

Three rights groups file ICC lawsuit against Israel over Gaza genocide

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The Hague, November 10 (RHC)-- Three Palestinian rights groups have filed a lawsuit with the International Criminal Court (ICC), urging the body to investigate Israel for “apartheid” as well as “genocide” and issue arrest warrants for Israeli leaders.

The lawsuit, filed on Wednesday by human rights organisations Al-Haq, Al Mezan, and the Palestinian Centre for Human Rights, called for “urgent attention to the continuous barrage of Israeli airstrikes on densely populated civilian areas within the Gaza Strip”, which have killed more than 10,500 Palestinians, almost half of them children, according to Gaza health officials.

The document also asked the body to expand its ongoing war crimes investigation by looking into “the suffocating siege imposed on [Gaza], the forced displacement of its population, the use of toxic gas, and the denial of necessities, such as food, water, fuel, and electricity”. These acts amount to “war crimes” and “crimes against humanity”, including “genocide”, the lawsuit said.

The three groups want arrest warrants to be issued against Israel’s President Isaac Herzog, Prime Minister Benjamin Netanyahu and Defence Minister Yoav Gallant. The ICC’s Office of the Prosecutor (OTP) opened an official investigation into the situation in Palestine in 2021 after determining that “war crimes have been or are being committed by Palestinian and Israeli actors in the West Bank, including East Jerusalem, and the Gaza Strip.”

However, the group has faced criticism from rights groups and activists who say its response to ongoing Israeli attacks in Gaza have been tepid.

In the latest ICC filing, the rights groups’ lawyer, Emmanuel Daoud, referenced the ICC’s ruling against Russia’s President Vladimir Putin for war crimes in Ukraine, and said there was “no room for double standards in international justice.”

This is not the first time a file against Israel has been brought to the ICC during its one-month war in Gaza. On October 31, Reporters Without Borders (RSF) submitted a complaint to the body alleging Israel had perpetrated war crimes against journalists in Gaza.

As of Thursday, Israeli attacks have killed at least 39 journalists since October 7, according to figures from press freedom group Committee to Protect Journalists (CPJ), 34 of whom were Palestinian, four were Israeli, and one was Lebanese.

ICC Prosecutor Karim Khan pointed to additional possible crimes when he visited Egypt’s Rafah border crossing on October 29, saying impeding humanitarian aid from reaching civilians could be prosecuted under the Rome Statute. “There should not be any impediment to humanitarian relief supplies going to children, to women and men, civilians,” Khan said.

“They are innocent, they have rights under international humanitarian law. These rights are part of the Geneva Conventions, and they give rise to even criminal responsibility when these rights are curtailed under the Rome Statute.”

Israel, which is not a member of the ICC, has previously rejected the court’s jurisdiction and does not formally engage with the court.

The ICC’s founding Rome Statute gives it legal authority to investigate alleged crimes on the territory of its members or by their nationals when domestic authorities are “unwilling or unable” to do so.

On October 10, the office of the prosecutor of the ICC said its mandate applies to potential crimes committed in the current conflict.

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