



The Hamas attacks perpetrated against the population of Israel of 7 October 2023 are without doubt core crimes under international

criminal law. Nevertheless, the brutality and inhumanity of Hamas' assault did not justify the disproportionate reaction by Israel's military forces. The restriction of the fuel and electricity supply to Gaza strip such as its long siege are in contrast with the international humanitarian law.

The request on 20 May 2024 of the International Criminal Court (ICC) Prosecutor, Karim A.A. Khan, for arrest warrants for 2 Israel and 5 Hamas leaders is a relevant step in the effort to put an end to the impunity, to conduct independent and impartial investigations and bring justice to all the victims of alleged war crimes and crimes against humanity committed on the territory of Israel and in the Gaza strip from at least 7 October 2023.

The main charges against the Israeli PM Benjamin Netanyahu and Defense Minister Yoav Gallant involve war crime of starvation of civilians as a method of warfare. As regards the Hamas leaders, the ICC Prosecutor stated that they allegedly caused the murder of hundreds of civilians on 7 October 2023 and took at least 245 hostages. The charges concern also the crimes against

humanity of extermination, murder, rape and torture, and the war crimes of rape and other forms of sexual violence, torture, cruel and inhuman treatment committed against hostages.

It is difficult to make any prediction about the ICC Prosecutor's decision to ask the Pre-Trial Chamber to issue an arrest warrant against leaders of both Israel and Hamas. It is also not possible to say when the Chamber will take a decision. Nevertheless, the arguments presented by the ICC Prosecutor seem to be convincing and there is a significant possibility that the requested warrants will be accepted by the Pre-Trial Chamber.

### **Ivan Salvadori**

Associate Professor in Criminal Law and International Criminal Law, University of Verona/School of Law

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