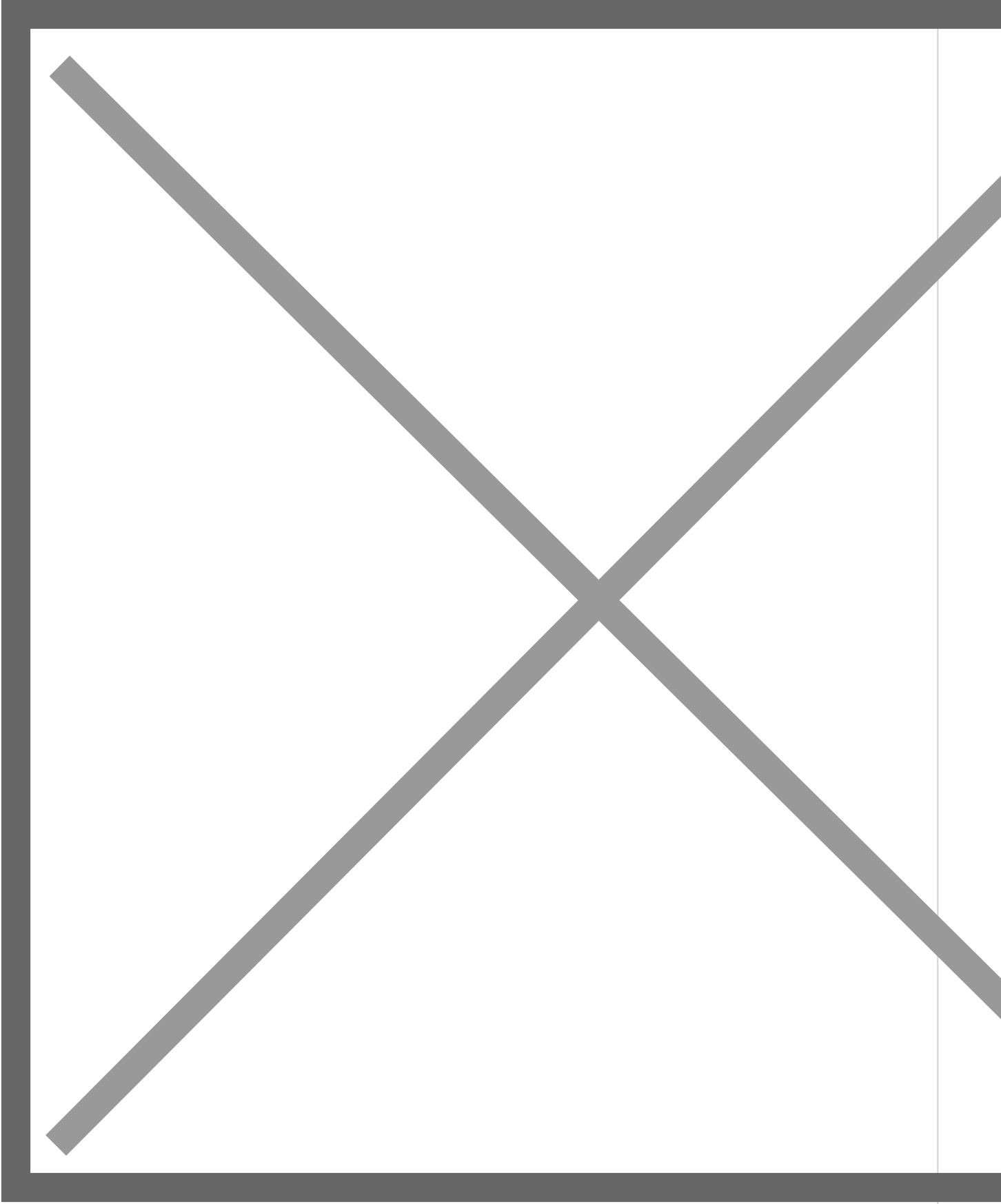


Merz says Netanyahu will be able to visit Germany despite ICC warrant

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ICC says states cannot determine ‘soundness’ of its decisions as Israeli PM faces warrant on Gaza war crime allegations.

Berlin, February 25 (RHC)-- Friedrich Merz, who is expected to be Germany's next chancellor, says he would make sure Israeli Prime Minister Benjamin Netanyahu can visit Germany despite an arrest warrant issued against him by the International Criminal Court (ICC).

Speaking to reporters on Monday, a day after his conservative Christian Democratic Union (CDU) party won national elections, Merz said he told Netanyahu in a congratulatory phone call that the pair should meet after a new German government is formed.

“In the event that he [Netanyahu] plans to visit Germany, I have promised myself that we will find a way to ensure that he can visit Germany and leave again without being arrested,” Merz said from Berlin.

“I think it's a really absurd idea that an Israeli prime minister can't visit the Federal Republic of Germany. He will be able to visit Germany,” he added.

In an earlier statement, Netanyahu's office said Merz had invited the Israeli prime minister “to make an official visit to Germany, in overt defiance of the scandalous International Criminal Court decision to label the Prime Minister a war criminal.”

The ICC, which is based in The Hague, Netherlands, responded to Merz's remarks on Monday, saying that states have a legal obligation to enforce its decisions. Any concerns countries may have should be addressed with the court in a timely and efficient manner, the court added.

“It is not for states to unilaterally determine the soundness of the court's legal decisions.”

Israel has condemned the warrants for Netanyahu and Gallant, saying that it has acted in self-defense against Hamas's October 2023 attacks on Israel.

But human rights groups and international law experts have accused Israel of committing war crimes and indiscriminately bombing Palestinians across the Gaza Strip, which has been destroyed in 15 months of war.

More than 48,000 Palestinians have been killed in the war, according to Gaza's Ministry of Health. But thousands more have been reported missing under the rubble and are presumed dead.

There are “reasonable grounds” to believe that Gallant and Netanyahu “intentionally and knowingly deprived the civilian population in Gaza of objects indispensable to their survival, including food, water, and medicine and medical supplies, as well as fuel and electricity”, the ICC said in its November decision.

The Rome Statute, the treaty that established the ICC, includes 124 state parties across six continents. Under the statute, countries that are part of the ICC are legally bound to enforce its arrest warrants, international human rights lawyer Jonathan Kuttub told Al Jazeera after the warrants were issued last year.

“The law operates on the basis of a presumption that people will obey it. That's how all laws are created,” Kuttub said. “You expect everybody to respect the law. Those who don't respect the law are themselves violating the law.”

Germany has been both a staunch ally of Israel and a strong backer of the ICC. As a member state of the court, the country is required to detain suspects facing arrest warrants if they set foot on their soil, but the ICC has no way to enforce that.

After the ICC's decision in November, a German government spokesperson said the country would "carefully examine" the arrest warrants for Netanyahu and Gallant but would not take further steps until a visit to the country.

"The federal government was involved in the drafting of the ICC statute and is one of the ICC's biggest supporters. This position is also a result of German history," the spokesperson said.

"At the same time, a consequence of German history is that we have a unique relationship and a great responsibility to Israel."

[SOURCE: AL JAZEERA and NEWS AGENCIES]

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