ICC prosecutor issued warrants for Netanyahu to make West 'turn against Israel' - exclusive

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<https://www.jpost.com/israel-news/article-853713>

Karim Khan, the [International Criminal Court’s](https://www.jpost.com/international/article-853465) chief prosecutor, hoped that issuing arrest warrants for Prime Minister Benjamin Netanyahu and former defense minister Yoav Gallant would make the West turn against Israel, a senior Western diplomat with firsthand knowledge of the ICC case has told *The Jerusalem Post* in an exclusive interview.

The diplomat, who spoke on condition of anonymity, said that he believed Khan’s decision to issue arrest warrants against Israeli leaders was based on a combination of a desire to see powerful, Western nations turn against Israel and inspire public pressure from pro-Palestinian groups.

He recalled a conversation he had with Khan last year, where [Khan](https://www.jpost.com/international/article-853465) allegedly said: ‘You just wait and see. If I apply for warrants against Netanyahu, this would give countries like Germany and Canada the excuse they need to turn against the Israeli government.’

‘I remember thinking to myself first: How naive can you be?’ the diplomat said.

‘But secondly, I thought: That’s not the job. You should be driven by the law and by facts and evidence, not by the thought that Germany might turn on an elected official,’ the diplomat said.

Prior to the October 7 massacre, Khan was not seen as a champion of Palestinian rights.

In late 2023, when the war between Israel and Hamas was at its peak, a campaign against Khan kicked off, led by the BDS movement and pro-Palestinian NGOs and activists who went after him for not clamping down on Israeli officials for alleged war crimes.

The BDS movement called Khan a ‘genocide enabler,’ demanding that he be fired and replaced with someone who would go after Israel.

**Khan's pre-arrest warrant timeline doesn't add up**

In a letter addressing these claims, Khan insisted that they were ‘based on false premises’ and that his decision to issue arrest warrants was not based on political motivations or personal matters.

Khan also said that he visited Washington in person at the end of March 2024, ‘at which time he informed senior administration officials that he would be applying for warrants against those persons named in the warrants by the end of April 2024.’

He did indeed meet with senior US officials in late March in two separate meetings.

The first was with then-secretary of state [Antony Blinken](https://www.jpost.com/opinion/article-836353). The second was with then-national security advisor Jake Sullivan and Brett McGurk, the White House’s National Security Council coordinator for the Middle East and North Africa.

However, based on the senior diplomat’s words, Khan’s timeline does not add up. Even if he did inform the senior officials in late March about his decision, the timeline shows he ‘acted in bad faith.’

‘If indeed Khan had made up his mind to apply for warrants in late March, then all of his interactions with both senior Israeli, US, and other officials regarding his visit to Gaza on May 27 would have been under false pretenses,’ the diplomat said.

This is because on March 20, just one week prior, and before Khan said he informed senior US officials that he had already made up his mind – the ICC Prosecutor’s Office sent an official letter to Israel requesting information on evacuation orders, safe zones, civilian deaths in Gaza, and instructions related to humanitarian aid entering the enclave.

This information was supposed to be used in Khan’s investigation into possible war crimes committed in Gaza.

In April, an Israeli delegation traveled to the ICC to discuss the investigation with Khan’s team.

On May 1, the ICC’s chief prosecutor spoke to numerous US senators on the phone, reassuring them that he was still investigating the alleged war crimes committed by Israeli and Hamas leaders, and that no decision had been made yet.

‘I felt like we had a good conversation, that he was going to go to Israel and hear their side of the story, as I thought the law required. I think every senator on that phone call would be surprised to hear him claiming that he had already made up his mind,’ US Sen. [Lindsey Graham](https://www.jpost.com/breaking-news/article-848307) said.

‘The way he conducted this was really outrageous. He decided to announce the arrest warrants before he heard Israel’s side of the story,’ Graham continued. ‘The only thing that makes sense to me is that he wanted to change the subject, because if he says that he had already made up his mind [by then], then the entire conversation he had with all of us was a fraud.’

The senior Republican senator, who also serves on the US Senate Judiciary Committee, said that Khan either misled the senators on the phone call, or he’s making up a date retroactively that he thinks helps him with the sexual allegations against him.

As a reminder, the ICC said in November 2024 that an external probe was looking into allegations of sexual misconduct regarding the prosecutor.

According to several news sources, including *The Wall Street Journal*, Kahn planned to charge Netanyahu and Gallant soon after the accusations against him emerged.

‘Bottom line is, everybody on the call believed that we had accomplished a lot by just getting him to go listen to Israel,’ Graham said.

**Karim Khan spoke to Antony Blinken**

ON MAY 3, Khan spoke to Blinken, whom he reassured that the investigation was ongoing, and that he wanted to visit Gaza and Israel to collect more evidence.

Khan was also warned by Blinken that issuing arrest warrants for Israeli leaders could derail the fragile ceasefire negotiations.

When the ICC’s chief prosecutor finally announced his decision in a CNN interview on May 20 to charge Netanyahu and Gallant for war crimes, both the US and Israel were taken aback.

Blinken told the Senate Foreign Relations Committee the following day: ‘The decision… on so many levels is totally wrongheaded’ and that it challenged ongoing negotiations to free the hostages and stop Israel’s assault on Gaza.

Israel also reacted fiercely to the surprise announcement, with Netanyahu accusing the ICC of antisemitism and comparing the case to a ‘modern [Alfred] Dreyfus trial.’

Netanyahu said that the decision was made by a ‘corrupt chief prosecutor trying to save his own skin from the serious charges against him for sexual harassment, and by biased judges motivated by antisemitic hatred of Israel.’

Hamas also rejected the arrest warrants for its top leaders, Yahya Sinwar, Mohammed Deif, and Ismail Haniyeh. Sinwar, Deif, and Haniyeh, however, killed by Israel earlier that year in Gaza and Tehran, respectively, and the requests for arrest warrants were withdrawn when their deaths were confirmed.

Since then, several Western countries have said they would not enforce the arrest warrants if Netanyahu or Gallant arrived on their soil, including France, Poland, Austria, the US, Argentina, Hungary, Italy, and Germany.

Arsen Ostrovsky, human rights lawyer and CEO of the International Legal Forum, which was one of the groups that made an appeal against the arrest warrants, said that Khan ‘has broken every rule in the book, including the rule of law.’

‘Instead of upholding the court’s mission in the pursuit of justice, the prosecutor has unleashed a great injustice in pursuing these mendacious and baseless warrants, and an unremitting political agenda against Israeli leaders for lawfully defending the country against Hamas and seeking to rescue the remaining hostages,’ Ostrovsky added.