



Written by [D. Michael DeRidder](#) on November 21, 2024

U.S. Leaders Respond to ICC Arrest Warrant for Netanyahu

International Criminal Court (ICC) prosecutor Karim Khan announced earlier today that based on evidence presented to his office, ICC judges determined that Israeli Prime Minister Benjamin Netanyahu and former Israeli Defense Minister Yoav Gallant, committed war crimes while fighting Hamas in Gaza. As posted [in a press release](#):

With respect to Israeli Prime Minister Benjamin Netanyahu, and former Israeli Minister of Defence Yoav Gallant, the judges of the International Criminal Court have found that there are reasonable grounds to believe that each has committed the war crime of using starvation as a method of warfare and crimes against humanity of murder, persecution, and other inhumane acts, as a direct perpetrator, acting jointly with others. The Chamber also found reasonable grounds to believe that they are each responsible for the war crime of intentionally directing attacks against civilians as a superior.



AP Images
Benjamin Netanyahu and Yoav Gallant

Khan had also issued arrest warrants for leaders of Hamas, including for now-deceased Hamas leader Yahya Sinwar. Following ICC confirmation of his death, Sinwar's warrant was withdrawn shortly after [he was killed by the Israel Defense Forces](#) (IDF) last month:

My Office had also submitted applications for warrants of arrest for Mr Yahya Sinwar, then Head of Hamas in the Gaza Strip, and Mr Ismail Haniyeh, former Head of the Hamas Political Bureau, but later withdrew them following evidence confirming their deaths.

Statement of [#ICC](#) Prosecutor [@KarimKhanQC](#) on the issuance of arrest warrants in the Situation in the State of [#Palestine](#) ↪ <https://t.co/bBah4wGBxp>

— Int'l Criminal Court (@IntlCrimCourt) [November 21, 2024](#)



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Although the State of Israel signed the Rome Statute that created the ICC, it [did not ratify the treaty](#), and does not bear any legal obligation to cooperate with the intergovernmental organization. The United States and Russia have likewise not ratified the treaty, and several prominent nations such as China, India, Indonesia, and Saudi Arabia never signed it to begin with.

<https://twitter.com/netanyahu/status/1859699642809843868>

U.S. Response

In response to the ICC and Khan's announcement, Senator Lindsey Graham (R-S.C.) called on current Senate Majority Leader Chuck Schumer (D-N.Y.) to pass legislation to sanction the ICC, stating [in a post on X](#):

The International Corrupt Criminal Court has acted in the most absurd and irresponsible manner possible by issuing arrest warrants against the Prime Minister and former Defense Minister of Israel while there is a serious cloud of allegations hanging over the prosecutor who sought these warrants. The Court is a dangerous joke. It is now time for the U.S. Senate to act and sanction this irresponsible body. The Court defied every concept of fundamental fairness and legitimized a corrupt prosecutor's actions. Calling for an independent investigation of the prosecutor's misconduct one day and issuing a warrant based on his work product the next day is an affront to any sense of fairness and the rule of law. Senator Schumer needs to pass the bipartisan legislation that came from the House sanctioning the Court for such an outrage and President Biden needs to sign it. Now.

The ICC announcement received bipartisan condemnation, with Senator Jacky Rosen (D-Nev.) calling on President Biden to take action against the ICC in response to the arrest warrants, stating [in a post on X](#):

I'm outraged by the ICC's politically-motivated efforts to target Israel and equate it to the Hamas terrorists who intentionally murdered, raped, and kidnapped civilians on October 7. I'm once again calling on @POTUS to use his authority to swiftly respond to this overreach.

Senator Tom Cotton (R-Ark.) called Khan a "deranged fanatic," and noted the U.S. law, informally known as "The Hague Invasion Act," that authorizes the U.S. president to use "all means necessary" to protect U.S. or allied personnel from ICC prosecution, stating [in a post on X](#):

The ICC is a kangaroo court and Karim Khan is a deranged fanatic. Woe to him and anyone who tries to enforce these outlaw warrants. Let me give them all a friendly reminder: the American law on the ICC is known as The Hague Invasion Act for a reason. Think about it.

Senate Minority Leader Mitch McConnell (R-Ky.) also responded to the ICC arrest warrants, claiming the court lacks moral clarity, stating [in a post on X](#):

This is damning...Not for Israel, but for the impotent sham court flaunting its lack of moral clarity as a badge of honor.

Representative Burgess Owens (R-Utah) made similar remarks to his Congressional colleagues in the Senate, calling the ICC illegitimate, and noted the House passed a bill calling on other nations to join



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the United States in opposing antisemitism, stating [in a post on X](#):

The ICC is a kangaroo court. The People's House passed a bill yesterday to call on all nations to join the US in combating antisemitism, building on legislation we passed earlier this year to sanction the ICC. The Senate must join us and pass these bills.



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