

116TH CONGRESS
2D SESSION

S. RES. 570

Opposing and condemning the potential prosecution of United States and Israeli nationals by the International Criminal Court.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2020

Mr. CRUZ submitted the following resolution; which was referred to the
Committee on Foreign Relations

RESOLUTION

Opposing and condemning the potential prosecution of United States and Israeli nationals by the International Criminal Court.

Whereas the United States has long objected to any assertion of jurisdiction by the International Criminal Court (ICC) over nationals of states that are not parties to the Rome Statute, including the United States and Israel, absent a referral from the United Nations Security Council or the consent of such a state;

Whereas, on December 20, 2019, the Prosecutor of the ICC asked the ICC judges to confirm that the Court may exercise jurisdiction over the West Bank, East Jerusalem, and Gaza, facilitating the potential prosecution of Israeli nationals;

Whereas, on March 5, 2020, the ICC authorized an investigation into the actions of United States Armed Forces and intelligence officials operating in Afghanistan, facilitating the prosecution of United States nationals; and

Whereas prosecutions of nationals from states that are not parties to the Rome Statute, absent a referral from the United Nations Security Council or the consent of such a state, are illegitimate and terminally endanger the credibility of the ICC: Now, therefore, be it

1 *Resolved, That—*

2 (1) the Senate opposes and condemns the po-
3 tential prosecution of United States and Israeli na-
4 tionals by the ICC; and

5 (2) it should be the policy of the United States
6 to pursue a resolution by the United Nations Secu-
7 rity Council prohibiting the ICC from prosecuting
8 nationals of states that are not parties to the Rome
9 Statute, including the United States and Israel, ab-
10 sent a referral from the United Nations Security
11 Council or the consent of such a state.

○