

**Congress of the United States**  
**Washington, DC 20515**

March 28, 2024

Secretary Antony J. Blinken  
U.S. Department of State  
2201 C Street, NW  
Washington, D.C. 20520

Dear Secretary Blinken,

We write to express our deep concern over the recent election of Nawaf Salam as the president of the International Court of Justice (ICJ). As two politically motivated anti-Israel cases are on the docket, Judge Salam's clear and well-documented record of bias against the Jewish state and persistent violations of the ICJ charter make it abundantly clear that he will not be a fair and neutral arbiter in these cases. Moreover, we are concerned that one or more politically-motivated rulings against Israel will set a precedent that poses an international challenge to all states' legitimate defense against terrorism.

**Should Judge Salam continue to violate the ICJ's charter by failing to recuse himself from these cases, we urge the State Department to impose sanctions on him to restrict his visa and travel to the United States.**

Since Hamas' brutal and barbaric attack on the State of Israel on October 7<sup>th</sup>, the ICJ has heard two politically motivated cases related to the Jewish state. In one, South Africa on December 29<sup>th</sup> brought a meritless case that wrongfully charged Israel with genocide. On February 16, the ICJ rejected South Africa's request for additional preliminary measures. On February 26, Israel reported on its compliance with the provisional measures set by the ICJ following South Africa's outrageous accusations against it. On March 6<sup>th</sup>, South Africa again filed a request that the ICJ restrict Israel's ability to fight Hamas and defend against terrorism. Today, the ICJ ordered provisional measures with Judge Salam's participation – underscoring the need for further action to secure Judge Salam's recusal in compliance with the ICJ charter. With Judge Salam now presiding, the ICJ may be more inclined to grant South Africa's requests.

The second case was designed to elicit an advisory opinion that international law requires Israel to unconditionally withdraw its forces, with no regard to the obvious and legitimate security concerns. The court's ruling on this case would not only jeopardize Israel's security, but it could also undermine the internationally accepted "land for peace" framework and threaten prospects for direct bilateral negotiations to solve the conflict.

Judge Salam has persistently revealed his deep-seated bias against Israel, making him wholly unfit to hear these cases or any other Israel-related cases that may come forward in the future. He served as Lebanon's ambassador to the United Nations from 2007-2017, where he repeatedly

voted against Israel and handled numerous issues and votes related to Israel, in which he made his severe bias quite clear. While serving as ambassador, he went as far as to post a statement that said, “#Israel Occupation of #Gaza & the #WestBank. UNHAPPY BIRTHDAY TO YOU 48 YEARS OF OCCUPATION.”<sup>1</sup> The ICJ mandates that no judge “may participate in the decision of any case in which he has previously taken part” as “advocate” or in any other capacity.<sup>2</sup> Judge Salam should recuse himself from the cases related to Israel as his prior work and statements show his significant involvement.

Since joining the court in 2018, Judge Salam has come in second on the ballot for Lebanese prime minister in 2019 and 2022.<sup>3</sup> Although Judge Salam never officially declared his candidacy for prime minister, he never denied it. This action violates the ICJ charter and ICJ ethics rules which state that “no member of the Court may exercise any political or administrative function or engage in any other occupation of a professional nature.”<sup>4</sup> This is especially relevant given Judge Salam’s candidacy took place in Lebanon, which is a party to the current conflict.

Judge Salam’s appointment to president of the ICJ is the latest in a series of politicized actions by the court. Due to his bias against the Jewish state and repeated violations of the ICJ charter, it is doubtful that he can be an impartial arbiter on issues related to Israel. Should Judge Salam fail to recuse himself from cases related to Israel, and should he preside over additional rulings that are biased against Israel and endanger the right of states to defend themselves against terror, we urge the State Department to impose sanctions on Judge Salam to restrict his visa and travel to the U.S. and, if necessary, to explore further sanctions.

Sincerely,



Ronny L. Jackson  
Member of Congress



Guy Reschenthaler  
Member of Congress



Brad Sherman  
Member of Congress



Josh Gottheimer  
Member of Congress

<sup>1</sup>[https://twitter.com/nawafasalam/status/607020119705960449?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E607020119705960449%7Ctwgr%5Eb6d31da3509fa37c199c53e935d84135decdbdf73%7Ctwcon%5Es1\\_&ref\\_url=https%3A%2F%2Fwww.jns.org%2Fnewly-elected-un-court-president-wished-israel-unhappy-birthday-for-years-of-occupation%2F%3F\\_se%3DcGhpbGlwdGVzdGFzQHhG8ucHQ%3Dutm\\_campaign%3DEvening20Syndicate20Tuesday20262024utm\\_medium%3Demailutm\\_source%3Dbrevo](https://twitter.com/nawafasalam/status/607020119705960449?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E607020119705960449%7Ctwgr%5Eb6d31da3509fa37c199c53e935d84135decdbdf73%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.jns.org%2Fnewly-elected-un-court-president-wished-israel-unhappy-birthday-for-years-of-occupation%2F%3F_se%3DcGhpbGlwdGVzdGFzQHhG8ucHQ%3Dutm_campaign%3DEvening20Syndicate20Tuesday20262024utm_medium%3Demailutm_source%3Dbrevo)

<sup>2</sup> <https://www.icj-cij.org/statute>

<sup>3</sup> <https://apnews.com/article/middle-east-religion-elections-lebanon-692e870338fc2030e877e24f36326f56>

<sup>4</sup> [https://unfccc.int/files/kyoto\\_protocol/compliance/plenary/application/pdf/cc-7-2010-2\\_summary\\_of\\_case\\_law\\_on\\_conflict\\_of\\_interest.pdf#:~:text=No%20member%20of%20the%20Court%20may%20act%20as,commission%20of%20enquiry%2C%20or%20in%20any%20other%20capacity.](https://unfccc.int/files/kyoto_protocol/compliance/plenary/application/pdf/cc-7-2010-2_summary_of_case_law_on_conflict_of_interest.pdf#:~:text=No%20member%20of%20the%20Court%20may%20act%20as,commission%20of%20enquiry%2C%20or%20in%20any%20other%20capacity.)



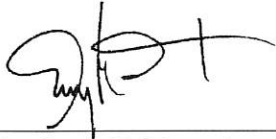
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