



ICC Arrest Warrants:

No Platforming of Suspected Israeli War Criminals in Academic or Cultural Settings

5 December 2024

Aside from the ongoing [case against Israel](#) at the International Court of Justice (ICJ) for [genocide](#), the [indictment of Israeli leaders by the International Criminal Court](#) (ICC) on charges of war crimes and crimes against humanity perpetrated in Gaza against Palestinians is a watershed in the Palestinian quest for the long overdue justice and accountability. The ICC arrest warrants against Israeli leaders are expected to usher in a wave of domestic and international prosecution initiatives that promise to hold complicit Israelis accountable for the ongoing [genocide](#) against 2.3 million Palestinians in Gaza, as well as for the decades-old illegal occupation and the crime against humanity of apartheid.

Given the gravity of Israel's Gaza [genocide](#), in particular, and the *near consensus* support for it among Jewish Israelis¹, **Israeli academics, scientists, programmers, college students², artists, writers, among others, who have since 7 October 2023 served in the Israeli military (including logistical and intelligence units) or are reasonably suspected of involvement in any ancillary offence of direct and public incitement, aiding, assisting or conspiring to commit genocide, crimes against humanity and/or war crimes, must be investigated and, if warranted, prosecuted by all States. This is part of their legal obligation to, *inter alia*, prevent genocide and ensure accountability for grave breaches of international humanitarian law.**

Every adult person who resides in an illegal colonial settlement in the occupied Palestinian territory (OPT), including East Jerusalem, or in the occupied Syrian Golan Heights, is knowingly participating in a war crime and must therefore be held accountable. Colonies are a main [driving force behind Israel's mass human rights violations](#) in the OPT. In determining in July 2024 that Israel's continued 57-year presence in the OPT is unlawful, the ICJ [reiterated](#) that all such colonies are illegal and must be dismantled, in part because they have facilitated the illegal acquisition by Israel of Palestinian

¹ An authoritative Israeli poll published on 10 November 2023, after Israeli forces had already killed over 10,000 Palestinians in Gaza, almost half of them children, a total of over 94% of Jewish Israelis said that the "IDF" was using "too little firepower in Gaza" or "an appropriate amount" of firepower.

<https://time.com/6333781/israel-hamas-poll-palestine/>

² At least [30% of whom have done military service during the genocide](#).

territory, the violation of the Palestinian people's right of self-determination, and the imposition upon Palestinians of a regime of "racial segregation and apartheid."

In its implementing resolution for the ICJ's opinion, the United Nations General Assembly has called upon all States, *inter alia*:

"To take steps to ensure that their nationals, and companies *and entities* under their jurisdiction, as well as their authorities, do not act in any way that would entail recognition or provide aid or assistance in maintaining the situation created by Israel's illegal presence in the Occupied Palestinian Territory."³

Accordingly, any entity (i.e. public or private) that engages in relations with such Israelis without conducting an appropriate, meaningful and effective due diligence review aimed at ensuring that its engagement does nothing to maintain, expand, or recognize the settlements and Israel's continued unlawful presence in the OPT or other international crimes must be held publicly accountable for condoning and supporting violations of international law (including war crimes, crimes against humanity and genocide) and for failing to meet its own obligations not to recognise or in any way assist such violations.

Given Israel's presence in the OPT is itself unlawful, and the settlements are a key element of that illegality, failure by Israel to provide evidence beyond doubt to entities engaged in such a due diligence process should be construed in a manner that presumes the relations in question help maintain Israel's illegal occupation, including its settlements.

In parallel, **academic ties to Israeli universities** – all of which are not just complicit but also constitute [a pillar of Israel's 76-year-old regime of settler-colonialism and apartheid](#), and now genocide – **must be immediately severed**. This is a measure needed in order for international academic institutions to avoid complicity in serious violations of peremptory norms of international law, derogation from which is not permitted under any circumstances. This especially concerns the prohibitions on territorial conquest, apartheid, genocide and the violation of self-determination of peoples.

Current and ongoing serious violations of peremptory norms of international law by Israel and its partners in the colonial West also bring consequences to public entities, including universities, as organs of the state. A legal opinion published by international law experts at the University of Antwerp in Belgium [says](#):

³ A/RES/ES-10/24, 18 September 2024 [emphasis added].

“Universities are organs of society endowed with the responsibility to teach and educate. They must avoid aiding and assisting the commission of serious breaches of peremptory norms of international law created by Israel’s illegal presence in the Occupied Palestinian Territory, and address such aid and assistance when it occurs.”

Affirming the deep complicity of Israeli universities, the University of Antwerp legal opinion [states](#):

“Israeli universities as institutions are embedded in the exclusivist nature of the Israeli political system and benefit from the occupation. They have put their expertise at the disposal of governmental measures aimed at maintaining and expanding the occupation. Institutional cooperation with these universities thus amounts prima facie to aid and assistance in maintaining a situation that breaches peremptory norms of international law.”

It concludes by [calling on universities to](#):

“End all collaborations with academic and other institutions directly or indirectly implicated in the violations of international law, international human rights law and international humanitarian law in Gaza and in the Occupied Palestinian territories, more generally.”

Similarly, all ties to Israeli cultural institutions must be cut unless they can prove beyond doubt that they have not been complicit in the commission of human rights violations and that they publicly uphold the UN-stipulated rights of the Indigenous people of Palestine, particularly the right of refugees to return, reparation and compensation in accordance with international law.

Legal Background

On 21 November 2024, the International Criminal Court (ICC) finally issued its long overdue [arrest warrants](#) against sitting Israeli Prime Minister Benjamin Netanyahu and former war cabinet minister Yoav Gallant for war crimes and crimes against humanity perpetrated in Gaza. In September, almost a year into Israel’s ongoing genocide against Palestinians in the illegally occupied Gaza Strip, a UN Special Committee investigating Israeli practices affecting Palestinian human rights [concluded](#):

“The policies and practices of Israel ... are consistent with the characteristics of genocide. The targeting of Palestinians as a group; the life-threatening conditions imposed on Palestinians in Gaza through warfare and restrictions on humanitarian aid – resulting in physical destruction, increased miscarriages and stillbirths – and the killing of and serious bodily or mental harm caused to Palestinians in Gaza and the occupied West Bank, including East Jerusalem, are violations under international law.”

On 1 October 2024, UN Special Rapporteur for Human Rights in the occupied Palestinian territory Francesca Albanese submitted to the UNGA her report titled, *Genocide as Colonial Erasure, contextualizing Israel's carnage in Gaza*:

“The Gaza genocide is a tragedy foretold, and one that risks expanding to other Palestinians under Israeli rule. Since its establishment, Israel has treated the occupied people as a hated encumbrance and threat to be eradicated, subjecting millions of Palestinians, for generations, to everyday indignities, mass killing, mass incarceration, forced displacement, racial segregation and apartheid. Advancing its goal of ‘Greater Israel’ threatens to erase the Indigenous Palestinian population.”

Under the Genocide Convention, every State is obliged to prevent, to not commit, and to punish genocide. The State obligation to prevent genocide arises as soon as the State becomes aware, or should reasonably be aware, of a “serious risk of genocide.” The determination on 26 January 2024 by the International Court of Justice ([ICJ](#)) that there is a real and imminent risk that Israel is violating the Genocide Convention in Gaza triggered the responsibility of all States and entities to act to prevent genocide and to end any direct or indirect complicity in its commission. Every State is obliged to investigate and prosecute those suspected of committing genocide and ancillary offences of direct and public incitement, as well as aiding, assisting or conspiring to commit genocide.

In July 2024, the ICJ [ruled](#) that Israel’s very presence in the whole of Gaza and the West Bank, including East Jerusalem, is illegal and must be brought to an end as rapidly as possible. The UNGA subsequently determined that this means by 17 September 2025.⁴ It also determined that Israeli policies and practices in the OPT have imposed a system of racial segregation and apartheid against the Palestinian people in violation of the International Convention on the Elimination of all Forms of Racial Discrimination (CERD).

On 18 September 2024, following the ICJ’s July ruling, dozens of UN human rights experts [warned](#) that the international-law based order was “on a knife’s edge” due to Israel’s impunity in perpetrating its genocide in Gaza, urging States to fully comply with the ICJ ruling by adopting measures to, *inter alia*, “Cancel or suspend economic relationships, trade agreements and **academic relations** with Israel that may contribute to its unlawful presence and apartheid regime in the occupied Palestinian territory.” [Emphasis added]

But doesn’t BDS target institutions, not individuals?

⁴ Id. at para. 2.

Indeed, as the [BDS boycott guidelines state](#), “Anchored in precepts of international law and universal human rights, the BDS movement, including PACBI, rejects on principle boycotts of individuals based on their identity (such as citizenship, race, gender, or religion) or opinion.” However, the boycott, including the academic boycott as well as the cultural boycott of Israel, has consistently been applied to the *activities* of individuals “representing the state of Israel or a complicit Israeli institution (such as a dean, rector, or president), or is commissioned/recruited to participate in Israel’s efforts to ‘rebrand’ itself,” in which case the institutional boycott applies.

In addition, lawful forms of protest, including “common sense” boycotts (beyond the scope of the BDS institutional boycott criteria), naturally apply to individuals complicit in, responsible for, or inciting to violations of international law, “such as direct or indirect involvement in the commission of war crimes or other grave human rights violations; incitement to violence; racial slurs; etc.” Conscientious citizens around the world may call for this type of protest in response to egregious individual complicity in human rights violations, regardless of where they occur or who commits them.

What about freedom of expression?

The universal right to freedom of expression [excludes](#) hate speech that can “cause real harm,” particularly to “vulnerable communities.” The Genocide Convention, for instance, “requires States to criminalize incitement to genocide.” In some situations, State inaction against incitement to genocide “may contribute to very serious consequences for vulnerable communities. Such inaction itself is condemnable, just as the incitement itself must be opposed and punished.”

Under article 20(2) of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties are obligated to prohibit by law “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.”