

Arrest warrant against Netanyahu undermines German war propaganda

Peter Schwarz
23 May 2024

The application by the Chief Prosecutor of the International Criminal Court (ICC), Karim Khan, for the issuing of arrest warrants against Benjamin Netanyahu and Yoav Gallant is a major blow to the German government's mendacious war propaganda. Khan has accused the Israeli head of government and his defence minister of serious war crimes against the Palestinian population.

The German government, which has declared support for Israel to be a German 'reason of state,' has justified these crimes, supplied Israel with weapons for them and continues to do so. It slanders anyone as an antisemite who denounces Israeli war crimes and suppresses protests against them with brutal violence.

Both the Israeli and US governments, which do not recognize the authority of the ICC, have denounced the arrest warrants in the strongest possible terms. This is a problem for the German government. Germany is one of the 123 contracting states that have signed the Rome Statute of the ICC. It is the most important donor to the court after Japan.

In the face of the bestial crimes committed by German imperialism in World War II, the German bourgeoisie sought to cloak its return to militarism and great power politics with an aura of legality. The Federal Government has repeatedly invoked the Criminal Court to justify its foreign policy. One year ago, for example, Federal Minister of Justice Marco Buschmann welcomed an international arrest warrant against Vladimir Putin and declared that the Russian president would be arrested immediately if he set foot on German territory.

If the court confirms the arrest warrants against Netanyahu and Gallant, which lawyers consider likely, Germany would be legally obliged to arrest the two as soon as they enter German territory. Of course, it would

never do so. But if the government and the judiciary disregard the arrest warrants, the 'political damage' would be serious. As the news magazine *Stern* states: 'With this refusal, Germany would undermine the authority of the court to such an extent that it would probably have no major relevance in the future.'

Not only the authority of the court would be damaged, but also the already battered credibility of the federal government. Protest camps and resistance to the genocide in Gaza are already growing despite intimidation and repression. If the federal government openly defies international law and disregards an arrest warrant against a head of government it supports, while welcoming arrest warrants against political opponents, it would further undermine its lying propaganda.

The arrest warrants against Netanyahu and Gallant are based on extremely well-documented facts. They were written by internationally renowned lawyers, whom even the pro-Israel German press cannot accuse of bias.

British jurist Karim Khan, who was elected Chief Prosecutor of the Criminal Court for nine years in 2021, is considered an expert on international law. Among other things, he worked as an advisor to the prosecution at the UN tribunals for Yugoslavia and Rwanda and most recently headed a UN mission that investigated crimes of the Islamic State (IS) on behalf of UN Secretary-General António Guterres.

Before requesting the arrest warrants, Khan had them reviewed by a panel of experts that included multiple award-winning British jurists and well-known lawyer Amal Clooney, as well as Jewish Holocaust survivor Theodor Meron, an Israeli citizen and former president of the International Tribunal for the Former Yugoslavia. The experts' report, accessible online, is devastating.

They write that the Prosecutor accuses Netanyahu and Gallant of “the war crime of ‘intentionally using starvation of civilians as a method of warfare’,” as well as ‘various other war crimes and crimes against humanity associated with the use of starvation of civilians as a method of warfare.’” They continue:

- These include the war crimes of ‘wilfully causing great suffering, or serious injury to body or health’ or cruel treatment, wilful killing or murder, and intentionally directing attacks against the civilian population. The proposed charges also include the crimes against humanity of murder, extermination, other inhuman acts and persecution with respect to deaths and injuries resulting from or associated with the systematic deprivation of objects indispensable to the survival of Palestinian civilians in Gaza. The Panel notes the Prosecutor’s statement that other alleged crimes, including in connection with the large-scale bombing campaign in Gaza, are actively being investigated...

The experts unanimously conclude:

In the Panel’s view, there are reasonable grounds to believe that the suspects committed these crimes. The Panel also considers that there are reasonable grounds to believe that the crimes were committed in the context of a widespread and systematic attack against the civilian population of Gaza, pursuant to State policy.

On May 20, the experts published a joint article in the *Financial Times* explaining why they supported the Chief Prosecutor of the Criminal Court. In it, they write:

For months, we have been engaged in an extensive process of review and analysis. We have carefully examined each of the applications for judgment warrants, as well as underlying material produced by the prosecution team in support of the applications. This has included witness statements, expert evidence, official communications, videos and

photographs. In our legal report published today, we unanimously agree that the prosecutor’s work was rigorous, fair and grounded in the law and the facts. And we unanimously agree that there are reasonable grounds to believe that the suspects he identifies have committed war crimes and crimes against humanity within the jurisdiction of the ICC.

The experts also support the arrest warrants against three Hamas leaders that Karim Khan requested at the same time as the arrest warrants against Netanyahu and Gallant.

The arrest warrants issued against Netanyahu and Gallant and their unanimous support by a high-level panel of international law experts carry great moral weight. But it would be an illusion to believe that the International Criminal Court or any other legal or political institution will stop the genocide in Gaza and the war policies of the great powers.

They are preparing a third world war because the deep crisis of the capitalist system leaves them—as in 1914 and 1939—no other way out than the violent redivision of the world and the suppression of all political and social opposition. The imperialists will not be deterred by a warrant or a court decision.

The only way to stop the genocide in Gaza, the NATO war in Ukraine, and the preparations for war against China is to mobilize and unite the international working class in the struggle for a socialist program.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact