

GAPS Secretariat Statement on the application for arrest warrants by the ICC against Israel and Hamas

The arrest warrants sought by ICC Chief Prosecutor, Karim A.A. Khan, stand as a step towards justice and accountability for the ongoing genocide in Gaza. The Prosecutor has declared enough significant evidence to prosecute Prime Minister, Benjamin Netanyahu, Defence Minister, Yoav Gallant, and three individuals from Hamas, including their leader, Yahya Sinwar, for war crimes and crimes against humanity. For governments, such as the UK, who have continued to aid and abet the bombardment of Gaza through its military and diplomatic support- despite the significant advocacy pushbacks, which includes but is not limited to the [open letter](#) from 600+ lawyers on the breaches of IHL, the initial ICJ ruling, - this should be a momentous wake-up call. Civil society has been championed as key strategic partners by the UK Government in its most recent National Action Plan on Women Peace and Security; in the case of the ongoing occupation of Palestine, these voices, especially of Palestinian women, have been dismissed for the prioritisation of political and strategic interests. The UK has inconsistently responded to the situation in Palestine, compared to its welcomed response to Sudan and Ukraine, including [50 new sanctions](#) against Russia in 2024 alone, and [asset freezes](#) on companies linked to the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF). Specifically, in the case of the ICC, the UK has led calls for the Court to investigate Russia's war crimes and commemorated the ICC as a [‘testament to its State Parties’ determination to end impunity for those responsible for the most serious international crimes’](#). This time, the UK's response to the ICC is damaging and disingenuous, both denying the ICC's jurisdiction and declaring that such arrest warrants will hinder progress towards a sustainable ceasefire. **The UK must take clear action to protect the rules-based international order and express its full support and cooperation with the ICC process. In addition, the UK should reassess its own legal advice on Israel's compliance with IHL, and immediately end all arms sales to Israel.**

This is an important first step of the process; however, GAPS raises concerns over the approach taken by the Prosecutor. The ICC has charged Hamas with eight counts, which include ‘torture and cruel treatment as a war crime’ whilst these charges are not replicated against Israel. The [UN Secretary General's on Sexual Violence in Conflict report](#) and [UN experts](#) have reported accounts of sexual violence by the IOF across detention facilities in the West Bank and '48. Palestinian civil society and activists have been providing well-documented, egregious accounts of torture and sexual violence against Palestinians by Israeli Occupation Forces and illegal settlers since October 7th and long before - yet such evidence continues to be ignored. Although there is a clear urgency to address the crimes committed since October, the ongoing and pre-October allegations against Israeli leaders with regards to the illegal settlements and apartheid which maintain the systematic oppression of Palestinians in the West Bank and '48 are omitted. The Prosecutors failure to initially frame such crimes against humanity and war crimes within the context of the longest occupation in modern history (aside from one mention in the Panel Report) is inadequate. There cannot be true justice, accountability, and reconciliation for Palestinians whose lives, homes and families have been destroyed until the current scale of suffering and violence is contextualised within the decades of profound inequality and justice.

All survivors deserve the dignity of justice and accountability, but this can only be ensured through legal processes that consider power and its legacy. This requires all states, such as the UK, to be committed to upholding international law in its **consistent** application, including in Palestine. GAPS reiterates its calls for an immediate, full, and permanent ceasefire. We urge the UK Government to take action and to support the ICC's request for arrest warrants, to fulfil its responsibilities to prioritise the lives of civilians and ensure accountability for the ongoing war crimes and crimes against humanity.