

International Criminal Court prosecutor charges Netanyahu with “murder” and “extermination” of civilians

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On Monday, the chief prosecutor of the International Criminal Court applied for arrest warrants for Israeli Prime Minister Benjamin Netanyahu and Defense Minister Yoav Gallant.

ICC prosecutor Karim Khan accused the Israeli leaders of presiding over the “murder” and “extermination” of Palestinians, as part of a “common plan to use starvation as a method of war and other acts of violence against the Gazan civilian population as a means to ... collectively punish the civilian population of Gaza.”

In announcing the charges, the prosecutor accused Netanyahu and Gallant of “the following war crimes and crimes against humanity”: “Starvation of civilians as a method of warfare as a war crime”; “Wilfully causing great suffering, or serious injury to body or health ... or cruel treatment as a war crime”; “Willful killing ... or murder as a war crime”; “Extermination and/or murder ... including in the context of deaths caused by starvation.”

The prosecutor declared, “We submit that the crimes against humanity charged were committed as part of a widespread and systematic attack against the Palestinian civilian population pursuant to State policy. These crimes, in our assessment, continue to this day.”

In addition to Netanyahu and Gallant, Khan also applied for arrest warrants against leaders of Hamas, which no doubt reflects pressure from the capitalist governments and supporters of Israel. However, the main political significance of the request for warrants is clear: The state of Israel is a criminal regime.

The charges fully vindicate the global mass protests that have erupted over the past seven months, which have been subject to vicious slander from the ruling

class and the media. Protesters have been beaten, arrested and accused of “antisemitism” for denouncing and seeking to halt one of the greatest war crimes of the modern period.

Responding to the charges, Israeli Prime Minister Benjamin Netanyahu declared, “With what audacity do you dare to compare the monsters of Hamas to the soldiers of the IDF, the most moral army in the world?”

This “most moral army in the world” has destroyed the majority of houses, schools and hospitals in Gaza, alongside every single university. Its leaders have referred to Gaza’s civilian population as “animals,” declaring, “There will be no electricity, no food, no fuel,” and asserting their intent to carry out collective punishment against an “entire nation.”

Indeed, it is the “most moral army” since Hitler’s Wehrmacht.

The Biden administration responded with its own furious denunciation of the ICC prosecutor’s charges. In a statement, Biden declared:

The ICC prosecutor’s application for arrest warrants against Israeli leaders is outrageous. And let me be clear: whatever this prosecutor might imply, there is no equivalence—none—between Israel and Hamas. We will always stand with Israel against threats to its security.

Indeed, there is no equivalence. The Palestinians are living under horrifying conditions of oppression and illegal occupation by Israel. Even if one were to draw

an equal sign between the oppressor, Israel, and the oppressed, the Palestinians, Israel has killed 40 Gazans for every Israeli killed in the October 7 attacks.

Biden's condemnation of the International Criminal Court came less than 24 hours after he spoke at Morehouse College in Georgia, where he declared, "I've called for ... an immediate ceasefire to stop the fighting."

But Biden's response to the prosecutor's indictment makes it clear that his criticisms of the Netanyahu government are cynical exercises in damage control, aimed at facilitating and enabling the Gaza genocide.

The Biden administration's efforts to refute the prosecutor's indictment consist of one absurdity after another.

"The United States has been clear since well before the current conflict that the ICC has no jurisdiction over this matter," declared State Department spokesman Matthew Miller.

This is not true. In 2021, the International Criminal Court ruled that "the Court can exercise its criminal jurisdiction in the Situation in the State of Palestine," including both Gaza and the West Bank, following the adoption of the Rome Statute by Palestine in 2015.

Notably, the White House supported ICC proceedings against Russian President Vladimir Putin over the Ukraine war, despite the fact that neither Ukraine nor Russia was a signatory of the Rome Statute, the treaty that established the ICC.

When pressed to answer who does have jurisdiction to say whether Israel is committing war crimes, Miller absurdly replied, "Israel." That is, the criminals should adjudicate whether or not they are guilty of the crime.

Miller declared that the indictment "could jeopardize ongoing efforts to reach a ceasefire agreement that would get hostages out of Gaza and surge humanitarian assistance." But Hamas has already accepted the terms proposed by the United States for the release of hostages in exchange for a ceasefire, terms that were rejected by Israel.

Biden was joined by leading officials in both the Democratic and Republican parties in denouncing the prosecutor's actions. Republican House Speaker Mike Johnson threatened to sanction the International Criminal Court, which would itself be a violation of international law.

Aside from defending Israel, the response of US

officials expresses the acknowledgement that they are guilty of aiding and supporting all the crimes the prosecutor detailed. Johnson stated this concern explicitly, warning, "If the ICC is allowed to threaten Israeli leaders, ours could be next."

Indeed, the entire political establishment in the United States, Johnson and Biden included, stands guilty of financing, arming and politically justifying a genocide.

In concluding the indictment, the prosecutor declared:

If we do not demonstrate our willingness to apply the law equally, if it is seen as being applied selectively, we will be creating the conditions for its collapse ...

This state of affairs is not a distant hypothetical, but an actual fact. The imperialist powers murder and torture all over the world with impunity. They act as a law unto themselves, defying international law at every turn.

While the ICC certainly carries moral weight, it will have no effect on the policies of the imperialist governments. It has been nearly five months since the International Court of Justice ordered Israel to stop killing and starving Palestinian civilians. Since that time, tens of thousands of Palestinians have been murdered, and the entire population has been denied food, water and medical care.

Workers and young people should have no illusions in the United Nations or any other bourgeois institutions of international law to stop the Gaza genocide.

That can only happen through the mass mobilization of the working class, together with young people all over the world, taking the lead in the fight against Zionism, imperialism and the capitalist system.



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