



[ICC Issues Arrest Warrants for Netanyahu and Gallant for Committing War Crimes and Genocide](#)

Yesterday, in a notable development and historic rebuke, the International Criminal Court (ICC) formally issued [arrest warrants](#) against Israeli Prime Minister Benjamin Netanyahu and former minister Yoav Gallant who served in Israel's cabinet until his dismissal on November 5th. The two officials are the principal architects of Israel's ongoing and widely-criticized military offensive in Gaza, and are being charged with committing war crimes and crimes against humanity during the longstanding conflict. The ICC's chief prosecutor, Karim Khan, had previously [submitted the applications for arrest](#) back in May, and a pre-trial chamber of judges has now stated with their ruling that they reject Israel's appeals claiming the ICC does not have jurisdiction over the situation in Gaza as well as their attempt to try and halt the proceedings. With the issuing of the arrest warrants, the ICC has expressed that it found reasonable grounds to believe that Netanyahu and Gallant each bear criminal responsibility for the war crime of starvation as a method of warfare and for crimes against humanity through, among other things, "intentionally and knowingly depriving the civilian population in Gaza of objects indispensable to their survival, including food, water, medicine, and medical supplies, as well as fuel and electricity." The court found that Israeli restrictions disrupted the ability of humanitarian organizations to deliver these much-needed supplies. The ICC also ruled that Netanyahu and Gallant bore potential criminal responsibility for intentionally directing attacks against the civilian population of Gaza.

The ICC's jurisdiction is not universal – it has 125 member states, including all European Union members, the vast majority of Latin America, and much of Africa, however it does not comprise of the United States, Russia, China, and India. Israel is also not a party to the Rome Statute and disputes the court's jurisdiction. Nevertheless, the state of Palestine joined in 2015, and therefore, the court has ruled that it has jurisdiction over crimes committed in the illegally-occupied Palestinian territories. This is why after 185 days of investigation, the court decided yesterday to officially issue the arrest warrants for Netanyahu, Gallant, and several Hamas officials. The charges against Netanyahu and Gallant of intentionally attacking civilians and, at the same, denying or limiting humanitarian aid have consistently been raised by humanitarian organizations, international bodies, and various governments, and are thus believed to have strong merit and grounds for the arrest warrants. Importantly, the ICC noted that it found no military need or other justification under international humanitarian law for the aid restrictions and that what humanitarian relief did get in was under the pressure of the global community, or in particular, the United States.

Netanyahu and Gallant are unlikely to face any immediate risk given that the ICC relies on its member states to enforce its warrants and does not have the ability to go after anyone itself, however, the warrants will significantly impact their ability to travel abroad – especially as countries like the United Kingdom, France, and Germany are all part of the ICC. Critically, France, Canada, and the Netherlands have already announced that they would comply with the arrest warrants, in light of them being issued, and the Dutch foreign minister even postponed a planned visit to Israel as a result. In addition to traveling limitations, the arrest warrants could also have diplomatic and military consequences for Israel, most notably in Europe. Some analysts have expressed that ICC member states could face internal domestic pressure to cut off diplomatic contacts with the Netanyahu government. Furthermore, the arrest warrants against Netanyahu and Gallant might also complicate weapons transfers from countries with laws that limit these in circumstances where there is credible reason to believe that they will be

used to commit atrocities. This has already been seen in places like the United Kingdom and the Netherlands, and may very well become a more common occurrence.

The ICC ruling has garnered support from world leaders in Canada, France, the Netherlands, Norway, Italy, Sweden, and South Africa, amongst others who emphasized respect for international rule of law, commitments to the Rome Statute, and the fairness of the judicial process. However, enforcement of the warrants by many of these countries remains unclear. When asked whether France would arrest Netanyahu if he came to the country, French Foreign Ministry Spokesperson Christophe Lemoine stated that it would be “legally complex,” casting doubt on any possible compliance with the decision. The court order was, unsurprisingly of course, not without its critics, as some world leaders condemned the ruling – including the Biden administration and officials from Hungary, Austria, and Argentina. Despite this, European Union (EU) Foreign Policy Chief Josep Borrell stated that, “This decision is a binding decision and all state parties of the court, which include all members of the European Union, are binding to implement this court decision.” It is unknown what implications this statement will have, or more so, if the EU would mandate cooperation with the ruling, but it does demonstrate the conflict over sovereign decision-making that EU members have had in recent years.

It remains to be seen entirely how things play out in the aftermath of the arrest warrants being announced as the full fallout stemming from this is still unclear. However, the decision will undoubtedly prompt serious hesitations in the travel movements of the charged officials and the nature of various political entities’ diplomatic dealings with them, and could also bolster the basis for legal challenges regarding Israeli arms transfers to the current Netanyahu government – something that already possessed merit and had become a key point of concern in the United States and around the world. Additionally, it strengthens the long-held notion about the criminality and illegality of Israeli officials’ actions during the ongoing Gaza War, and further isolates Israel as a rogue actor on the international stage.