

ICC Issues Arrest Warrants for Netanyahu and Gallant Over Gaza Crisis

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What's in today's article?

- Why in News?
- What is International Criminal Court (ICC)?
- How does the ICC function?
- ICC issues arrest warrant

Why in News?

The **International Criminal Court (ICC)** has issued arrest warrants for Israel Prime Minister Benjamin Netanyahu, former defense minister Yoav Gallant, and Hamas leader Mohammed Diab Ibrahim Al-Masri for alleged **war crimes and crimes against humanity**.

This follows ICC Prosecutor **Karim Khan's** announcement on May 20, seeking warrants for crimes linked to the **October 7 Hamas attack on Israel** and **Tel Aviv's military action in Gaza**.

What is International Criminal Court (ICC)?

- About

- The International Criminal Court is a permanent court to prosecute serious international crimes committed by individuals.
- It tries crimes such as genocide, war crimes, crimes against humanity, and aggression.
- The court was established to fight global impunity and bring to justice criminals under international law, regardless of their rank or stature.
- It is different from the United Nations' International Court of Justice, also at The Hague.
- **HeadQuarters**
 - The Hague, The Netherlands
- **Statute**
 - Before the ICC became functional in 2002, its founding treaty was adopted by the UN General Assembly in 1998 in Rome, Italy, thereby making it the Rome Statute.
- **Membership**
 - To become a member of the ICC or State party to the Rome Statute, countries have to sign the statute and ratify it under their respective legislatures.
 - 124 countries are currently members of the ICC, with African countries making up the largest bloc.
 - Notably, countries including India, China, Iraq, North Korea and Turkey never signed the Rome Statute.
 - Others including the US, Russia, Israel and Syria signed, but never ratified it.

How does the ICC function?

- **Judges & Prosecutors**
 - The court carries out its investigations through the Office of the Prosecutor and has 18 judges.
 - Both the judges and prosecutors hold non-renewable nine-year terms.
- **Process**
 - There are pre-trial, trial, and appellate benches in the ICC.
 - The prosecutor conducts a preliminary examination in a matter, before seeking permission from pre-trial judges to open a full investigation.
 - The initial examination must conclude that the crimes in question are of sufficient gravity.
- **Ways to open investigations**
 - The prosecutor can open an investigation in three ways:
 - when a case is referred by a member country in its own territory;
 - when a case is referred by the UN Security Council; and
 - when the prosecutor takes up a case proprio motu or on his own.
 - Non-member states can also be investigated in three ways:
 - if alleged crimes were perpetrated by non-members in member states,
 - if the non-members accept the court's jurisdiction, or
 - when the Security Council authorises it.

ICC issues arrest warrant

- **What have Netanyahu and Gallant been accused of?**

- The ICC accuses **Netanyahu and Gallant** of the **war crime of starvation** and **crimes against humanity**, including **murder, persecution**, and **other inhumane acts**.
 - It alleges they intentionally deprived Gaza's civilians of essential resources like food, water, medicine, fuel, and electricity from **October 8, 2023, to May 20, 2024**.
 - Additionally, by restricting medical supplies, including anaesthetics, they are accused of causing great suffering to those in need of treatment.
 - The ICC also holds them responsible for actions by Israeli forces under their command, including **torture, violence, killings, rape**, and **property destruction**.
 - **What happens once ICC issues an arrest warrant?**
 - The ICC's arrest warrants are binding but rely on member states for enforcement.
 - If **Netanyahu** or **Gallant** travel to any of the ICC member states, those governments are obligated to arrest and extradite them to The Hague.
 - While the ICC previously issued a warrant for **Russian President Vladimir Putin**, isolating him from Western nations, Netanyahu's case is more complex.
 - Many of Israel's allies, like **Germany, France, and the UK**, are ICC members but are unlikely to arrest him due to their support for Israel.
 - The warrant serves more as a **moral victory for Palestine**, increasing international pressure on Israel and limiting Netanyahu's travel without causing diplomatic embarrassment.
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Q.1. What are Netanyahu and Gallant accused of by the ICC?

They face accusations of war crimes and crimes against humanity, including depriving Gaza's civilians of essentials like food, medicine, and fuel, and responsibility for violence, torture, and property destruction by Israeli forces.

Q.2. What does the ICC warrant mean for Netanyahu's travel?

While the warrant is binding on ICC member states, many of Israel's allies, like Germany and the UK, are unlikely to enforce it. The warrant primarily serves as a moral victory for Palestine and increases international pressure.

News: ICC issues arrest warrant against Israel's Netanyahu, Gallant: What this means, what happens next | Government of the Netherlands | Hindustan Times

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