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زبانهای اروپایی

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05.12.2024

## *Double Standards in International Law:*

### *The ICC's Decision on Israeli and Hamas Leaders*

In a shocking mocking, the Hague-based Pre-Trial Chamber of the International Criminal Court (ICC) has issued arrest warrants for Israeli Prime Minister Benjamin Netanyahu, Yoav Gallant – former Israeli Defense Minister, and Mohammed Diab Ibrahim al-Masri, aka Deif – the military Wing Commander of Hamas on November 21<sup>st</sup>, sparking ambivalent reaction globally.



### **The ICC's Decision and Its Global Impact**

The ICC Prosecutor took almost 8 months to file the petitions against the people nominated in these arrest warrants. Moreover, the ICC's Pre-Trial Chamber took 6 months to issue a decision on these arrest warrants. This sluggishness of the Pre-Trial chamber is beyond comprehension. The ICC decision stipulated that it had “reasonable grounds to believe that

Mr. Netanyahu and Mr. Gallant bear criminal responsibility for the war crime of starvation as a method of warfare.”

The US lawmakers have threatened to impose sanctions on the ICC

Netanyahu and Gallant have been accused of intentionally using starvation as a tool of warfare to deprive the innocent civilians of Gaza of rudimentary supplies including medicine, water, and food. The ICC prosecutors have alleged in the decision that these actions were unnecessary, arguing that they violate international law. In addition, the ICC Pre-Trial Chamber has charged Muhammad Deif with hostage-taking, and orchestrating torture and mass murder. However, Israel claims that it killed Deif in an airstrike, while Hamas is silent over this claim.

These warrants are an outcome of a broader ICC investigation that investigated the alleged war crimes by both sides in the Israel-Hamas war. The inquiry was initiated after Israel’s alleged retaliation to the October 7 attacks by Hamas, which resulted in 250 kidnappings by the latter. More than 44000 Palestinians have been killed and 1.9 million displaced since October 7, 2023. Nonetheless, the international community is deeply divided over this ICC decision.

### **Western Responses and the ICC’s Double Standards**

Numerous Western countries, including Italy, Ireland, Netherlands, Sweden, Switzerland, Norway, and Belgium, have announced the arrest of those nominated in the ICC arrest warrants, fulfilling their obligation under the Rome Statute which obligates them to act on the verdicts issued by the ICC. Casper Veldkamp, the Dutch Foreign Minister, has pledged in the country’s parliament that his government’s authorities would comply with the ICC directives, highlighting the commitment to international law. Norway and Sweden have also reiterated their adherence to international law.

On the other hand, some government officials in different countries have expressed their concern about the ICC’s arrest warrants. Guido Crosetto, the Italian Defense Minister, has condemned the ICC decision for equating the Israeli government officials with Hamas leaders, citing this decision as a “mistake”. Similarly, Alexander Schallenberg, Austria’s Foreign Minister, labeled this decision as “utterly incomprehensible,” albeit the country’s government signaled it would fulfill the ICC decision. Contrarily, the French government adopted a more vigilant stance. It acknowledged the legal intricacies of the case while remaining uncommitted to arresting the Israeli officials nominated in the ICC’s recent ruling, prioritizing their political alliance over international law.

Countries like Hungary and the United States have openly denounced the ICC decision convicting the Israeli officials. The US lawmakers have threatened to impose sanctions on the ICC. John Thune, the incoming Senate Majority Leader, held that the US Congress might impose a penalty on the ICC if it does not reverse its decision. Israeli leaders have severely condemned the ICC decision. Isaac Herzog, the Israeli President, declared these warrants outrageous. Furthermore, he accused the ICC of undermining justice by aligning with terrorists. In his post on social media forum X, he criticized the ICC verdict by stating, “*The ICC has chosen terror and evil over democracy and freedom.*” Furthermore, Yoav Gallant and Benjamin Netanyahu also defend their war crimes by stating that their military actions were fundamental to protect Israeli civilians and counter the aggression of Hamas

This ICC verdict has underlined fault lines amongst the Western world regarding the former’s impartiality. Some of the Western nations have prioritized their strategic and political alliance over adherence to international law. Although the Dutch officials have demonstrated their commitment to adhere to international law, some of the domestic political leaders of the country have criticized the government’s stance and ICC’s actions. Furthermore, this verdict has further impinged the US-Israel relations. However, many of the Republican citizens have advocated sanctions against the ICC.

Although the arrest warrants issued by the ICC have garnered condemnation from different Western leaders, its sluggishness over the issue remains incomprehensible. Moreover, its arrest warrants for Hamas leadership Deif have also raised concerns over its partiality. It seems that ICC seeks to follow a balancing approach amongst the Western world. However, it seems unable to appease the majority of Western nations.

Furthermore, it has once again exposed the hypocritical role of the Western world. While it criticizes the ICC over its arrest warrants for the Israeli leadership, it had previously been supporting its verdict about the Russian President Vladimir Putin. This highlights the double standards of the Western world and exposes its hypocrisy in the implementation of international law. The increased polarization amongst the Western world due to this ICC ruling has reshaped the discourse over the Israel-Hamas war and the role of the Israeli army.

[Taut Bataut](#), December 02, 2024

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