The Honorable Michael R. Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20230

May 12, 2020

Dear Mr. Secretary:

In light of the recent International Criminal Court (ICC) decision to authorize the formal investigation of American military personnel for war crimes, we write to you with strong concern about potential consequences for the United States and our ally, Israel, should prosecutions result.

As the world’s only permanent international court, the ICC is intended as a court of last resort for the prosecution of the most serious international crimes, yet both Democratic and Republican administrations have refused to join the Court in part because they feared its politicization and misuse. While we support the ICC’s stated goal of ensuring accountability for the gravest crimes of concern to the international community, the Court’s recent announcements are examples of how politics have been infused into the judicial process and distorted the purposes for which the court was established.

The ICC is proceeding with its investigation of the United States and is considering a similar decision with respect to Israel even though neither the United States nor Israel are members of the ICC. The ICC does not enjoy legitimate jurisdiction in these cases. One of the main principles of the ICC is that, first and foremost, individual states should try cases within their jurisdiction while the ICC serves as a complementary institution which does not substitute its decisions for those of individual nations. In instances when war crimes are committed, we believe our nation and Israel are both able and willing to carry out investigations and prosecute offenders without ICC involvement.

With respect to the possible case against Israel, we are concerned that those pressing for action seek a court judgment in place of a negotiation process between Israelis and Palestinians. The ultimate sustainable solution to the Israeli-Palestinian conflict lies in the resumption of Israeli-Palestinian direct negotiations in pursuit of a two-state solution—not in the pursuit of cases at the ICC. These cases distract from and undermine our efforts to get the parties back to the table.
We urge you to marshal a diplomatic initiative with likeminded countries who are members of the ICC to call on the ICC to cease its politically motivated investigations into the United States and Israel. We look forward to working together to ensure the safety of Americans and Israelis while also encouraging accountability and justice.

Sincerely,

Elaine G. Luria
Member of Congress

Mike Gallagher
Member of Congress

Kevin McCarthy
Minority Leader

Steve Scalise
Minority Whip

Eliot L. Engel
Member of Congress

Michael T. McCaul
Member of Congress

Ralph Abraham, M.D.
Member of Congress

Kelly Armstrong
Member of Congress

Robert B. Aderholt
Member of Congress

Jodey C. Arrington
Member of Congress

/s/
Pete Aguilar
Member of Congress

/s/
Rick W. Allen
Member of Congress

/s/
Brian Babin, D.D.S.
Member of Congress
Don Bacon
Member of Congress

/s/
James R. Baird
Member of Congress

/s/
Troy Balderson
Member of Congress

Jim Banks
Member of Congress

Andy Barr
Member of Congress

Nanette Diaz Barragán
Member of Congress

Joyce Beatty
Member of Congress

Jack Bergman
Member of Congress

Jaime Herrera Beutler
Member of Congress

/s/
Andy Biggs
Member of Congress

Gus Bilirakis
Member of Congress

Dan Bishop
Member of Congress

/s/
Rob Bishop
Member of Congress

/s/
Brendan F. Boyle
Member of Congress

Kevin Brady
Member of Congress
/s/
Anthony Brindisi
Member of Congress

Anthony G. Brown
Member of Congress

/s/
Mo Brooks
Member of Congress

/s/
Susan W. Brooks
Member of Congress

/s/
Vern Buchanan
Member of Congress

/s/
Mo Brooks
Member of Congress

/s/
Bradley Byrne
Member of Congress

/s/
Ken Calvert
Member of Congress

/s/
Tony Cárdenas
Member of Congress

/s/
Matt Cartwright
Member of Congress

/s/
Kathy Castor
Member of Congress

/s/
Steve Chabot
Member of Congress

/s/
Liz Cheney
Member of Congress
Gilbert R. Cisneros, Jr.  
Member of Congress

Yvette D. Clarke  
Member of Congress

Ben Cline  
Member of Congress

Tom Cole  
Member of Congress

Doug Collins  
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James Comer  
Member of Congress

K. Michael Conaway  
Member of Congress

Col. Paul Cook (Ret.)  
Member of Congress

Jim Cooper  
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J. Luis Correa  
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Dan Crenshaw  
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Ted Deutch  
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Mario Diaz-Balart  
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Jeff Duncan  
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Neal Dunn  
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Tom Emmer  
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Anna G. Eshoo  
Member of Congress

/s/  
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Member of Congress

Ron Estes  
Member of Congress

A. Drew Ferguson, IV  
Member of Congress
Brian Fitzpatrick
Member of Congress

/s/
Chuck Fleischmann
Member of Congress

Bill Flores
Member of Congress

Virginia Foxx
Member of Congress

Lois Frankel
Member of Congress

Russ Fulcher
Member of Congress

/s/
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Member of Congress

Greg Gianforte
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Bob Gibbs
Member of Congress

Jared Golden
Member of Congress

Jimmy Gomez
Member of Congress

Anthony Gonzalez
Member of Congress

Vicente Gonzalez
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Lance Gooden
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Josh Gottheimer  
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Garret Graves  
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Sam Graves  
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Tom Graves  
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Glenn Grothman  
Member of Congress

Michael Guest  
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Brett Guthrie  
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Jim Hagedorn  
Member of Congress

Josh Harder  
Member of Congress

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Member of Congress

Vicky Hartzler  
Member of Congress

/s/  
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Denny Heck  
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Kevin Hern  
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John Joyce, M.D.
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Mike Kelly
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Trent Kelly
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Derek Kilmer
Member of Congress

Andy Kim
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Steve King
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Ann Kirkpatrick
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David Kustoff
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Member of Congress

Grace Meng
Member of Congress

Daniel P. Meuser
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Carol D. Miller
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John Moolenaar
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Bill Posey  
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Guy Reschenthaler  
Member of Congress

Kathleen Rice  
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Denver Riggleman  
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Martha Roby  
Member of Congress

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Member of Congress

Mike Rogers  
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Francis Rooney  
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/s/  
John Rose  
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Max Rose  
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Harley Rouda  
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David Rouzer  
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John Rutherford  
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Tim Ryan  
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Linda T. Sánchez  
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Adam B. Schiff  
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Kurt Schrader  
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Austin Scott  
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David Scott  
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Brad Sherman  
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Mike Simpson  
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Michael R. Turner
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Jefferson Van Drew
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Juan Vargas
Member of Congress

Marc Veasey
Member of Congress

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Ann Wagner
Member of Congress

Tim Walberg
Member of Congress

/s/
Greg Walden
Member of Congress

/s/
Mark Walker
Member of Congress
Lee Zeldin
Member of Congress