

**Israel-Hamas war**

## ICC prosecutor seeks 'urgent' arrest warrants for Israeli and Hamas leaders

Request in legal filing comes as Israel makes fresh diplomatic push against claims its politicians committed war crimes



The International Criminal Court's prosecutor Karim Khan, pictured, has said he had been warned by unnamed world leaders not to seek warrants for Israeli leaders © International Criminal Court/AFP/Getty Images

**Mehul Srivastava** and **Suzi Ring** in London and **Neri Zilber** in Tel Aviv  
YESTERDAY

---

The prosecutor of the International Criminal Court has called on its judges to issue arrest warrants for Israeli and Hamas leaders “with utmost urgency” as Israel renewed a diplomatic drive for allies to intervene on its behalf.

The prosecutor, Karim Khan, had in May sought warrants for three Hamas leaders, alongside the Israeli Prime Minister Benjamin Netanyahu and his defence minister Yoav Gallant, saying there were “reasonable grounds to believe” all five had committed war crimes and crimes against humanity.

In a heavily redacted filing made public on Monday night, Khan called on the court’s chamber of judges to urgently issue four warrants, while dropping his request for a fifth warrant — against the Hamas political chief Ismail Haniyeh — after he was killed in Tehran in July in an attack widely blamed on Israel.

Khan’s latest push for the warrants comes as Israel renewed a diplomatic effort to fend off the issuing of the documents, which would require more than 120 countries — including all of Israel’s European allies — to arrest Netanyahu and Gallant if the Israeli politicians entered their territory, and to hand them to the [ICC](#) for a trial.

The prosecutor has accused both Israeli politicians of crimes “including starvation

of civilians as a method of warfare, wilful killing and the direction of attacks against civilian populations” over [Israel’s offensive in Gaza](#), which has killed more than 40,000 Palestinians, according to health authorities in the strip.

An Israeli official, speaking on condition of anonymity, said there had been a fresh attempt to ward off the warrants by lobbying European allies to intervene on Israel’s behalf. Another person familiar with the issue said Israel was engaged in a “huge diplomatic effort” internationally to garner support and push back against the potential warrants.

One said the new push focused on the destabilising impact that Israel argues the warrants would have on flailing talks brokered by the US, Egypt and Qatar to secure a ceasefire, a [swap](#) of Israeli hostages for Palestinian prisoners, and an eventual end to hostilities between Hamas and Israel.

“We don’t expect the prosecutor to understand this, but our friends are aware that any talks will be [overshadowed] by this,” said one Israeli diplomat based in western Europe.

Netanyahu’s office on Tuesday issued a statement decrying what it said was a comparison by the prosecutor between the Israeli leader and defence minister and Hamas’s new political leader Yahya Sinwar, who is based in Gaza and for whom Khan has also requested an arrest warrant for war crimes over Hamas’s October 7 attack on the Jewish state that triggered the war.

Netanyahu’s office said the comparison was “pure antisemitism and a moral disgrace of the first order”.

“Unfortunately, we saw from the beginning that the processes in The Hague are politically biased and do not rest on any professional legal basis,” it added.

The US and Israel, which have not signed the Rome Statute that set up the court, consider the looming possibility of arrest warrants against Netanyahu and Gallant to be a diplomatic and legal setback that could potentially turn the leaders of America’s closest ally in the Middle East into international pariahs.

In his filing, first made privately on August 2, Khan listed various procedural delays to the case including a decision to allow the UK — under its previous government — to file “observations”, which it ultimately opted not to make after a change of government to the centre-left [Labour party](#).

Khan also described a delay introduced into the process after the judges granted some 70 countries permission to file their observations without explaining why those filings would help in “the proper determination of the case”.

According to one lawyer involved in advising on the conflict, it is unusual for the prosecutor to issue public criticisms of the court’s chamber of judges. The decision to include the apparent criticisms in a public filing suggested the prosecution felt the need to apply pressure to the situation, they said.

Khan last week told the BBC he had been warned by unnamed world leaders not to seek warrants for Israeli leaders, and defended his application to prosecute leaders from both warring parties.

“Several leaders and others told me and advised me and cautioned me,” he said. “If one had applied for warrants in relation to Israeli officials and not for Gaza, [some would] say: ‘well, this is an obscenity’ and, ‘how on earth is that possible?’”

Khan’s charges against Hamas’s leaders include “extermination”, murder, torture, rape and other acts of sexual violence. They are also accused of hostage-taking over their capture of some 250 Israelis and foreign nationals during the October 7 attack.

---

[Copyright](#) The Financial Times Limited 2024. All rights reserved.

---

