

حكمة – مركز من أجل القانون الدولي وحقوق الانسان

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8 August 2026

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Mr. Todd Blanche
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Re: **United States and other G7 Countries Pressures against the ICC regarding the Palestine Situation including Israel's Genocide in Gaza**

“International Criminal Court President Tomoko Akane has asked Japan for cooperation to counter pressure from U.S. President Donald Trump’s administration for ICC member countries to withdraw from the court based in The Hague, the Netherlands.”

“ICC president seeks Japan’s aid to counter Trump push for Asian members’ exit”, *Japan Times*, 28 July 2026

“Using all the tools at our government’s disposal, working beside every ally with whom we can make common cause, we will dismantle the I.C.C. — brick by brick, if necessary,” he wrote. Although the State Department announced the campaign on Monday, Mr. Rubio made calls last week to top diplomats in other countries to try to make a case against the court, a U.S. official said...On Monday, the State Department warned that the I.C.C. was trying to become an “unaccountable global arbiter” that threatens Americans by investigating American servicemen and officials, for instance over their actions in foreign wars.”

Jeanna Smialek et al, “Trump Administration Announces New Attack on the International Criminal Court”, *New York Times*, 13 July 2026.

“Justice Goldstone had written a foreword to my book, although we had not yet met.”

Interview with Martha Minow, Harvard International Law Journal, 10 September 2010.

“Dershowitz, not hiding his dismay with Goldstone, said that the judge used very poor judgment, and noted that judges are not above the law or morality, and nor are they above criticism or debate.”

Yitzhak Benhorin, “Dershowitz slams Goldstone for ‘Spreading Lies’”, *Ynet*, 23 November 2009.

“Shimon Peres: His purpose was to remove every obstacle on the path to the creation of the state, which for him was an ongoing process, not a one-time event that took place in 1948. He wasn’t thinking about what was going to happen later. He sent me on many assignments. For some reason he thought I could do things, let’s say, unconventionally.”

Shimon Peres & David Landau, “Rules of Engagement”, *Tablet Magazine*, 28 October 2011.

Introduction

1. The purpose of this letter is to underscore the continuous illegal measures taken by the United States government against the International Criminal Court (ICC) regarding its investigation of ICC Statute crimes perpetrated by Israel against Palestinians. Other economically powerful states, allies of the United States, have also exerted illegal pressures against the ICC, namely the British Government while Germany had sought in the past to file pleadings challenging the ICC jurisdiction on behalf of Israel most probably via American requests.
2. Hikmah – Center for International Law and Human Rights is a human right organization that aims to hold accountable individuals in powerful countries for violations of international law, with a special focus on the United States. The organization also strives to advance the rights of Palestinians violated systematically for decades, at least since the 1917 British Balfour Declaration by colonial and apartheid Zionism and Israel and their backers on the international stage, mainly consecutive American administrations under the influence of large and significant segments of the American Jewish community.¹
3. On 5 February 2021 Pre-Trial Chamber I decided by a majority decision that the ICC has jurisdiction in the 1967 occupied Palestinian territories (Gaza, West Bank, and East Jerusalem) for ICC Statute crimes committed since 13 June 2014. On 15 December 2025 the Appeals Chamber rejected by a majority ruling Israel’s jurisdictional challenge to the ICC’s investigation into its crimes in Gaza.
4. American and British governments have been complicit in Israel’s genocide in Gaza,² particularly given their supply of military equipment and guidance as well as diplomatic shielding. Their flagrant interventions against the ICC that shall be detailed below, constitute violations of articles 58(1)(b)(ii), 70(d), and 70(e) of the ICC Statute.
5. The ICC investigation regarding Gaza thus far failed to capture the actuality of Israel’s conduct in Gaza by refraining from charging its officials with the perpetration of the crime of genocide, regardless of the epistemology and vocabulary of American lawyer at the Office of the Prosecutor Thomas Lynch.³ Further, the ICC has declined to initiate any proceedings against officials from the United States and Britain notwithstanding their complicity and their abhorrent attempts to undermine proceedings before the ICC. Not less importantly, no known procedures have been triggered against Israeli officials for direct criminal attempt to extort and influence former ICC Prosecutor Ms. Fatou Bensuda.⁴
6. An investigation and issuance of arrest warrants against Israeli officials for their crimes in the West Bank and East Jerusalem that fall under the ICC Statute is mandatory. Relevant crimes are apartheid, persecution, and forcible transfer.

American and British Interventions against the ICC: a Violation of the ICC Statute and the Court’s Silence

¹ See Benjamin Balthaser, “The Outcasts of Zion”, *Boston Review*, 27 May 2025.

² See Hikmah’s letter to the ICC Prosecutor dated 22 September 2026 regarding U.S. Administration’s complicity and other relevant information available at: <https://www.hikmahs.org/copy-of-israeli-military-campaigns-20>. With respect to the British government’s complicity see: Jeremy Corbyn et al, *The Gaza Tribunal: Britain’s Complicity in Genocide* (Pluto Press, 2026).

³ See David Hearst et al, “Exclusive: How Karim Khan’s Israel war crimes probe was derailed by threats, leaks and sex claims”, *Middle East Eye*, 1 August 2025; David Kirkpatrick, “The Hague on Trial”, *The New Yorker*, 5 October 2025.

⁴ See Harry Davies, “Revealed: Israeli spy chief ‘threatened’ ICC prosecutor over war crimes inquiry”, *The Guardian*, 28 May 2024; Harry Davies et al, “Spying, hacking and intimidation: Israel’s nine-year ‘war’ on the ICC exposed”, *The Guardian*, 28 May 2024.

7. The United States is not a member state of the ICC, but its officials' culpability can be captured by its jurisdiction when conducted in relation to a relevant crime scene such as the genocide, crimes against humanity, and war crimes perpetrated by Israel in Gaza.
8. Since its first tenure, the Trump administration has intimidated the ICC in relation to Israel's crimes against Palestinians. The Times of Israel reported about Secretary of State Pompeo that:
 US Secretary of State Mike Pompeo on Friday warned the International Criminal Court against asserting jurisdiction over Israel, saying the United States will "exact consequences" for any "illegitimate" investigations.
 ...
 'The International Criminal Court is a political body, not a judicial institution. This unfortunate reality has been confirmed yet again by the ICC Prosecutor's attempt to assert jurisdiction over Israel, which like the United States, is not a party to the Rome Statute that created the Court,' read Pompeo's statement.'⁵
9. Four months later in September 2020, Pompeo sanctioned the ICC Prosecutor for its attempt to investigate U.S. officials for crimes in Afghanistan,⁶ but the Israeli connection was clear and present from his statement and visit to Israel in May.⁷
10. Similar approach was announced by the British Prime Minister Boris Johnson. Jerusalem News Syndicate reported Johnson's dismay with the ICC prompting him to write a letter to the lobbying group Conservatives Friends of Israel:
 In an April 9 letter to the British lobby group Conservative Friends of Israel, he said while the government is one of the ICC's "stronger supporters" and respects the independence of the court, it opposes the probe.

 'We do not accept that the ICC has jurisdiction in this instance, given that Israel is not a party to the Statute of Rome and Palestine is not a sovereign state,' he wrote. 'This investigation gives the impression of being a partial and prejudicial attack on a friend and ally of the U.K.'s.'⁸
11. Germany also opposed ICC's jurisdiction over Israel's ICC Statute crimes, and even filed a legal briefing in this regard.⁹The motivation of Germany is not clear, and worthy of a separate analysis.
12. Since Israel's genocide in Gaza that commenced on 7 October 2023, the ICC's Prosecutor's Office under the leadership of Karim Khan was hesitant to exercise its powers, a topic that we shall address shortly. But even the limited manner in which ICC's prosecution carried out its duties instigated a ruthless response from the American and British governments.
13. When ICC's prosecution launched an investigation into Gaza with the intention to issue arrest warrants, the British Foreign Secretary David Cameron called ICC's prosecutor threatening to defund the ICC, claiming that such a step amounts to 'dropping a hydrogen bomb'.¹⁰The British government has since confirmed the existence of this phone call.¹¹
14. The American Administration and its opposition at home were furious with the ICC's investigation regarding Gaza. In anticipation for issuing the arrest warrants, U.S. Foreign Secretary Anthony Blinken declared in Congress that he would consider imposing sanctions against the ICC.¹²Thomas Bridgeman and Ryan Goodman's attempt to

⁵ "Pompeo warns ICC of 'consequences' for potential war crimes probe of Israel", *Times of Israel*, 16 May 2020.

⁶ See "International Criminal Court Officials Sanctioned by US", *BBC*, 2 September 2020.

⁷ See also Pnina Sharvit Baruch et al, "The ICC and the Afghanistan Affair: The New Prosecutor and the Elegant Solution", *TAU's INSS*, 14 October 2021.

⁸ See "British prime minister affirms opposition to ICC war-crimes probe of Israel", *JNS*, 16 April 2021.

⁹ Stefan Talmon, "Germany publicly objects to the International Criminal Court's ruling on jurisdiction in Palestine", *GPIL*, 11 February 2021.

¹⁰ David Hearst et al, "Exclusive: David Cameron threatened to withdraw UK from ICC over Israel war crimes probe", *Middle East Eye*, 9 June 2025.

¹¹ Sondas Asem et al, "Exclusive: UK confirms phone call between Cameron and ICC's Karim Khan", *Middle East Eye*, 22 January 2026.

¹² See Reuters, "Blinken willing to work with Congress on potential sanctions against ICC", *The Guardian*, 22 May 2024.

interpret Blinken's clear statement in order to find a path for reasonableness not to say goodness in the Democratic Party's U.S. foreign policy regarding Israel is as hollow as the policy itself.¹³ Republican Senators issued threats against the ICC for its Israel investigation that indeed materialized.¹⁴

15. Prosecutor Andrew Cayley who was supposed to lead the Gaza investigation resigned in the wake of potential U.S. sanctions. He also received threatening phone calls because of his attempt to fulfil his duties under the ICC Statute and Regulations.¹⁵ According to Cayley's recollection to The Observer:

He began receiving anonymous, threatening phone calls saying 'you're in a very dangerous position'. And last summer, the Dutch police and security services turned up at the court to warn that he was in considerable danger. 'They said we need to look at your flat and we need to put alarms on all the French windows, bars across the skylights and you need a reinforced bulletproof door,' he recalls. 'It was very frightening.'¹⁶
16. Trump and his Foreign Secretary Rubio waged a cataclysmic attack against the ICC, Palestinian NGOs that document Israeli violations, and the Special U.N. Rapporteur for the 1967 Occupied Palestinian Territories placing all of them under the unique American regime of sanctions.¹⁷ Rubio has also been urging countries in Asia and elsewhere to exit ICC membership.¹⁸
17. On 5 June 2025 U.S. Secretary of State Rubio sanctioned three ICC judges. On 9 July 2025 Rubio sanctioned U.N. Special Rapporteur for the 1967 Occupied Palestinian Territories Ms. Francesca Albanese, voided by a U.S. Court.¹⁹ On 20 August 2025, Rubio sanctioned two ICC judges and the two ICC deputy prosecutors. On 4 September 2025 Rubio sanctioned three leading Palestinian human rights organizations that consistently document Israeli violations of international law. On 18 December 2025 Rubio sanctioned two additional judges of the ICC.²⁰ In total, Trump and Rubio have sanctioned the ICC prosecutor and his two deputies; seven ICC judges; three Palestinian human rights organizations, and one U.N Special Rapporteur for the 1967 Occupied Palestinian Territories.
18. In July 2026 Rubio mercilessly announced a campaign to dismantle the ICC, also writing an article about his plan.²¹ The objective is bound to ICC actions against American officials, according Rubio and the statement on his office's website.²²
19. Both Rubio and Trump are under the incessant financial influence of American businessman Larry Ellison, a grave supporter of Israel,²³ who is also attempting to manipulate the already unbalanced American media scene in favor of Israel.²⁴

¹³ See Thomas Bridgeman and Ryan Goodman, "Sec. Blinken's View on Sanctions Against the ICC: A More Complete Picture", *Just Security*, 22 May 2024. See also Emily Jacobs, "Schumer accuses ICC of 'long term, anti-Israel bias' amid Israeli arrest warrant fears", *Jewish Insider*, 30 April 2024; Jonathan Topaz, "Goldberg: Clinton line was a 'shot'", *Politico*, 11 August 2014.

¹⁴ See Matt Berg, "'You have been warned': GOP senators caution ICC over Israeli arrest warrants", *Politico*, 6 May 2024; Maggie Haberman, "Graham and Netanyahu Worked Together to Denounce International Criminal Court", *New York Times*, 28 July 2026.

¹⁵ Chloe Hadjimatheou, "Threat of US sanctions over Gaza forced me out, says ICC lawyer",

¹⁶ Chloe Hadjimatheou, "Threat of US sanctions over Gaza forced me out, says ICC lawyer", *The Observer*, 29 June 2025.

¹⁷ See White House, "Imposing Sanctions on the International Criminal Court", 6 February 2025, sanctioning ICC Prosecutor Khan.

¹⁸ See "ICC president seeks Japan's aid to counter Trump push for Asian members' exit", *Japan Times*, 28 July 2026; Stephanie Maupas, "US pressures African states to leave ICC", *Le Monde*, 4 August 2026.

¹⁹ Guardian Staff et al, "Federal judge blocks US sanctions against UN expert on occupied Palestinian territories", *The Guardian*, 14 May 2026.

²⁰ See U.S. Department of State, ICC Sanctions, available at: <https://www.state.gov/icc-sanctions>

²¹ See Marco Rubio, "Why We're Dismantling the International Criminal Court", *Wall Street Journal*, 13 July 2026.

²² See U.S. Department of State, State Department Launches Campaign to Dismantle International Criminal Court's Threat to American Sovereignty, 13 July 2026, available at: <https://www.state.gov/releases/office-of-the-spokesperson/2026/07/state-department-launches-campaign-to-dismantle-international-criminal-courts-threat-to-american-sovereignty>

²³ See Emily Glazer et al, "How a \$45 Million Donation Brought Larry Ellison Deeper Into Trump's Circle", 23 June 2026; Ryan Grim and Murtaza Hussain, "Larry Ellison Vetted Marco Rubio for Fealty to Israel, Hacked Emails Reveal", *Drop Site*, 2 October 2025; Kenneth Vogel, "Larry Ellison gives another \$1 million to boost Marco Rubio", *Politico*, 20 February 2016; Pema Levy, "Marco Rubio Gets a Big Boost From Two Loyal Billionaires", *Mother Jones*, 31 July 2015.

²⁴ Jeremy Barr, "Bari Weiss's overhaul of CBS News has been rocky. But her 60 Minutes revamp will be the ultimate test", *The Guardian*, 7 August 2026; Eli Clifton, "Oracle execs: Love Israel or maybe this isn't the job for you", *Responsible Statecraft*, 3 October 2025.

20. It should be noted that the U.S. successfully pressured France as well to disinvite South Africa to the G7 summit because of the case it had instituted at the International Court of Justice about Israel's genocide in Gaza, which remains pending.²⁵

ICC Investigation regarding Gaza

21. ICC investigation regarding Gaza has been reluctant and hesitant influenced from pressures advanced by the British government before the genocide began in Gaza on 7 October 2023. It is difficult to escape the impression that Prosecutor Khan's eyes were directed at the British political system where the government has been against exercising ICC's jurisdiction regarding Israel's crimes and the general political attitude has been unsupportive of Palestinians' rights as demonstrated by Blairism's opportunist manipulation of antisemitism mainly against Jeremy Corbyn. A noble politician, Corbyn had opposed Tony Blair's illegal wars and consistently expressed solidarity with Palestinians' rights. The composition of the advisory committee that Khan had assembled to grant legitimacy to his decisions, where none of its members have in depth familiarity with the Palestinian condition factually and legally, is a demonstration of his extremely unwarranted cautious approach.
22. Professor Theodore Meron's knowledge is not necessarily helpful given his past role as an Israeli diplomat trained at Harvard Law School. Selecting conservative British Barrister Andrew Cayley to lead the Gaza investigation is an appeasement to British conservatives.
23. International Court of Justice's proceedings regarding Israel's violation of the Convention on the Prevention and Punishment of the Crime of Genocide in the background, Khan explained in a CNN interview that the ICC is not charging Israeli officials with genocide, but this is an 'ongoing investigation'.²⁶ A phrase he continued to use until his personal debacle. By now there is a near consensus among leading experts that Israel has committed genocide in Gaza, but the ongoing investigation that Khan had alluded to has not caught up with the facts and the law yet.
24. ICC Prosecution erred in characterizing the resistance operation from Gaza on 7 October 2023, an occupied and besieged area. There is a right under international law to mount an armed resistance operation against an occupying and besieging power. IDF's Gaza Division and its Southern Command are an occupying power. Further, ICC Prosecution did not capture the facts of that day where at least most of the Israeli civilians that were killed died as a result of intentional shooting by Israeli forces in accordance with existing military procedure. Israeli military and government censorship preserve the non-publication of the facts of the exceptional day.²⁷
25. Despite seeking arrest warrants against Netanyahu and Galant, and potentially five additional Israeli officials,²⁸ desisting from capturing Israel's conduct as genocide could be a lasting stain on the ICC's performance. It will be seen as an attempt to contain America's and its allies' illegal obstruction of justice, while nevertheless appearing as moderately defiant in pursuit of a decent application of international law.
26. No charge of genocide and no orders against complicit obstructors of justice are a capitulation to barbarism, brute power, and limitless greed.

ICC Should Investigate and Prosecute Israeli Officials for ICC Statute Crimes in the West Bank

27. Israel exercises a colonial and apartheid regime in the entirety of historic Palestine. Israel's laws and policies are dedicated to this purpose. They are reflected from the 1952 Absentees Property Law, through the 1960 Basic Law:

²⁵ Le Monde & AFP, "South Africa says it was disinvited from G7 summit after US pressured France", *Le Monde*, 26 March 2026.

²⁶ Christine Amanpour, Interview with ICC Chief Prosecutor Karim Khan, *CNN*, 20 May 2024.

²⁷ ICC's colossal inability to understand the events of that day is reminiscent of the disastrous performance of the Special Tribunal for Lebanon (STL) led by workers from Canada, Australia, the United States, and Britain. While even New York Times columnist Thomas Friedman was aware of the identity of the perpetrators of the political assassinations that took place in Lebanon, reflected also in American and Israeli cultures, it had not occurred to STL's Prosecution to invite him as a potential witness. Friedman's stature as an American foreign policy authority is disturbing. Celebrating him in 2006 by Yale Law School Dean Harold Koh after having advocated for two illegal wars in the aftermath of 11 September 2001 is a travesty, an indication of Koh's worthless educational value as a university administrator. As a lecturer, however, his content is often disagreeable.

²⁸ See Jeremy Sharon, "ICC issues 5 new arrest warrants against Israeli officials – report", *Times of Israel*, 17 May 2026.

Israel Lands, to the 2018 Basic Law: Israel – The Nation State of the Jewish People, reaching the illegal annexation of East Jerusalem in 1967²⁹ as well as illegal settlement in those areas,³⁰ and the military regime that has effective control over the West Bank and Gaza.

28. Human rights organizations and academics have documented this illegitimate regime.³¹ The International Court of Justice has declared Israel's occupation in Gaza, the West Bank, and East Jerusalem illegal as such, including all settlements in those areas.³²
29. ICC jurisdiction does not extend beyond the 1967 occupied Palestinian territories. However, it should comply with its obligation to investigate and prosecute senior Israeli officials for their crimes committed in the West Bank and East Jerusalem in particular: apartheid and persecution. The relevant Israeli officials are the Minister of Defense, IDF's Chief of Staff, IDF's Commander of the Central Command, and the head of the Israel Security Service (known as Shin Bet) and his subordinates. ICC 2016 policy paper on case selection and prioritization cannot and should not preclude an investigation and prosecution against Israeli officials for their crimes in the West Bank and East Jerusalem.³³
30. The creation of the Palestinian Authority after the 1993 Oslo Accords produced a governing body on a limited area of the West Bank and Gaza, but maintained the overall authority in the hands of the Israeli military who continued to exercise their effective control.³⁴ The Israeli government and military prevent the creation of a sovereign Palestinian state and derail other Palestinian rights as part of their ongoing design of apartheid and persecution.
31. Since Israel's genocide in Gaza, it has carried out military operations in the West Bank as well to maintain its apartheid regime and in the pursuit of the persecution of Palestinians. Constant settler violence with full impunity is part of this endeavor, including the forcible displacement of large civilian communities.
32. Indeed, Israel's violations against Palestinians are relentless in defiance to basic norms of international law. The task to confront them and their patrons in the United States may seem daunting. But it is nevertheless a necessary one.

Respectfully,



Marwan Dalal

Executive Director

²⁹ See U.N. Security Council resolutions 478 of 20 August 1980 and 252 of 21 May 1968.

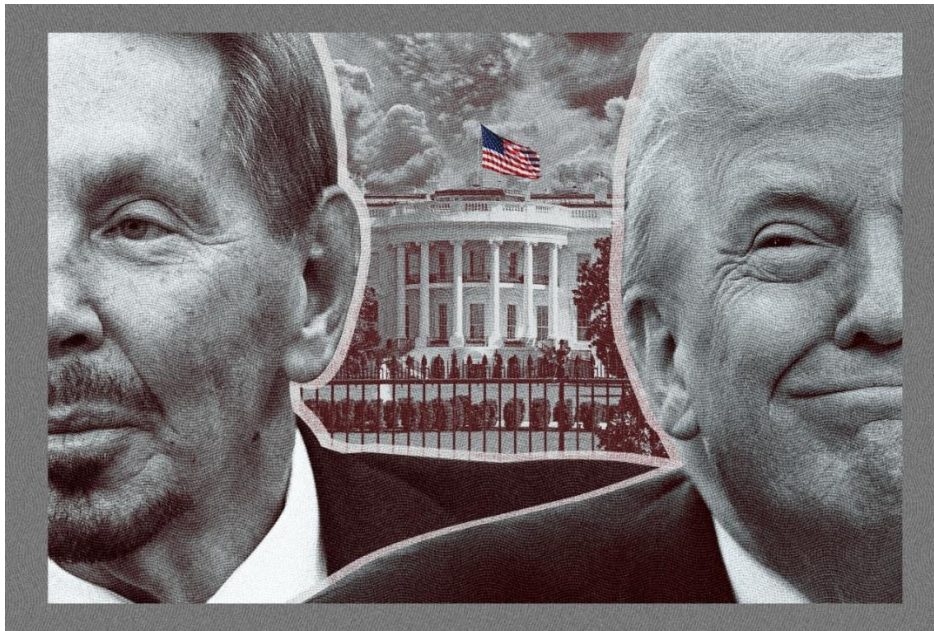
³⁰ See U.N. Security Council resolutions 446 of 22 March 1979 and 465 of 1 March 1980.

³¹ See Elia Zureik, *Israel's Colonial Project in Palestine* (Brutal Pursuit, (Routledge, 2016); Hikmah – Center for International Law and Human Rights, *Close Encounters in Palestine / Israel: The Most Colonial and Apartheid Democracy*, 28 March 2026; Human Rights Watch, *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution*, 27 April 2021; Amnesty International, *Israel's apartheid against Palestinians: Cruel system of domination and crime against humanity*, 1 February 2022; Richard Falk and Virginia Tilly, *Israeli Practices towards the Palestinian People and the Question of Apartheid*, ESCWA, 2017.

³² International Court of Justice, *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion, 19 July 2024.

³³ See The Office of the Prosecutor, *Policy paper on case selection and prioritization*, 15 September 2016.

³⁴ This is indeed the Israeli understanding of the 1993 Oslo Accords expressed by their drafter, the legal adviser to the Israeli negotiating side. See Yoel Zinger, "The Israeli – Palestinian Interim Agreement about Self-Governing in West Bank and Gaza – Few Legal Aspects", 27 *Mishpatim*, pp.605-629 (1997)(Hebrew).



Israel's Backer Ellison and Trump. Source: Wall Street Journal, 23 June 2026.



Pompeo. Source: Times of Israel, 2 September 2020.



Blinken. Source: The Guardian, 2 May 2024.



Rubio. Source: NPR, 14 September 2025.