



WAR CRIMES PROSECUTOR SEEKS ARREST OF ISRAELI AND HAMAS LEADERS, INCLUDING NETANYAHU - ASSOCIATED PRESS

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Photo: This combination of photos from clockwise from top left shows Ismail Haniyeh, the leader of the Palestinian militant group Hamas, in Beirut, Lebanon, on June 28, 2021; Israeli Prime Minister Benjamin Netanyahu in Tel Aviv, Israel on Oct. 28, 2023; Israeli Defense Minister Yoav Gallant in Tel Aviv on Oct. 16, 2023 and Yahya Sinwar, head of Hamas in Gaza, in Gaza City, Wednesday, April 13, 2022

The chief prosecutor of the world's top war crimes court sought arrest warrants Monday for leaders of Israel and Hamas, including Israeli Prime Minister Benjamin Netanyahu, over actions taken during their seven-month war.

While Netanyahu and his defense minister, Yoav Gallant, do not face imminent arrest, the announcement by the International Criminal Court's chief prosecutor was a symbolic blow that deepened Israel's isolation over the war in Gaza.

The court's prosecutor, Karim Khan, accused Netanyahu, Gallant, and three Hamas leaders — Yehya Sinwar, Mohammed Deif and Ismail Haniyeh — of war crimes and crimes against humanity in the Gaza Strip and Israel.

Netanyahu and other Israeli leaders condemned the move as disgraceful and antisemitic. U.S. President Joe Biden also lambasted the prosecutor and supported Israel's right to defend itself against Hamas.

A panel of three judges will decide whether to issue the arrest warrants and allow a case to proceed. The judges typically take two months to make such decisions.

Israel is not a member of the court, so even if the arrest warrants are issued, Netanyahu and Gallant do not face any immediate risk of prosecution. But the threat of arrest could make it difficult for the Israeli leaders to travel abroad.

Netanyahu called the prosecutor's accusations against him a "disgrace," and an attack on the Israeli military and all of Israel. He vowed to press ahead with Israel's war against Hamas.

Biden said the effort to arrest Netanyahu and Gallant over the war in Gaza was "outrageous," adding "whatever this prosecutor might

imply, there is no equivalence — none — between Israel and Hamas."

Hamas also denounced the ICC prosecutor's actions, saying the request to arrest its leaders "equates the victim with the executioner."

Netanyahu has come under heavy pressure at home to end the war. Thousands of Israelis have joined weekly demonstrations calling on the government to reach a deal to bring home Israeli hostages in Hamas captivity, fearing that time is running out.

In recent days, the two other members of his war Cabinet, Gallant and Benny Gantz, have threatened to resign if Netanyahu does not spell out a clear postwar vision for Gaza.

But on Monday, Netanyahu received wall-to-wall support as politicians across the spectrum condemned the ICC prosecutor's move. They included Israel's president, Isaac Herzog, and his two main political rivals, Gantz and opposition leader Yair Lapid.

It is unclear what effect Khan's move will have on Netanyahu's public standing. The possibility of an arrest warrant against Netanyahu could give him a boost as Israelis rally behind the flag. But his opponents could also blame him for bringing a diplomatic catastrophe on the country.

Yuval Shany, an expert on international law at Hebrew University and the Israel Democracy Institute, a Jerusalem think tank, said it was far more certain that Netanyahu's already troubled international standing could be further weakened.

"This is going to make Netanyahu an outcast, and his ability to move around the world will be seriously compromised," said Shany. Even if the ICC does not issue the arrest warrant, other countries may now be more reluctant to provide support and assistance, he said.

Hamas is already considered an international terrorist group by the West. Both Sinwar and Deif are believed to be hiding in Gaza. But Haniyeh, the supreme leader of the Islamic militant group, is based in Qatar and frequently travels across the region. Qatar, like Israel, is not a member of the ICC.

The latest war between Israel and Hamas began on Oct. 7, when militants from Gaza crossed into Israel and killed some 1,200 people, mostly civilians, and took 250 others hostage.

Since then, Israel has waged a brutal campaign to dismantle Hamas in Gaza. More than 35,000 Palestinians have been killed in the fighting, at least half of them women and children, according to the latest estimates by Gaza health officials.

The war has triggered a humanitarian crisis in Gaza, displacing roughly 80% of the population and leaving hundreds of thousands of people on the brink of starvation, according to U.N. officials.

Speaking of the Israeli actions, Khan said "the effects of the use of starvation as a method of warfare, together with other attacks and collective punishment against the civilian population of Gaza are acute, visible and widely known."

The United Nations and other aid agencies have repeatedly accused Israel of hindering aid deliveries throughout the war. Israel denies this, saying there are no restrictions on aid entering Gaza and accusing the U.N. of failing to distribute aid.

Of the Hamas actions on Oct. 7, Khan, who visited the region in December, said that he saw for himself "the devastating scenes of these attacks and the profound impact of the unconscionable crimes."

In their rampage, Hamas militants gunned down scores of revelers at a dance party and killed entire families as they huddled in their homes. "These acts demand accountability," Khan said.

International human rights lawyer Amal Clooney served on a five-member expert panel that advised Khan. She said the panel had agreed

unanimously that there are "reasonable grounds" to believe that **bot**h the Hamas and Israeli leaders had committed war crimes, according to a statement.

South Africa, which has been leading a genocide case against Israel at the U.N. world court, welcomed Khan's announcement seeking the arrest of Israeli and Hamas leaders. "The law must be applied equally to all in order to uphold the international rule of law," the office of President Cyril Ramaphosa said.

The ICC was established in 2002 as the permanent court of last resort to prosecute individuals responsible for the world's most heinous atrocities — war crimes, crimes against humanity, genocide and the crime of aggression.

The U.N. General Assembly endorsed the ICC, but the court is independent.

Dozens of countries don't accept the court's jurisdiction over war crimes, genocide and other crimes. They include Israel, the United States, Russia and China.

The ICC accepted "The State of Palestine" as a member in 2015, a year after the Palestinians accepted the court's jurisdiction.

In 2020, then U.S. President Donald Trump authorized economic and travel sanctions on the ICC prosecutor and another senior prosecutor. The ICC staff were looking into U.S. and allies' troops for possible war crimes in Afghanistan. Biden lifted the sanctions in 2021.

Last year, the court issued a warrant for Russian President Vladimir Putin on charges of responsibility for the abductions of children from Ukraine. Russia responded by issuing its own arrest warrants for Khan and ICC judges.

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AP journalists Molly Quell in Delft, Netherlands, and Mike Corder in Ede, Netherlands, contributed to this report.

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