



PUBLIC DISCUSS ON THE ICC ARREST WARRANT AGAINST ISRAEL PM BENJAMIN NETANYAHU AND FORMER DEFENCE MINISTER YOAV GALLANT.

This topic was discussed on Stealth Medical (@StealthMedical1) X space. I raised some questions to the guest speaker, Mr Jonathan Hessen. This public discuss touched on the issue of legality of the ICC arrest warrant against Israel Prime minister and former defence minister.

I explained to Mr Jonathan Hessen:

Hungary and U.S. opposed the ICC arrest warrant issued against Israel Prime minister and former defence minister, arguing that the ICC arrest warrant infringes on Israel sovereignty. The U.S. and Hungary further complained that the ICC arrest warrant is politically motivated. The U.S. imposed sanctions on the ICC and Hungary withdrew its membership in April 2025. We have considered ICC arrest warrant history. Therein listed are examples of similar arrest's warrants, which were issued against the leaders of other sovereign countries. Some of whom were prosecuted, and some of whom have not yet been prosecuted. Some legal experts have raised legitimate concerns. They argue that there may be an issue of "selective justice" in the opposition to the ICC arrest warrant against the Israel prime minister and former defence minister, given that these same countries, i.e U.S. and Hungary, did not in the past opposed these types of ICC arrest warrants issued against the leaders of those sovereign countries.

I asked Mr Jonathan Hessen:

What is your take on this concern sir? And what are the circumstances that makes Israel prime minister and former defence minister different from others.

Mr Jonathan Hessen response:

Mr Jonathan Hessen introduced his response saying neither U.S. nor Israel are signatory to the Rome statute, therefore an arrest warrant from ICC against an Israeli public official is a breach of its statutory mandate. Mr Hessen further stated that given that Israel is not a party to the ICC, the projection of jurisdiction by ICC may not be in observance of the doctrine and spirit of international law. Mr Hessen explained, and a few other participants of the Stealth Medical X space agreed; that Israel has a competent and independent judiciary. That there are always domestic court martial proceedings prosecuting these types of allegations lodged before the ICC. Mr Hessen further explained that, for instance, there are some ongoing and completed domestic court martial proceedings, where Israel military personnels were prosecuted for violating the rules of engagement.

I explained to Mr Jonathan Hessen:

The International Criminal Court (ICC) has jurisdiction over the most serious crimes of international concern: genocide, crimes against humanity, war crimes, and the crime of aggression. It generally exercises jurisdiction when a state is unable or unwilling to prosecute these crimes domestically, or when the UN Security Council refers a situation to the ICC. The ICC has temporal, personal, and subject matter jurisdiction. I had to raise these points to clarify to Mr. Hessen that though his arguments come within legal reasoning, however, the ICC could exercise jurisdiction over a public official of a non-member state where the alleged offense was committed in the territory of a member state. Though Mr. Hessen had also

argued earlier that given that Palestine is not a full member state of the U.N., with no recognizable borders, the acceptance of Palestine as a signatory membership of the ICC may have clearly been a political move.

My Conclusion:

The real question worthy of an answer is why is Palestine not yet recognized by the United Nations as a sovereign state with its own borders? The answer is quite simple. Though over 139 countries have recognized the State of Palestine, most of the members of the United Nations security council have not recognize the State of Palestine. However, considering the current ongoing humanitarian crises in Gaza, countries like France, the United Kingdom, Canada and a few other European countries have provisionally declared their intention to recognize the state of Palestine at the United Nations general assembly coming up in September 2025.

However, in the context of the discussion with Mr. Hessen on Stealth Medical public space, and to Mr Hessen point about Palestine being a signatory member to the Rome Statute, despite not being a recognized sovereign state by the United Nations, I did not think it was relevant to emphasize this in response, but membership of the ICC is governed by the Rome statute. Its membership is open to any state, regardless of their U.N. status. Therefore Palestine, which is a non-member observer state by virtue of the UN General Assembly Resolution 67/19, on 29th of November 2012, can accede to the Rome Statute and become a member state to the ICC.

Finally, an integral point that cannot be waved is that the international criminal court may exercise jurisdiction when a state is unable or unwilling to prosecute alleged crimes domestically. Is the state of Israel unable or unwilling to undertake a domestic prosecution of these allegations before the ICC against its prime minister and defense minister? While overwhelming evidence demonstrates that the state of Israel has an independent and capable judiciary, many substantiated reports continue to demonstrate that Israel is showing no willingness to initiate a domestic prosecution of these allegations before the ICC against its prime minister and former defense minister. Instead, Israel continues to raise an objection against the ICC arrest warrant issued against its prime minister and former defense minister on 21 November 2024.

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