst out in applause at the notion of the US being hauled before the world's highest court.

"You can clap all you want," an angry Graham retorted, "but they tried to come after our soldiers in Afghanistan." Graham was thankful that in the Afghan case "reason prevailed" when the case was dropped, adding that the US must level sanctions against the ICC "not only to protect our friends in Israel but to protect ourselves."

Graham was referring to the 2019 efforts of former ICC prosecutor Fatou Bensouda to hold both the Taliban and the US accountable for war crimes in Afghanistan. When Graham said that “reason prevailed,” he really meant that US thuggery prevailed because the Trump administration brazenly [imposed sanctions](#) against ICC officials, denying them visas to the US and freezing their assets in US banks. President Biden [lifted](#) the sanctions but did so with the tacit understanding that the court would not resume the probe of US crimes in Afghanistan. The message from both Democratic and Republican presidents was clear: Do not dare hold the US to the same standards you use for others.

The International Criminal Court was founded in 1998 as the result of a lifetime’s work by an American (and Jewish) international lawyer, Benjamin Ferencz, rooted in his experience as an investigator and chief prosecutor at the Nuremberg tribunals after the Second World War. Ben passed away in 2023 at the age of 103, but the universal jurisdiction that the court is exercising in this case is the fruition of his life’s work to hold war criminals accountable under international law, no matter what country they are from or who their victims are.

Enter Israel. The ICC has been building a case against Israel for nearly a decade. A recent blockbuster [investigation](#) by the Guardian and two Israeli-based news outlets revealed a shocking almost decade-long secret campaign against the court by Israeli intelligence agencies, who surveilled, hacked, pressured, smeared and threatened ICC officials in an effort to derail the court’s inquiries.

Despite the pressure, on May 20, ICC prosecutor Karim Khan made his request for Israeli and Hamas arrest warrants. Among the [charges](#) against the Israeli officials are extermination, using starvation as a method of warfare, willfully causing great suffering, and intentionally directing attacks against a civilian population.

Prosecutor Karim Khan’s request has now gone to a panel of [three judges](#) who will determine in the coming weeks whether the request is granted. But pro-Israel forces in the US are trying their best to throw sand in the wheels of justice with threats of new sanctions.

One ultimatum already came from Senator Tom Cotton and 11 other Republican senators in a toxic April 24 [letter](#).

“Target Israel and we will target you,” the senators signaled to the ICC. “If you move forward with the measures indicated in the report, 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.” The letter concluded with a hair-raising: “You have been warned.”

The Biden administration has responded to the ICC by flip flopping like a fish on dry land. On May 20, the White House put out a [statement](#) calling the ICC prosecutor’s application for arrest warrants against Israeli leaders “outrageous”, adding

“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.”

Secretary of State Anthony Blinken [called](#) the request “shameful.” At a hearing on May 22, he [told](#) Senator Graham that he welcomed working with him on efforts to sanction the ICC.

But on May 28, National Security Council Communications Advisor John Kirby [said](#) at a White

House press briefing, “We don’t believe that sanctions against the ICC is the right approach here.” White House press secretary Karine Jean-Pierre, who [spoke](#) after Kirby, reiterated that message. She said that legislation against the ICC “is not something the administration is going to support” and that “sanctions on the ICC are not an effective or appropriate tool to address U.S. concerns.”

This new position from the White House will make it easier for more Democrats to say no to the bills that will be introduced as soon as Congress returns from recess on June 3. Already, dueling statements are coming out from Congressional members. While Senate Majority Leader Schumer called the ICC appeal “reprehensible” and Democrat Joe Manchin joined with Republicans to call for [visa bans](#) for ICC officials and sanctions on the international body, Senator Bernie Sanders defended the court, saying,

“The ICC is doing its job. It’s doing what it is supposed to do. We cannot only apply international law when it is convenient.”

On the House side, progressives voiced support for the ICC. Rep. Cori Bush said,

“Seeking arrest warrants for human rights abuses is an important step towards accountability. It’s shameful for U.S. officials to threaten the ICC while continuing to send weapons that enable war crimes.”

Rep. Mark Pocan gave a gutsy response, saying,



“If Netanyahu comes to address Congress, I would be more than glad to show the ICC the way to the House floor to issue that warrant.”

While most Republicans and pro-Israel hawks in the Democratic Party will likely join hands to hammer the international court, President Biden may ultimately feel pressured to adopt the position best articulated by Senator Van Hollen.

Image: Senator Chris Van Hollen of Maryland (From the Public Domain)

“It is fine to express opposition to a possible judicial action, but it is absolutely wrong to interfere in a judicial matter by threatening judicial officers, their family members and their employees with retribution. This thuggery is something befitting the mafia, not U.S. senators.”

It is also not befitting the White House, especially one that has been such a willing partner to Israel’s war crimes.

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