



ELDH European Association of Lawyers for Democracy & World Human Rights

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt
EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo
EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme
EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

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Self-Determination of Peoples Democracy
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Bologna, Donostia, Düsseldorf, Vienna, 8 December 2024

Statement by the European Lawyers for Democracy and Human Rights (ELDH) on ICC Arrest Warrants Against Israeli and Hamas Leadership

After over a year of escalating violence and widespread atrocities, the International Criminal Court (ICC) Pre-Trial Chamber I's decision to issue arrest warrants for the leaders of Israel and Hamas marks a pivotal moment for international justice. This decision, issued today, follows a request for arrest warrants made by ICC Prosecutor Karim Khan KC on 20 May 2024, and represents a significant step toward ensuring that those responsible for the most grievous crimes are held accountable.

ELDH fully supports the ICC's determination that reasonable grounds exist to believe that Israeli leaders Benjamin Netanyahu and Yoav Gallant bear criminal responsibility for war crimes and crimes against humanity, including starvation as a method of warfare, murder, persecution, and other inhumane acts. Similarly, ELDH support the ICC's determination that reasonable grounds also exist to believe that Mohammed Diab Ibrahim Al-Masri bear criminal responsibility for war crimes and crimes against humanity allegedly committed on the territory of Israel and the State of Palestine (in the Gaza strip) from at least 7 October 2023.

However, we are deeply concerned by the reactions of certain states, including those who have voiced opposition to or criticism of the ICC's actions. To refuse to execute these warrants, or to fail to ensure full compliance, would be to disregard the rule of law and the international community's commitment to justice. Furthermore, it would expose a dangerous double standard in the enforcement of international law. How can states advocate for justice in one case while dismissing or undermining the legitimacy of efforts to address similar crimes elsewhere?

The ICC must act without fear or favour in the pursuit of justice, and this decision reaffirms its independence and commitment to protecting the most vulnerable populations from heinous crimes.

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While some non-state parties to the Rome Statute may not be legally compelled to cooperate with the Court, the moral responsibility to ensure that justice prevails should transcend legal formalities. We urge all governments—particularly those in the EU—to respect the decisions of the ICC and take immediate steps to ensure that perpetrators of war crimes and crimes against humanity face justice. It is time for legal accountability to prevail over political considerations and for the rights of victims and survivors to be at the forefront of global diplomacy.

In light of the ICC's determination, the need for a cohesive international effort to support the Court's mandates is more urgent than ever. ELDH strongly condemns any attempts to undermine the Court's legitimacy or to selectively ignore the law when it is politically inconvenient. The law is clear: crimes against humanity and war crimes must be prosecuted, regardless of the identity of the perpetrator. The ICC's decision today offers hope for those who have suffered unimaginable harm and for the international community's commitment to justice.