

The Criminal Nature of International Justice: International Criminal Court's (ICC) Total Silence on Israel Gaza Attacks

Benjamin Netanyahu says that they will be “turning Gaza into rubble”

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The systematic targeting of a civilian population, as is the case with Israel's attacks on the Gaza Strip, can be a “crime against humanity and the continued silence of the International Criminal Court (ICC) over the matter is “utterly unacceptable,” according to a legal expert.

For over 10 days, Israel has been bombing the besieged Palestinian territory, with the death toll now nearing 3,000, among them at least 750 children.

Israeli attacks have targeted buildings in densely populated residential areas, which it claims were being used by the Palestinian group Hamas.

Airstrikes have also struck hospitals and schools, as confirmed by UN agencies like the World Health Organization and the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

Several healthcare and humanitarian workers have been killed in the Israeli offensive, along with journalists and officials of local civil and rescue services.

Adding to the humanitarian catastrophe is Israel's decision to cut off water, electricity and other supplies to Gaza, leaving the population of some 2 million in a dire situation without the very basic needs, eliciting repeated warnings from the UN and other rights groups.

Then there is the evacuation order for northern Gaza, affecting more than 1 million people, almost half the strip's entire population.

The order itself has been severely criticized by international organizations and rights groups,

who have termed it a “forced transfer” and a war crime.

Another major violation by Israel has been the use of white phosphorus in its attacks on Gaza. The Israeli military denies that, but it was proven by groups such as Human Rights Watch and Amnesty International, with the latter’s investigation including photos captured by Anadolu.

Ahmed Abofoul, legal researcher and advocacy officer at rights organization Al-Haq, emphasized that Israel’s actions in Gaza are “a war crime,” while the targeting of civilian infrastructure and civilian population could also amount to “a crime against humanity.”

There have been “very disturbing, genocidal statements” by Israeli politicians, like Prime Minister Benjamin Netanyahu saying that they will be “turning Gaza into rubble,” he pointed out.

For Abofoul, who is also an international lawyer based in The Hague, the inaction of the ICC is “utterly unacceptable.”

“It’s important to note that the ICC prosecutor has the mandate not only to investigate crimes, but also to issue preventive statements, which are early warning statements that can provide deterrence,” he explained.

It is also “shameful” that the international community is not really even pushing for a cease-fire, and instead has been supporting Israel by sending weapons, he added.

Abofoul said the “collective punishment” inflicted on Palestinians by Israel through its indiscriminate attacks and total siege “could even be argued to be an act of genocide.”

“We’ve heard those statements by Israel where there seems to be a complete disregard of innocent civilian lives,” he said.

On the use of white phosphorus, he stressed that these weapons, by their very nature, are indiscriminate and always affect civilian populations.

“They know it and they use it and, therefore, it may amount to a war crime,” he said.

‘Further Squeezing the Civilian Population’

On Israel’s order for more than 1 million Gazans to move to the south, Abofoul emphasized that most of the civilian infrastructure, the main center, emergency and rescue services, and major hospitals, including the biggest one Al-Shifa Hospital, are in the northern part.

“So, effectively what Israel is doing is further squeezing the civilian population in Gaza and, in half of its space, with no electricity, no food, no properly equipped hospitals,” he added.

He pointed out that there is no safe passage and nobody knows which evacuation routes are safe.

“Nobody can trust that Israel won’t target civilians,” said Abofoul, referring to a recent attack that resulted in civilian casualties on a route that the Israeli army had designated as safe for civilians.

“People don’t know where to go and even those who want to leave. They don’t know how to leave ... the UN itself announced that this is virtually impossible. So in a way Israel is asking the impossible,” he added.

He emphasized that all of this is a result of “75 years of oppression, of denying the Palestinian people their basic human rights.”

Abofoul also pointed out that Hamas emerged in 1987, 20 years after Palestinian territories were occupied in 1967.

“For 20 years, there was no peace before Hamas ... so it’s important to put things into context,” he said.

Abofoul also questioned why Israel, often defined by the West as the “only democracy in the Middle East,” refuses to go to any court “as any civilized nation would do.”

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