

Arab Organisation for Human Rights in the UK

المنظمة العربية لحقوق الإنسان في بريطانيا



Date: 29/11/2024

Webinar- ICC Decision Against Israeli Leaders – Could It Make a Difference?

Arab Organisation for Human Rights in the UK (AOHR UK) held a webinar on Thursday, 28 November 2024, titled ["ICC Decision Against Israeli Leaders – Could It Make a Difference?"](#) The webinar explored the implications of the International Criminal Court's (ICC) recent decision to issue arrest warrants for Israeli leaders, holding them accountable for war crimes, crimes against humanity, and genocide. Panelists discussed the potential for these warrants to bring about justice, the challenges of enforcement, and their broader impact on international law, global advocacy, and the plight of Palestinians enduring ongoing oppression in Gaza and the West Bank.

The event brought together a distinguished panel of speakers, including **Haroon Raza**, a lawyer representing the March 30 Movement and the Hind Rajab Foundation; **Dr. Emilio Dabed**, a Palestinian Chilean lawyer and professor of law; **Dr. Lex Takkenberg**, senior advisor at ARDD and former director of UNRWA Operations; and **Syed Ibrahim Syed Noh**, chairman of

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the Malaysian Parliament Caucus for Palestine. Other notable panellists included **Matias Thomsen**, a legal advisor in international humanitarian law; Dr. **Patrick Zahnd**, professor of international humanitarian law and president of JURDI (Lawyers for the Respect of International Law); **Erik Warsaw**, a US-based social media influencer; and **Sydney Thorton**, an activist and member of the Student Justice for Palestine Movement in the US. Together, these experts provided a comprehensive analysis of the ICC's decision and its potential to reshape the fight for justice and accountability for Palestinians.

Syed Ibrahim Syed Noh opened the discussion by highlighting the significance of the ICC's arrest warrants against Israeli leaders, framing it as a decision that has sparked global debate across legal, humanitarian, and diplomatic circles. He emphasized Malaysia's longstanding advocacy for the Palestinian cause under Prime Minister Anwar Ibrahim, who has consistently condemned Israeli oppression and supported international accountability. Syed noted that while Malaysia is not a signatory to the Rome Statute, its government views the ICC's actions as a necessary step towards holding Israeli officials accountable for war crimes and crimes against humanity.

Syed pointed out the polarized global reactions to the ICC decision. Countries in the Global South, including the Organisation of Islamic Cooperation (OIC) and the Non-Aligned Movement, welcomed it as a step toward justice, whereas Western powers, particularly the United States, have expressed

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concerns, revealing double standards. He underscored how the United States' opposition to ICC action against Israel contrasts with its support for warrants issued against Vladimir Putin. Despite these challenges, Syed argued that the ICC's actions send a powerful message that no leader is above the law, setting a precedent that could lead to reforms in international law and inspire bolder stances from nations advocating for Palestine.

Concluding his speech, Syed emphasized the importance of sustained international pressure to ensure the ICC's decisions are enforced. He stressed that while immediate change is unlikely, the arrest warrants are significant for amplifying the Palestinian cause, pressuring Israeli leaders to reconsider their policies, and paving the way for greater equity in international law. He urged global solidarity to uphold the principles of justice and humanity in the face of Israeli impunity.

Haroon Raza welcomed the ICC arrest warrants as a positive development but criticized them as being both "too late and too little." He unequivocally described the situation in Gaza and Palestine as genocide, stressing that the ICC prosecutor, Karim Khan, should have pursued genocide charges alongside the existing war crimes and crimes against humanity. Haroon acknowledged the importance of the warrants, highlighting how they put Israeli leaders like Netanyahu and Gallant at risk of arrest whenever they travel.

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Haroon also called for broader accountability, urging the ICC to expand its investigations to include senior military officials and administrators responsible for atrocities in the West Bank and Gaza. He pointed out the contradictions in France's stance on enforcing ICC decisions, noting their initial support for arrest warrants against Vladimir Putin but hesitance in applying the same standards to Israeli leaders. He criticized Western nations, including France and Germany, for violating their obligations under the Rome Statute by refusing to enforce arrest warrants against Israeli leaders.

As legal counsel for the March 30 Movement and the Hind Rajab Foundation, Haroon revealed ongoing efforts to file additional complaints targeting higher-ranking Israeli officials within the military and political hierarchy. He expressed hope that these arrest warrants would be the first of many and urged the ICC to take decisive action in holding all perpetrators accountable for their roles in the systematic oppression of Palestinians.

Matias Thomsen framed the ICC's arrest warrants as both a legal and moral milestone. He emphasized the importance of the decision, which was made by an impartial court based on reasonable grounds that crimes under ICC jurisdiction had been committed. Matias noted that the 124 ICC member states now have a clear legal obligation to arrest Netanyahu and Gallant, and some nations, such as the Netherlands, Switzerland, and Canada, have already

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expressed their commitment to enforce this. However, he criticized France and other countries for their double standards, which undermine the credibility of international law.

He elaborated on the broader implications of the ICC's decision, noting that it acts as an effective travel ban for Israeli leaders and pressures third states to investigate and prosecute war crimes. Matias referenced the International Court of Justice's (ICJ) recent findings, which further highlighted Israel's violations, including the blockade of humanitarian aid and the ongoing displacement of Palestinians. He argued that these developments create a stronger foundation for international pressure and legal action against Israel.

Matias concluded by addressing the crimes omitted from the arrest warrants, such as genocide and intentional starvation, despite significant evidence supporting these charges. He expressed hope that additional charges and arrest warrants would follow, stressing that this decision, though delayed, represents a critical step in holding Israeli leaders accountable. He urged continued advocacy and legal action to ensure justice for Palestinians and the upholding of international law.

Dr. Patrick Zahnd described the ICC's decision as a critical moment for the credibility of international law, particularly international humanitarian law. He emphasized that the systematic violations of these laws by Israeli leaders

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have not only shaken the foundations of global justice but also undermined the moral and legal structures that govern international relations. Dr. Zahnd praised the ICC's decision as a long-overdue action that restores some integrity to the court and sends a clear message that Israeli impunity is no longer acceptable.

Dr. Zahnd highlighted the significance of the ICC issuing arrest warrants for leaders outside of Africa for the first time, marking a pivotal shift in the court's focus. He criticized Western powers, particularly France, for their political motivations in refusing to enforce the warrants, labeling such actions as shameful. He stressed that the ICC's decision provides leverage for advocates of international law and Palestinian rights to push for greater accountability and respect for legal norms.

Concluding his remarks, Dr. Zahnd expressed optimism about the long-term impact of the ICC's decision. He highlighted the opportunities it creates for legal and political advocacy, including the potential for additional charges against Israeli officials and the strengthening of universal jurisdiction mechanisms. He urged lawyers, activists, and governments to use this moment to intensify their efforts in upholding international law and securing justice for Palestinians.

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Sydney Thorton, a member of the Student Justice for Palestine Movement in the US, highlighted the intensifying suppression of Palestinian activism in American universities. She detailed incidents at institutions like George Washington University, where Palestinian students have faced threats of expulsion and removal. Sydney voiced concerns about the potential escalation of such repression under a future Trump administration, citing his previous policies favoring Israel and his recent threats to deport foreign students and activists.

Sydney painted a grim picture of the current administration's stance, referencing President Biden's condemnation of the ICC decision and unwavering support for Israel. She expressed frustration over the financial aid already provided to Israel since October 7, amounting to nearly \$20 billion. This trend, she argued, leaves little hope for US policies to shift in favor of justice or accountability.

Concluding, Sydney shared her fears as a student and activist witnessing the systematic crackdown on Palestinian voices. She emphasized the need for vigilance and solidarity to protect the rights of students and activists advocating for Palestine, warning of the challenges posed by future US administrations to the fight for justice.

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Erik Warsaw began by describing the ICC arrest warrants as a groundbreaking step that has reshaped global perceptions of Israel's actions. While acknowledging the practical limitations of enforcement, he noted the symbolic significance of the warrants, which act as an effective travel ban for Netanyahu and Gallant. Erik argued that the arrest warrants have placed Israel's leaders under immense scrutiny, forcing international communities to confront their complicity in aiding a state led by alleged war criminals.

Erik highlighted the shifting global narrative, observing that what was once taboo is now part of mainstream discourse. He pointed to examples like Canada's slowdown of weapons shipments to Israel and the widespread protest against Netanyahu at the UN General Assembly, where the majority of attendees walked out during his speech. These actions, he argued, signal a weakening of Israel's influence on the world stage and its reliance on foreign aid and military support.

In conclusion, Erik emphasized the loss of Israel's international reputation as a significant blow to its power. He noted that the arrest warrants have created internal divisions in Israel, with Netanyahu facing dissatisfaction from both political extremes. Erik praised the warrants as a step in the right direction, strengthening the momentum for justice and accountability.

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Before beginning his contribution, Dr. Emilio Dabed requested a 10-second moment of silence to honor the late Gilles Devers, the French lawyer who championed Palestinian rights and led the call for ICC arrest warrants against Israeli leaders.

Commenting on the the ICC arrest warrants, Dr. Emilio Dabed described them as a momentous decision with far-reaching implications. He noted the six-month delay between the prosecutor's request and the pretrial chamber's issuance of the warrants, attributing it to political pressures and the ICC's vulnerability as a growing institution. Emilio argued that the overwhelming evidence of Israeli crimes left the ICC no choice but to act, despite its reluctance to take on such a contentious case.

Emilio emphasized that the arrest warrants are not merely symbolic but represent a legal obligation. He criticized countries like France for their hypocritical responses, contrasting their initial support for ICC actions against Putin with their reluctance to enforce the same principles against Israeli leaders. He urged the international community to hold these states accountable for violating their legal obligations under international law.

Concluding, Emilio warned of the challenges posed by political and economic pressures on smaller states that might act to arrest Israeli officials. He called

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for a renewed focus on universal jurisdiction and national courts to complement the ICC's efforts, emphasizing that the fight for justice must persist despite the significant obstacles ahead.

Dr. Lex Takkenberg praised the ICC arrest warrants as a victory for what he termed the "lawyers' liberation front," acknowledging the tireless efforts of countless legal professionals advocating for justice. He emphasized that the warrants are a significant step in reclaiming international law from the hegemonic forces that have historically used it to maintain colonial and imperial domination. Dr. Takkenberg highlighted the reputational damage inflicted on Israel and its leaders as a result of these warrants, which has created widespread fear among Israeli officials, especially military personnel.

Lex pointed out that the warrants have profound implications beyond the legal realm, influencing normalization efforts, international relations, and even business practices. He noted that leaders in Europe and the Gulf, facing pressure to avoid being seen as enablers of genocide, are re-evaluating their positions. He also emphasized the convergence of efforts to hold Israel accountable both for individual criminal responsibility through the ICC and state responsibility for genocide and occupation.

In conclusion, Lex discussed the broader psychological and sociological impact of the arrest warrants, arguing that they bolster global advocacy

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efforts, including the Boycott, Divestment, and Sanctions (BDS) movement. He stressed the importance of sustaining these efforts to ensure that the ICC's actions lead to meaningful accountability and justice for Palestinians.

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