Selective Justice? Empirically Testing for Double Standards in the ICC's Palestine and Ukraine Investigations

Hasan Basri Bülbül

Abstract: Despite its proclaimed dedication to universal justice, the International Criminal Court has long been accused of double standards in its administration of justice. To evaluate the veracity of these claims, this study conducts a comparative empirical analysis of ICC prosecutorial practice, examining procedural and discursive patterns across two contemporary investigations to gauge the institution's consistency across different geopolitical contexts.

Through quantitative and qualitative analysis of prosecutorial timelines, resource allocation, field presence, and official communications, this research documents significant disparities in how the Ukraine and Palestine situations are treated by the Office of the Prosecutor. The empirical findings reveal substantial variations in prosecutorial urgency, resource deployment, and rhetorical framing. Discourse analysis of official statements further reveals systematic variations in the sequencing and characterisation of victims and perpetrators through linguistic choices, particularly in ways that disadvantage Palestinian parties.

The inconsistencies identified risk fostering a perception of a two-tiered system, even as the institution takes politically costly steps to uphold its neutrality, thereby challenging the Court's legitimacy and undermining its claim to impartiality. The findings ultimately suggest that the problem may be more nuanced than a simple "double standard" accusation, pointing instead to more subtle, yet significant, asymmetries in the administration of justice.

Keywords: International Criminal Court, Office of the Prosecutor, Double Standards, Palestine, Ukraine

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Assist. Prof. Dr., Boğazici University, Istanbul-Türkiye, hasan.bulbul@bogazici.edu.tr

https://orcid.org/0000-0002-3888-5380

https://ror.org/03z9tma90

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Introduction

In the contemporary architecture of international criminal justice, the International Criminal Court (ICC) proclaims to stand as the institutional embodiment of a promise: that accountability for grave crimes recognizes no hierarchies of power or geography (Rome Statute, Preamble). Yet, the Court has been accused of double standards and selective prosecution since its inception. From excessively targeting African nationals to refraining from investigating nationals of great powers for so long, the Court has had the unenviable position of being accused of simultaneously doing too much, and not enough (Stahn, 2017).

In fact, the scholarly debate surrounding these criticisms has formed around several arguments that challenge both the Court's legitimacy and effectiveness. Chief amongst these is the ICC's perceived geographical bias, with scholars documenting the Court's disproportionate focus on African states and nationals (Ssenyonjo, 2013; Murithi, 2013). This prompted coordinated resistance from the African Union, including threats of mass withdrawal from the Rome Statute (Keppler, 2012) While some scholars defend this geographical concentration as reflecting the reality of where mass atrocities occur and state capacity is weakest (Waddel and Clark, 2008), the empirical reality remains that the overwhelming majority of ICC investigations have focused on African situations.

Beyond geographical bias, the second line of criticism accuses the ICC of being inscribed within broader frameworks of neocolonial interferences, serving as a tool of Western hegemony by other means, namely, juridical interventions. (Krever, 2016) Drawing on the Third World Approaches to International Law (TWAIL), Reynolds and Xavier (2016) argue that the Court, once widely supported by African states during its establishment, ultimately came to reproduce the colonial architecture of international law through its institutional design and practice. For example, the Prosecutor's revelation that a senior Western diplomat warned him that the Court was originally 'built for Africa and thugs like Putin'. ("ICC Just for Africans and Putin", 2024), suggests that a neocolonial mindset continues to underlie the expected targets for international justice. Mégret argues that the Court's record famously confirms this insofar that it has overwhelmingly targeted the weakest actors that include citizens of African

nations and members of non-state actors (Mégret, 2016). This critique further extends to epistemic Eurocentrism, with scholars such as Clark (2009) and Tallgren (2015) examining how the Court's reliance on Western legal traditions, interpretative frameworks and narrative shapes its understanding of justice and accountability.

The third angle of criticism focuses on prosecutorial selectivity and political influence. Schabas (2009) has extensively discussed instances of "selective justice", arguing that the Prosecutor's discretionary powers facilitate politically motivated decision-making. This encompasses both positive selectivity (the decision to investigate certain situations), and negative selectivity (the decision to refrain from investigating others), particularly regarding Western states and their allies (Nouwen and Werner, 2010; Kersten, 2022). The structural constraints fueled by jurisdictional limitations and Security Council referral powers further compound these concerns about selective enforcement (Goldsmith and Krasner, 2003).

Despite the prevalence of these criticisms, the existing scholarship reveals a notable methodological gap. While theoretical analyses of the ICC's limitations abound, few studies have attempted a systematic and empirical testing of these claims. While Hillebrecht (2016) and Simmons and Danner (2010) represent notable exceptions in employing quantitative methods throughout discussion of the ICC, comprehensive empirical analysis of prosecutorial discourse, case management practices, and institutional consistency across different situations remains limited.

This paper therefore shifts focus to the Court's practices and the discourse of its Prosecutor, seeking to empirically appraise the Court's consistency in its administration of justice across different situations. To do so, it undertakes a comparative analysis between a number of situations currently under investigation by the ICC, chief amongst them being the situation in Ukraine, and the situation in Palestine.

The paper proceeds in six main sections. Presenting the methodology of the work in the following section, we analyse the material differences in case treatment between Ukraine and Palestine, examining variables such as investigative

pace, prosecutorial resources deployed, and procedural milestones achieved. This is followed by a discourse analysis of Prosecutor Karim Khan's official published statements, scrutinizing variations in rhetorical framing and linguistic choices, when addressing Palestinians versus Israelis, further juxtaposed with his discourse on the Ukraine situation. Building on these, we next appraise the validity of the critiques by analysing our findings. This comparative approach allows us to move beyond abstract debates about the Court's legitimacy toward an evidence-based assessment of how justice is operationalised, and potentially compromised. The final section summarises the findings, testing the empirical validity of the criticisms outlined previously.

Methodology

The research design combines quantitative analysis of procedural metrics with qualitative critical discourse analysis to assess the Court's consistency. First, we undertake a quantitative assessment of procedural dimensions including temporal progression, resource allocation, and institutional engagement patterns. Second, a qualitative discourse analysis of prosecutorial rhetoric to identify potential disparities in legal and moral framing. Here, legal frames are understood to describe language which refers to legal instruments, doctrine, standards, principles, procedures, and texts. Conversely, moral frames are characterized by evocative language related to affect, superlatives, or emotions.

Scope and Case Selection

The selection of Ukraine and Palestine as the two main comparative cases is methodologically predicated on several reasons. At the time of writing, the Palestine and Ukraine conflicts are in full-swing, with the ICC investigating crimes committed in both situations. Western States, particularly the United States, supported the ICC in its endeavour to investigate Russian crimes in Ukraine. Conversely, they have historically been hostile to the Court whenever it has attempted to extend its judicial power to investigate Israeli actions in Palestine (Clancy and Falk, 2021: 64), leading to accusations of double standards against them. These accusations have also extended to the policy and practice of the ICC and its prosecutors.

These cases have become symbolic for the Court as they have, one way or another, come to represent the divide between Western-aligned states and those resisting or challenging Western influence. As Sadat and Hueseman observe, the Court 'will lose the support of the West if it fails in Ukraine. If it succeeds in Ukraine and fails in Palestine, however, or in many of the other pressing situations now under investigation or examination, it may retain the support of Western States but will lose the support of African and Latin American States' (Sadat and Hueseman, 2024: 8). Still, as we present further in the Disclaimer and Limitations section, some argue that focusing on Ukraine as evidence of Eurocentric bias in international criminal law is misguided (Labuda, 2023).

Despite the self-evident differences between both situations, this study considers that the comparison between Ukraine and Palestine conflicts remains relevant and holds the potential to produce valid observations about prosecutorial consistency. Both situations involve active ICC investigations under the same Prosecutor, Karim Khan. Meanwhile, the temporal scope reflects the distinct chronological realities of each situation's engagement with the Court while ensuring overall coherence. For Ukraine, the analysis encompasses February 2022 to September 2024, beginning with the Russian invasion on February 24, 2022, and the Prosecutor's immediate response, extending through the most recent prosecutorial statements available at the time of analysis. For Palestine, the timeframe spans March 2021 to November 2024, commencing with the formal opening of investigations and concluding with the issuance of arrest warrants. While this creates temporal asymmetry, it is methodologically justified as it captures equivalent phases of prosecutorial engagement rather than artificially aligned calendar periods. The overlapping period from March 2022 to September 2024 provides a two-and-a-half-year window during which both investigations operated simultaneously, allowing for a more direct comparison of approaches under similar institutional conditions.

Data Set and Sources

The study draws primarily on official ICC documentation and prosecutorial statements. For the procedural analysis, data sources include official ICC press

releases, prosecutorial statements, travel schedules and field visit reports, and budget documents detailing financial allocations to different situations.

For the discourse analysis, the corpus includes official statements by Prosecutor Karim Khan specifically related to both situations. The Ukraine corpus includes fourteen statements issued between February 2022 and September 2024, spanning the initiation of investigations through multiple arrest warrant applications. The Palestine corpus consists of five official statements, and two media pieces, following the October 7th attacks and subsequent Israeli military operations in Gaza.

Secondary sources also support the primary documentation and include academic analyses of ICC practice and prosecutorial decision-making; reports from human rights organisations monitoring both conflicts; expert commentary on ICC resource allocation and procedural practices; and media coverage providing additional context for prosecutorial activities and institutional responses.

Analytical Framework

The first section will attempt to track the ICC's progress in each situation while keeping an eye for inconsistencies in three main areas: the temporal progression of investigations, the frequency and nature of prosecutorial field visits, and the institutional budgetary allocation to each situation. While these procedural elements might appear purely technical in nature, they fundamentally shape access to justice for affected communities and determine the pace at which accountability mechanisms unfold.

The second section undertakes a comparative critical discourse analysis of Prosecutor Khan's official statements related to these two conflicts. The discourse analysis undertaken seeks to identify two different themes within the official pronouncements, including:

- how events are chronologically framed, and which actors are foregrounded in the sequencing of perpetrators and victims;
- and the deployment of legal versus moral language and the degree to which victims are humanised within the tone of the language used.

This comparative analysis aims to gauge whether the Prosecutor's rhetoric maintains the expected judicial impartiality, or if it subtly mirrors the broader political double standards observed in the international community's responses to these crises. The divergent global reactions to Russian actions in Ukraine versus Israeli actions in Palestine, where Western states have often championed robust measures against the former while offering political and material support to the latter, serve as important context. These geopolitical alignments, we submit, risk influencing not only state behavior, but also find purchase in the discursive practices of international institutions like the ICC. By dissecting the Prosecutor's language, we seek to understand how, and to what extent, the promise of universal justice is upheld or undermined by the ICC.

Disclaimers and Limitations

In light of the structural limitations inherent to any empirical analysis, as well as the inevitably limited scope required for this study, some disclaimers must be formulated at this stage of the research. At the outset, we note that this paper does not seek to engage in a repudiation of the Court, nor detract from the value of the investigations performed by the Office of the Prosecutor. Rather, given the challenges and impediments faced by the latter (including, most recently, in the form of direct sanctions against its staff) ("Imposing Sanctions", 2025), this research attempts to critically engage with the Court's consistency while remaining cognizant of the obstacles it faces.

Second, there are the limitations inherent to any comparative analysis involving paired examples. While Ukraine and Palestine provide opportune case studies, they are far from being identical situations. Each conflict reflects a different historical context and different crimes, as well as potential challenges. Ukraine is a conventional interstate armed conflict with relatively clear territorial boundaries and state-to-state dynamics, while Palestine involves a prolonged occupation over contested statehood, asymmetric warfare, as well as a context of decades of conflict. The timelines for each conflict also differ substantially, Ukraine's investigation having begun during an active war benefitting from immediate international attention, while Palestine's formal investigation commenced only after years of preliminary examination and protracted conflict.

These discrepancies between both cases could be argued to justify different prosecutorial approaches, resource allocations, and investigative timelines. For example, security conditions in Ukraine may facilitate field visits in ways that the blockade on Gaza does not allow. As such, while individual irregularities may be insufficient to draw a definitive conclusion, the cumulative weight of these observed disparities form the basis of our assessment of institutional consistency.

Nonetheless, we acknowledge that some scholars, like Labuda, argue that the comparison does not stand, as he contends that Ukraine benefited from no 'special regime', 'Eurocentric bias', or 'racial preference' in the processes before the ICC, emphasizing the insufficient amount of attention and support given to Ukraine during the Russian invasion of Crimea in 2014, especially compared to the full-scale attacks in 2022 (Labuda, 2023: 1102). Further, he proposes that Ukraine's place in the world is not necessarily the Global North. It falls in a liminal position 'between Europe and Asia, the East and West, and the Global North and South. It is neither part of the core or the periphery' (Labuda, 2023: 1110).

We do not challenge the claim that Ukraine is not regarded as a 'proper' Western European country, nor do we seek to engage in this debate (Lewicki, 2023). Rather, the issue at stake is a major perceived threat to the Eurocentric world order. The European Parliament characterised the Russian attacks as 'the most outrageous act of aggression … in Europe since 1945' ("European Parliament Resolution", 2023) while the NATO Secretary General, Jens Stoltenberg stated that they are 'the largest attempted annexation of European territory by force since the Second World War.' ("Press point", 2022). Therefore, the Russian invasion of Ukraine in 2022 has been profoundly presented by Western powers and scholars as being the most significant threat to the international legal order established after World War II, which is why it received more (Brunk and Hakimi, 2022). However, this does not negate the possibility that Ukraine may have received special treatment.

Indeed, with this dominant Western narrative at the time, what emerged was a large-scale response by Western powers, ranging from cultural resistance ("Russia banned from Eurovision", 2022) to military support against Russia ("US

military aid", 2023), coupled with sanctions. Almost all international institutions and adjudication mechanisms have been triggered against Russia under a framework of lawfare. Our understanding is that the substantial support extended by Western powers to Ukraine is not mainly driven by the racial profile of Ukrainians or any special status attributed to them, but rather in the potential consequences of Russian aggression for the Western powers themselves; namely, the risk of the end of the global Western hegemony and the post-1945 international order they established (Pattison, 2022). This also accounts for the disparity in the level of support provided to Ukrainians by Western powers in 2014 and 2022, as the threat perceived by Western states in 2022 was significantly more severe. Thus, Europe was united against Russia, aiming to utilize nearly all mechanisms that international law may offer.

Labuda further emphasizes the state-centric nature of international law to explain the unprecedented attention to the case of Ukraine: 'At the end of the day, the main reason for a seemingly united and unprecedented response to Russian crimes in Ukraine seems to be the inter-state nature of the invasion and associated crimes' (Labuda, 2023: 1105). However, this risks being overly reductionist, as it falls short of explaining the geopolitical alliances behind these actions. It does not account, for example, for the more limited support provided to Ukraine in 2014, 'although Russia's violations were the same in Crimea,' in his own words (Labuda, 2023: 1102). Moreover, it is no secret that Western powers would support their allies even when they themselves are the aggressors against a sovereign state. This could not be more evident than in the recent example where Israel attacked Iran without any evidence of an imminent armed attack by Iran against Israel (Haque, 2025). Yet, most Western powers urged Iran to refrain from using force in response, emphasizing 'Israel's right to defend itself' ("G7 Leaders' Statement, 2025). Therefore, the increased attention to crimes committed by Russia in Ukraine cannot be explained by the state-centric nature of international law, but rather by prevailing geopolitical alliances.

Another limitation worth mentioning is that our study examines a specific timeline of ICC practice under one Prosecutor's tenure. While this provides consistency for comparative purposes, it limits our ability to draw broader conclusions

about institutional patterns. For instance, different prosecutors may approach similar situations differently, and what we observe may very well reflect personal rather than institutional characteristics. As has been argued in relation to the tenure of former Prosecutor Fatou Bensouda, and her role in reducing the speed with which the Palestinian situation has been treated, the individual discretion and strategic vision of the Prosecutor undeniably shapes the direction of the Office (Heller, 2024).

That said, it is also true that the prosecutorial statements which we target in our discourse analysis represent only one dimension of the Court's communication. These official statements and the language employed within them may reflect broad diplomatic calculation rather than underlying institutional attitudes, and the public statements may deliberately obscure more complex internal deliberations. Nevertheless, these communications are the primary method through which the Court and the Prosecutor's Office convey their legal and political posture to the international community. As such, they are, for all intents and purposes, the official narrative of the institution presenting the authoritative account of its work, making them a legitimate subject for analysis.

The same reflection applies to this study's reliance on publicly available information, especially to assess the practices of an institution that operates with a high level of confidentiality. The internal deliberations of the Prosecutor's Office and the Court, for example, remain impenetrable to this analysis. The same is valid for official budget allocation figures, or internal pressures which may complicate the issuance or application of warrants. Nonetheless, this constraint is one which applies to all quantitative studies attempting to appraise public discourse and public practice from a public institution.

Practical Differences in Case Treatment: Ukraine vs. Palestine

Speed of the Processes

The temporal progression of investigations and the urgency with which they are dealt are a cornerstone of good administration of justice in legal systems worldwide. Article 14(3)(c) of the International Covenant on Civil and Political Rights enshrines the right to be tried 'without undue delay', while Article 6(1) of the European Convention on Human Rights guarantees trial 'within a reasonable time'. The Inter-American Convention on Human Rights similarly mandates trial 'within a reasonable time' in Article 8(1), and the African Charter on Human and Peoples' Rights affirms the right to be tried 'within a reasonable time' in Article 7(1)(d). This normative standard even constitutes a critical metric in the ICC commitment to its own statutory principles, featuring prominently in its foundational documents. Article 64(2) of the Rome Statute explicitly requires that the Trial Chamber 'ensure that a trial is fair and expeditious,' while Article 64(3)(a) mandates that procedures be adopted to 'facilitate the fair and expeditious conduct of proceedings.' This emphasis on expeditiousness within the Court's founding document establishes a normative expectation of prompt justice.

At first glance, the speed of the Prosecutor's engagement with the situation in Ukraine appears to satisfy the aforementioned standards of expeditiousness. Only four days after the Russian invasion of Ukraine on 24 February 2022, Prosecutor Karim Khan *proprio motu* announced that he would start an investigation. True to his word, Khan opened the investigation on 2 March 2022, just six days after the Russian attacks began. The Prosecutor's swift response to the Ukrainian case is all the more impressive, when compared to the average delays usually taken by the Court.

In 2018, the State of Palestine referred the situation to the Court, requesting an investigation. Just before the end of her term, Prosecutor Fatou Bensouda announced that she had started an investigation into Palestine in 2021. Despite the decades-old allegations and referral by a state party, the Prosecutor spent three

years to only announce the start of the investigation of international crimes in the Palestinian territories committed by Israeli occupation forces.

Figure 1 - ICC Investigation Timelines: From First Referral to Investigation Opening

Situation	**Date of First State Referral**	**Date Investigation Opened**	**Duration Between Referral & Investigation**
Uganda	January 29, 2004	July 29, 2004	6 months
Democratic Republic of Congo	March 19, 2004	June 23, 2004	3 months, 4 days
Central African Republic I	December 21, 2004	May 22, 2007	2 years, 5 months, 1 day
Mali	July 13, 2012	January 16, 2013	6 months, 3 days
Central African Republic II	May 30, 2014	September 24, 2014	3 months, 25 days
Palestine	May 22, 2018	March 3, 2021	2 years, 9 months, 9 days
Venezuela I	September 27, 2018	November 3, 2021	3 years, 1 month, 7 days
Venezuela II	February 13, 2020	*Investigation not opened*	N/A
Ukraine	March 1, 2022	March 2, 2022	1 day

A similar, though not exactly identical trend can be identified with the speed with which arrest warrants are issued. The first arrest warrant in the Ukraine case against Russian individuals was requested by the Prosecutor on 22 February 2023, one year after the beginning of investigations. In one month, the ICC Pre-Trial Chamber II issued arrest warrants ("Situation in Ukraine", 2023). However, in the case of Palestine, before the 7th of October, the Prosecutor had not taken any meaningful steps to hold perpetrators accountable, nor did he

identify any suspects during the process (Mariniello, 2024). The first arrest warrant in the case was requested by the Prosecutor on 20 May 2024 against three Palestinians and two Israelis, three years after the beginning of investigations and six years after the referral of the State of Palestine. The arrest warrants in the Palestine investigation were issued by the ICC Pre-Trial Chamber I on 21 November 2024. Unlike the one-month period in the case of Ukraine, it took six months for the Court to issue the arrest warrants in the Palestine situation.

Budget

The allocation of financial resources and investigative personnel is a fundamental indicator of institutional prioritisation within international criminal justice mechanisms (Wiebelhaus-Brahm and Ainley, 2023). While the ICC operates under budgetary constraints that necessitate difficult choices about resource distribution, examining patterns of financial allocation across different situations provides insight into operational priorities.

The ICC's financial framework consists of assessed contributions from States Parties, with the Prosecutor maintaining discretion over the internal distribution of resources across active investigations. Available public information from the Assembly of States Parties (ASP) budget documents, prosecutorial statements, and expert assessments reveals significant disparities in resource prioritisation.

In 2023, the Prosecutor allocated approximately 944,100 euros to the Palestine investigation. This amount represents the lowest budget among all active investigations and merely one-fifth of the 4,499,800 euros allocated to Ukraine (Mariniello, 2024). This stark contrast in financial commitment exists despite the Palestine investigation's longer duration and comparable complexity.

The disparity in resource allocation extends beyond pure financial metrics to include investigative personnel deployment. When addressing resource distribution in 2023, Prosecutor Khan acknowledged that the Palestine investigation was underfunded and under-resourced, a condition he attributed to the general underfunding of the Court (Nashed, 2023).

Number and Nature of the Visits

The frequency, duration, and substantive focus of prosecutorial field visits represent another metric to assess operational consistency in the Court's approach to different situations. Field presence serves multiple essential functions in international criminal investigations. It enables direct evidence collection, facilitates victim and witness engagement, demonstrates institutional commitment to affected communities, and enhances contextual understanding of the crimes under investigation. The prosecutorial field presence between the Ukraine and Palestine situations, therefore, merits careful examination as a potential indicator of institutional engagement.

Since the commencement of the Ukrainian investigation in March 2022, Prosecutor Khan has conducted six field visits to Ukraine within a three-year period. These visits involved extensive engagement with victims, civil society organisations, and government officials, demonstrating a continuous commitment to on-site investigation and evidence gathering. In contrast, throughout the four years following the initiation of the Palestine investigation in 2021, the Prosecutor conducted only a single visit to Palestinian territories. This solitary visit occurred after October 7th, 2023, and took place only when Israeli victims invited Khan to visit Israel.

The qualitative aspects of this visit raise additional questions about symbolic and substantive parity. The Prosecutor's engagement in the West Bank appeared peripheral to his primary focus on Israeli territories, where he devoted significantly more time, particularly to locations of the October 7th attacks. (Mariniello, 2024) Notably absent from his itinerary were visits to illegal settlements in the West Bank (sites of alleged crimes within the Court's jurisdiction) and Israel did not allow him to access Gaza, where the most severe and widespread alleged crimes were occurring. (Mariniello, 2024) It was reported that the Prosecutor allocated merely ten minutes to hear Palestinian victims' testimonies (ultimately stretched to one hour), a timeframe strikingly disproportionate to the extensive engagement afforded to Israeli victims (Nashed and Al Tahhan, 2023). Khan's office has not provided an explanation for this differential treatment.

Discursive Disparities in Prosecutorial Rhetoric

Sequencing Perpetrators and Victims

One central element in the Prosecutor's discursive framing is the way in which events are temporally sequenced. In other words, which actors are foregrounded as initiators of violence and which are presented as victims. The analysis herewith suggests that the narrative differs substantively in the presentations of the Ukraine and Palestine situations.

The first stage of discursive choices appears in the framing and sequencing of violence. In the Ukraine situation, an initial veneer of impartiality, evident in early 2022 references "all sides conducting hostilities" ("Statement of ICC Prosecutor", 25 February 2022; "Statement of ICC Prosecutor", 2 March 2022) and crimes "committed by any party to the conflict" ("Statement of ICC Prosecutor", 28 February 2022), progressively gives way to an almost exclusive focus on Russian actions and accountability.

By 2023 and 2024, particularly in the statements accompanying arrest warrant applications, the discourse makes no balancing effort whatsoever, centering overwhelmingly on alleged Russian culpability. As Khan stated on June 25, 2024: 'On the basis of evidence collected and analysed by my Office pursuant to its independent investigations, the Pre-Trial Chamber has confirmed that there are reasonable grounds to believe that Mr Shoigu and General Gerasimov bear individual criminal responsibility…' No equivalent scrutiny of Ukrainian conduct appears in any of the fourteen statements analysed, despite formal references to investigating "all sides." This shift suggests that while initial investigations might have formally considered all parties, the public discourse evolved to heavily emphasize accountability for one side only.

On the other hand, even though the Prosecutor investigates both parties in the Israel-Palestine conflict, there is a consistent pattern in which Palestinians are presented first in any sequence. In the Prosecutor's Cairo statement, he first addressed the "attacks carried out on the 7th of October by Hamas and other terror groups", followed by references to "violence inflicted by Israel on Gaza" ("Statement of ICC Prosecutor", 30 October 2023). This chronological and

thematic sequencing never changes. For instance, when announcing his request for arrest warrants, crimes attributed to Palestinian individuals were detailed before those attributed to Israeli officials. Even in general statements, such as his concern for "international crimes occurring in Israel, Gaza and the West Bank" ("Statement of ICC Prosecutor", 20 May 2024), Israel is mentioned first, implicitly centering the October 7th events as the primary point of reference.

The discourse surrounding the Palestine situation also reveals a consistent pattern of prioritising Israeli victims. When addressing the Palestine/Israel investigation, Prosecutor Khan invariably begins by detailing the suffering of Israeli victims of the October 7th attacks before subsequently addressing Palestinian victims. This fixed order of presentation, maintained across multiple statements ("Statement of ICC Prosecutor", 30 October 2023; 3 December 2023; 20 May 2024) ("Interview with Karim Khan", 20 November 2023) subtly implies a hierarchy of victimhood and establishes the October 7th attacks as the primary catalyst for subsequent events, with no attempt to contextualise the broader conflict in the context of occupation. The choice of which historical moment marks the 'beginning' of the prosecutorial narrative, and which actors' experiences are prioritised in that narrative, fundamentally shapes public understanding and perceived victimhood and culpability.

The tone of the Language: Legal or Moral Language

The Prosecutor's choice of language, whether leaning towards legal or moral registers, and the degree to which victims are humanised, is another illustration of the divergences in discourse between the two situations.

Throughout his statements on Ukraine, strong moral language consistently condemns Russian actions. His pronouncements describe 'deeply troubling developments' ("Statement of ICC Prosecutor", 11 March 2022), assert that 'we cannot allow children to be treated as if they are the spoils of war" ("Statement by Prosecutor", 17 March 2023), and warn that 'those who believe they can use untrammeled power to abuse the vulnerable should know we are united in holding them to account' ("ICC Prosecutor", 13 September 2024).

Ukrainian victims are extensively humanised through detailed, emotionally resonant narratives. Khan recounts his observations of 'Individuals in Borodianka completely non-scripted walking around without any supervision, surrounded, sitting around a blackened cattle in very, very cold temperatures because that is their current existence' ("Statement by Prosecutor", 27 April 2022; "Statement by Prosecutor" 16 March 2022). He shares his meeting with 'Nurses who were impacted by the missile strike as they stayed behind to finish the dialysis treatments being provided to children' and their colleague who, 'as she sought to provide the children on the intensive care ward with the support they need, as she struggled to save lives, was killed in the missile strike' ("ICC Prosecutor", 13 September 2024). This vivid humanisation is a characteristic of his Ukraine discourse.

In the Palestine investigation, a similar level of profound sympathy and emotive language is expressed when speaking of Israeli victims of October 7th. For instance, Khan states, 'Speaking with survivors, I heard how the love within a family, the deepest bonds between a parent and a child, were contorted to inflict unfathomable pain through calculated cruelty and extreme callousness.' ("Statement of ICC Prosecutor", 20 May 2024). The use of such an emotional and humanising language is a norm when the subjects are the Israeli victims.

However, his tone becomes more subdued when discussing Palestinian victims. In Khan's statement from Ramallah, he first details his encounter with Israeli survivors, he volunteers the following: 'Yesterday, I met Israeli survivors, Israeli family members that have endured so much loss, the horrors of hostage taking and the insecurity of the unknown about where they are and what has happened. And today, I've also spoken to individuals that have lost their families, loved ones, children, wives, parents in the rubble of Gaza' ("ICC Prosecutor", 6 December 2023). Tersely acknowledging the Palestinians' loss, he refrains from adding the same level of sympathy afforded to Israeli and Ukrainian victims, and shifts to broader points about the rule of law and accountability in international law. Although there are instances where he demonstrates some degree of sympathy for Palestinians, it does not appear as consistently as in the case of Israeli victims (Khan, 10 November 2023).

This disparity in tone extends to the description of violence and of the alleged crimes committed by each party. When referring to the actions perpetrated by Palestinians, he frequently employs additional moral qualifiers to illustrate the seriousness of the crimes. He uses the words 'atrocities' (Khan, 10 November 2023), 'shocking the conscience of humanity' ("ICC Prosecutor", 3 December 2023), 'horror' (Khan, 10 November 2023), 'unconscionable crimes' ("Statement of ICC Prosecutor", 20 May 2024) 'the hatred and the cruelty' ("Statement of ICC Prosecutor", 30 October 2023), 'calculated cruelty' (ICC Prosecutor, 3 December 2023) 'terror' ("ICC Prosecutor", 3 December 2023) among others. No such language is identified when describing Israeli violence.

Indeed, at first glance, it appears that the moral weight and evocative descriptions of suffering in the Prosecutor's statements which are so prominent in the Ukraine context and for Israeli victims are less consistently applied to Palestinian suffering or Israeli transgressions. This will be further verified at a later stage in the analysis.

Empirical Findings: Testing the Critique through Data

The ambition of this study's empirical examination, far from simply reiterating the habitual criticisms leveled against the Court, is to provide a practical basis upon which the ICC's prosecutors' performance can be assessed. What emerges ultimately is not a simplistic indictment of institutional bias, or facile accusations of double standards, but rather more nuanced picture of how procedural and discursive inconsistencies are reproduced within the supposedly neutral framework of international justice. Overall, the findings suggest variability in the standards of institutional responsiveness, that can be attributed to donor priorities, political pressures, as well as reproduced traditional narratives.

Procedural Disparities: Institutional Bias or Structural Constraints?

The quantitative analysis of the prosecutorial timelines arguably provides the strongest empirical support for claims of unequal treatment. The speed of the ICC's response in the Ukraine situation is particularly striking. Indeed, following the referrals received from thirty-six State Parties on March 1st, 2022, the

Prosecutor opened a formal investigation on March 2nd, a mere single day later. This unprecedented six-day progression from invasion to formal investigation presents a clear exception when compared to the remainder of ICC cases, where the delay between state referral and investigation typically spans multiple years.

Since the Court's inception, preliminary examination phases (the period between initial engagement and formal investigation) have ranged from being as brief as three months for the Democratic Republic of Congo (March to June 2004) to as lengthy as seventeen years for Colombia (2004-2021, ultimately closed without investigation). The average duration for preliminary examination falls between three and five years, with situations like Uganda taking eight months, Central African Republic taking approximately three years, and Afghanistan taking fourteen years before an investigation was authorized. Against this baseline, Ukraine's near-instantaneous progression, represents an exceptional outlier. Such an expedited response, however, did not appear in any stage of the Palestine investigation.

Moving beyond investigation opening to subsequent stages, analysis of the historical trends suggests that delays and systematic inconsistencies can also be identified for these situations when measuring the time between investigation opening to warrant request. For example, Ukraine's eleven-month progression between investigation and request of warrants exceeds the Court's historical median of approximately twenty months, alongside Uganda (eleven months) and CAR (twelve months). Though the Ukrainian delay falls short of the fastest delay in the Court's history (Libya, in just three months), it clearly surpasses the Palestinian timeline, requiring thirty-eight months Similarly, the Pre-Trial Chamber's response time reveals a pattern of case-specific delays rather than necessarily systematic mistreatment. For instance, the Chamber has consistently issued warrants within one to three months for Uganda, DRC, Darfur, Libya, and Ukraine, the latter not being an exception. The warrants against Putin and Lvova-Belova were requested on 22 February 2023, and issued less than a month later, on 17 March 2023. Nevertheless, the Palestinian warrants required six months of deliberation, making it among the slowest chamber review processes on record.

Indeed, while not all of the treatment afforded to the Ukraine situation manifests exceptional speediness, it remains true that the haste with which the investigation was opened, and the delay of each stage of the Palestinian treatment, suggest that the Court's commitment to expeditious justice is applied inconsistently across situations. These patterns of inconsistent treatment echo the criticisms previously identified in the academic debate, alleging a practice of prosecutorial selectivity by the Court.

These timelines disparities become even more significant when considered alongside external political interference. Though this is not attributable to the institution itself, the origin of the investigations, and the number of referrals underscore the influence of political will and external pressure on the Court's responsiveness. Ukraine's speedy referral to the ICC by three-dozen state parties comes in hard contrast with the sole self-referral made by Palestine for its own situation, three years before a formal investigation was opened. This illustrates the discrepant results between the immediate, collective state-led action, and the singular, self-initiated referral which led to protracted delays.

On the other hand, even though the Office of the Prosecutor ultimately takes action to proceed with the investigation, the interventions of the Pre-Trial Chambers have further obstructed a timely response to the serious crimes committed in Palestine. For instance, when Fatou Bensouda sought clarification in 2019 on the scope of the jurisdiction of the Court from Pre-trial Chamber I, the Chamber decided to open the floor for *amicus curiae*. Then the Court received hundreds of thousands of pages of documents for review, which eventually resulted in a significant loss of time. At the end of the day, the Chamber ruled that the Court has jurisdiction over the crimes committed in Palestine.

Similarly, soon after Karim Khan requested arrest warrants in 2024 against Israeli individuals, the United Kingdom made a submission claiming that the Court does not have jurisdiction based on the Oslo Accords. This was criticised by scholars as "yet another attempt" by Western states to shield Israeli crimes from judicial review and maintain Israeli impunity. (Nessa, 2024; Henderson, 2024) Nevertheless, the Pre-Trial Chamber I found no rush; it decided again to open the floor for another round of *amicus curia*e submissions, causing further

delays in the process. It must be noted that these repeated *amicus curiae* submissions were partly attributed by the Prosecutor to be a form of external interference, and the cause of delay. As experts warned, the Court could and should have proceeded to decide itself on its own jurisdiction with no need to involve *amicus curiae* submissions again (Haque, 2024).

Beyond procedural timelines, the allocation of resources also reveals a similar trend. At first glance, for example, the budgetary disparity allocated to each situation would also appear to initially confirm claims about the existence of a two-tiered system, and recall the criticisms of broader structural issues with the ICC's financing architecture which have been the source of wide academic debate.

The resource disparity becomes evident when the Prosecutor established a "Trust Fund for Advanced Technology and Specialized Capacity" ("Statement of ICC Prosecutor", 28 March 2022) that primarily benefited the Ukraine investigation through voluntary contributions from States Parties. The Office of the Prosecutor's unprecedented mobilisation of resources for the Ukraine investigation, with the deployment of 42 investigators, establishes its largest field office. No comparable supplementary funding initiative and deployment, however, was established for the Palestine investigation, despite repeated calls from UN Special Rapporteurs and human rights organisations to dedicate more resources to it. (32 UN Experts, 2023) (Cohn, 2022).

While the Rome Statute permits voluntary contributions under Article 116, critics have suggested that these donor preferences drive prosecutorial priorities, creating an informal two-tier system (Arinze-Onyia, 2022). Illustrations of this phenomenon exist for both situations at hand, as the voluntary contributions to the Trust Fund were explicitly linked by Western States to funding the Ukraine investigation (Amnesty International, 2022), whereas the Belgian donation of 5 million euros was clearly addressed for the Palestine investigation ("Belgium provides 5m funding", 2023). In this way, these specific contributions demonstrate how voluntary funding mechanisms inevitably reflect geopolitical alignments rather than legal imperatives. As mentioned, this practice has already been the subject of critique, with scholars like Ford noting that financial constraints ultimately determine the administration of justice (Ford, 2023), and the

Coalition for the International Criminal Court noting that this risks exacerbating "perceptions of politicization in the Court's work" and can be seen as prioritising some victims over others ("Coalition for the ICC", 2022).

The establishment of the Trust Fund as well as the budget allocation for Ukraine both appear to disproportionately benefit the latter and compromise prosecutorial independence. Upon further examination, the Prosecutor's assertion that voluntary contributions are not earmarked for specific investigative activities, and his own admission that Palestine's case was underfunded when accepting the Belgian contribution suggests that the overall outcome was not one of deliberate neglect. Ultimately, these results challenge simplistic narratives about Western bias, as Belgium's contribution for Palestine suggests that claims of donor discrimination are not necessarily unilateral or one-sided.

Nevertheless, in addition to these resource disparities, the deployment of investigators *en masse* to Ukraine compared to the weak field presence in Palestine similarly suggests uneven prioritisation. According to the statements, country visits in the former are uncontroversially characterized as having engagement with victims, officials, and the establishment of a country office. Inversely, the sole visit in Palestine featured limited engagement with Palestinian victims compared to Israeli counterparts.

This disparity in access becomes particularly significant in light of documented efforts by Palestinian human rights organisations to secure prosecutorial visits for years prior to October 2023 (Meloni, 2023).Despite these persistent requests, the Prosecutor remained unresponsive until an invitation was extended by Israeli victims, suggesting reactive rather than proactive engagement with the situation. The institutional prioritisation implied by this pattern prompted several prominent Palestinian human rights organisations, including Al Haq, the Palestinian Centre for Human Rights, and Al Mezan, to decline meeting with the Prosecutor during his West Bank visit, explicitly citing their long-ignored requests for engagement as the basis for their protest ("Palestinian rights groups", 2023).

Further, it also confirms that these visits, far from simply being symbolic showings to placate the public, are actually valued initiatives considered by on-the-ground stakeholders to be indicative of institutional commitment. In this vein,

the allocation of ten minutes to Palestinian testimonies compared to extensive engagement from Israeli victims suggests a variance in institutional responsiveness that cannot be explained by structural constraints or security challenges alone.

While many of these inconsistencies can be chalked up to the limitations imposed by the occupying power in Gaza, and the continued blockade at the time of writing which impede the fulfilment of visits and investigative abilities, the accumulation of such factors reinforces the impression of more reticent engagement by the Office. This accumulation of inconsistencies across procedural dimensions, including the timeline, resource allocation, and field engagement, suggest systematic differences in treatment that extend beyond any case-specific constraints or variables.

This study certainly recognizes that individual variations could be explained by factors such as accessibility of terrain and state cooperation, but in this case, the consistent pattern of expedited treatment for Ukraine, when compared to the delays faced by Palestine, suggests that the Court's commitment to equitable justice is applied unevenly. Furthermore, the influence of collective state mobilisation, voluntary funding mechanisms, and degrees of prosecutorial responsiveness all point to potentially institutional vulnerabilities that compromise the principle of equal treatment. These patterns, while admittedly not absolute, establish a quantitative foundation for examining whether such inconsistencies are reflected in the institution's public discourse. That is the object of our upcoming section focused on narrative framing and prosecutorial rhetoric.

Discursive Divides: Colonial Echoes?

The procedural and resource inconsistencies highlighted in the previous sections do not occur in a vacuum, but rather they are subtly carried by distinct discursive choices. As demonstrated below, the adoption of a specific narrative regarding the sequence of events, the selective application of moral language, and the presentation of a "terror" vocabulary, collectively risk reproducing the colonial legacy of international law.

The consistent sequencing in the Palestine context, which casts Palestinian actions as the primary instigator and Israeli actions as responsive, is particularly noteworthy. As Aydogan reminds us, questions of international responsibility require engagement with the 'continuous tale' and the 'historical continuum' rather than the selective isolation of events divorced from their colonial and structural antecedents (Aydogan, 2024). While the October 7th attacks were undeniably significant, this narrative tends to de-emphasize the broader, decades-long context of occupation and alleged antecedent crimes. It also contrasts sharply with the Ukraine discourse, where the 2014 Russian actions are consistently invoked as the foundational context, effectively framing the subsequent full-scale invasion as an escalation of pre-existing aggression, rather than an isolated event.

This imbalance in the sequence of violence is further amplified by a difference in the tone used to describe each side. Describing the actions attributed to Palestinian perpetrators, Khan employs moral qualifiers that do not correspond to crimes in the Rome Statute: "atrocities", "calculated cruelty" "unconscionable", "hatred", "horror", and "terror". In contrast, Israeli violence is never labelled with such a moral condemnation. When addressing alleged Israeli crimes, Khan's language reverts to a more technical, legalistic tone, often framed as calls for compliance with international law rather than explicit moral condemnations. For instance, in his October 30, 2023 article, after detailing the "calculated cruelty" of October 7th, he presented Israeli actions as follows: 'I also stressed that it is critical that all parties comply with international humanitarian law. In Gaza, I have seen a lot of destruction… We are also investigating any crimes allegedly committed in Gaza.'

The Prosecutor further emphasizes the existence of lawyers employed in the Israeli military: 'Israel has trained lawyers who advise commanders and a robust system intended to ensure compliance with international humanitarian law' (ICC Prosecutor, 3 December 2023). This reference attributes a certain level of presumption of legality to Israeli activities since it implies that all military operations are conducted following a genuine and rigorous review by independent and impartial international lawyers. As Lavinia Parsi observes in her recent work

Fabricated Legality, 'in front of equally apparent violations of international criminal law, the hegemonic power is treated as a peer, while the oppressed indigenous is not offered the right to prove themselves not guilty, but rather silenced in a dehumanizing assumption of guilt and inherent evil' (Parsi, 2024: 29).

Such a difference in tone is problematic as it reinforces the hegemonic narrative of the Western world that delegitimises the struggle of the oppressed and colonised. In early modern times, international law was regarded as an exclusive tool for the 'civilised' European nations. Non-Europeans were labelled as uncivilised, primitive, inherently violent, and incapable of self-governance or forming political structures. As a result, they were excluded as actors in international law and subjected to governance and subordinated (Anghie, 2005: 55). This justified genocidal violence against the colonised people on many occasions (Gurmendi Dunkelberg, 2025: 3).

The Prosecutor's characterisation of violence by Palestinians and Israelis risks reproducing this narrative. The way the Palestinian violence is framed by the Prosecutor contributes to the Israeli narrative portraying them as barbarous people who deserve to be disciplined through almost unlimited violence. As Samour and Tzouvala put it, the ongoing Israeli violence in Palestine can be explained 'if we acknowledge the purchase of narratives and imaginaries that treat Arabs and/or Muslims and other racialized people as inherently violent, "human animals", as permanent threats to 'Western values' and lives (Samour and Tzouvala, 2023).

In particular, the 'terror' narrative employed by the ICC Prosecutor closely mirrors Western portrayals of Palestinian resistance for political purposes (Florijančič, 2025). The term is politically charged, and its use is a political choice rather than a legal necessity. As Aboufoul clarifies, 'the Rome Statute does not recognize "terrorism" as a crime and 'legally speaking, this term has no place at the ICC'(Murphy, 2023). Again, this narrative casts Palestinians outside the bounds of civilisation, depicts them as 'savages', (Mutua, 2001) and therefore creates a discursive foundation for the notion that Palestinians deserve the violence inflicted upon them. This effectively puts them outside the protection of law (Mégret, 2006).

While the Prosecutor commendably resisted the pressures by seeking warrants against Israeli leaders, his simultaneous adoption of dehumanising language in certain situations demonstrates how insidiously these colonial narratives persist, even within the institutions proclaiming to ensure universal justice. It suggests that even when the Court attempts to challenge impunity at the highest levels, it can struggle to escape the narratives that distinguish between victims worthy of law, and victims worthy of moral condemnation.

This linguistic imbalance appears to confirm the criticism that the Court maintains a hierarchy of suffering and culpability. Indeed, these pronouncements are not merely neutral expressions of legal developments, but performative acts that construct narratives, frame victimhood and perpetration, and signal institutional priorities. The application of different rhetorical standards to different conflicts, particularly those involving Western allies versus those involving non-Western actors, threatens to further undermine its own perceived impartiality, and inadvertently reproduce colonial patterns in which violence by Western-aligned powers is framed as rational, legal, and regrettable, while violence by non-Western or non-aligned actors is framed as emotional, moral, and condemnable.

Conclusion

This study sought to determine whether the decades-old accusations of double standards against the ICC could be tested through empirical analysis. In an attempt to move beyond theoretical critiques, this comparative study of the Ukraine and Palestine situations sought to ground the debate in the procedural and discursive practices of the Office of the Prosecutor. The findings reflect an image that is more complicated than a simple narrative of bias, while still confirming the existence of inconsistencies in the application of international justice.

That is to say, the evidence does not suggest that the ICC operates on a crude binary, where one case receives pristine treatment while others are neglected. Instead, the double standards manifest, at times, in more subtle forms. Ukraine, for instance, occasionally receives exceptional treatment, most notably in the speed with which its investigation was opened, or the number of investigators

deployed. The remainder of the treatment, such as the timeline for the issuance of arrest warrants aligns with a more standard (though, still relatively efficient) administration of justice.

Palestine, in contrast, has been characterized by consistently unfavorable treatment across virtually every metric: the third-longest delay from referral to investigation, and one of the longest from investigation to warrant application, the lowest initial budgetary allocation, as well as a reactive terse field visit.

Ultimately, the most consistent double standard lies in the realm of discourse, where the Office's language constructs two different realities. For Ukraine, the narrative is morally unambiguous aggression. In Palestine, the narrative used decontextualizes violence, de-emphasizes Palestinian victimhood, and features language that echoes the colonial vocabulary of savage versus civilized subjects. This is where the critique of the ICC reproducing neocolonial frameworks can find its strongest empirical footing, as none of these differences can be explained by legal or factual distinctions between the conflicts.

Still, this bleak picture is complicated by the Prosecutor's willingness to seek arrest warrants despite a powerful campaign of intimidation and immense political pressure, including direct threats of sanctions, all of which led to his temporary removal from the role ("ICC prosecutor steps aside", 2025). This dedication to issue the warrants despite the controversies generated suggests that the overall image is not black or white, but rather that neocolonial discourse can emerge even in well-intentioned contexts.

This paper's methodological approach, which combined quantitative analysis with qualitative discourse analysis underscores the value of such empirical studies for the legal field. It demonstrates that critiques of international law do not need to remain in the realm of theory, but can move to concrete assessments of how justice is performed and administered.

At the risk of ending on a grim conclusion, the issuance of sanctions against ICC judges as well as the Office of the Prosecutor, and the temporary suspension of Karim Khan at the time of writing are the source of great concern for any enthusiastic supporters of equal justice. In truth, the author of this paper debated

whether to publish this critique at all, both fearing that levying criticism against a Prosecutor at the very moment he faced unprecedented attacks for attempting to take a principled stand to administer justice would be counterproductive.

Ultimately, however, this research was pursued not as an indictment, but as an attempt to point out, through evidence-based analysis, the gaps that need to be closed for the ICC to come closer to its universalist aspirations. The Court's greatest defense against external accusation is its own impartiality. The inconsistencies identified in this paper, especially those revealing colonial echoes in its discourse, are vulnerabilities that should be considered by proponents of the Court if they wish to insulate it from criticism.

References

African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) OAU Doc CAB/LEG/67/3 rev 5, 21 ILM 58 (1982)

American Convention on Human Rights (adopted 22 November 1969, entered into force 18 July 1978) OAS Treaty Series No 36; 1144 UNTS 123.

Amnesty International. (2022, 12 October). Voluntary Contributions – Solution to the ICC's Funding Crisis or Threat to Its Independence and Effectiveness? Access address: https://hrij.amnesty.nl/voluntary-contributions-solution-to-the-iccs-funding-crisis-or-threat-to-its-independence-and-effectiveness/

Anderson, J. (2023, 13 October) The weak hope of an ICC investigation into Palestine. [Justice Info] Access address:]https://www.justiceinfo.net/en/123167-weak-hope-icc-investigation-palestine.html

Anghie. A (2005). Imperialism, Sovereignty and the Making of International Law, Cambridge: Cambridge University Press.

Arinze-Onyia, C. (2022, 1 November). While Pursuing International Justice at the ICC, the US and UK Must Ensure Justice at Home. [Opinio Juris] Access address: https://opiniojuris.org/2022/11/01/while-pursuing-international-justice-at-the-icc-the-us-and-uk-must-ensure-justice-at-home/

Aydogan, M. B. (2024). Cholera in Haiti: A Tale of Two Interventions. Chinese Journal of International Law, 23 (4), 829–866,

Belgium provides 5m funding to investigate war crimes in Israel and Palestine. (2023, 8 November) [Belga News Agency] Access address: https://www.belganewsagency.eu/federal-government-provides-funding-to-investigate-war-crimes-in-israel-and-palestine

Brunk, I. W. and Hakimi, M. (2022). Russia, Ukraine, and the Future World Order. American Journal of International Law, 116 (4), 687 - 697.

Clancy, P. and Falk, R. (2021). The ICC and Palestine: Breakthrough and End of the Road? Journal of Palestine Studies, 50(3), 56–68.

Clarke, K. M. (2009). Fictions of Justice: The International Criminal Court and the Challenge of Legal Pluralism in Sub-Saharan Africa. Cambridge: Cambridge University Press.

Coalition for the ICC. (2022, 30 March) Victims could lose out with states' double-standard on International Criminal Court resources. [Coalition for the ICC] Access address: https://coalitionfortheicc.org/news/20220330/OpenLetter_ICCresources

Cohn, M. (2022, 16 December). ICC Criticized for Neglecting Probe of Israeli War Crimes. [Consortium News] Access address: https://consortiumnews.com/2022/12/16/icc-criticized-for-neglecting-probe-of-israeli-war-crimes/

Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) (adopted 4 November 1950, entered into force 3 September 1953) ETS No 5.

European Parliament resolution of 19 January 2023 on the establishment of a tribunal on the crime of aggression against Ukraine (2022/3017(RSP)) (2023, 19 January) [EUR-Lex] Access address: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52023IP0015

Florijančič, P. (2025). Controlling the Narrative through Terrorism Laws: Case of United Kingdom. Boğaziçi Law Review, 3 (1).

Ford, S. (2023). Funding the ICC for Its Third Decade. C. Stahn and R.B. Da Silva (Ed.), The International Criminal Court at Twenty: Reflections on Law and Reality in (683–705. pp.). Leiden: Brill Nijhoff.

Goldsmith, J., & Krasner, S. D. (2003). The limits of idealism. Daedalus, 132(1), 47–63.

Gurmendi Dunkelberg, A. (2025). How to Hide a Genocide: Modern/Colonial International Law and the Construction of Impunity. Journal of Genocide Research, 1-24.

G7 Leaders' Statement on recent developments between Israel and Iran. (2025, 16 June) [Prime Minister of Canada] Access address: https://www.pm.gc.ca/en/news/statements/2025/06/16/g7-leaders-statement-on-recent-developments-between-israel-and-iran

Haque, A. A. (2024, July 9). The International Criminal Court's Jurisdiction in Palestine and the 'Oslo Accords Issue'. [Just Security] Access address: https://www.justsecurity.org/97584/israel-palestine-icc-oslo-accords/

Haque, A. A. (2025, June 19). Indefensible: Israel's Unlawful Attack on Iran [Just Security] Access address: https://www.justsecurity.org/115010/israel-unlawful-attack-iran-charter/

Henderson, J. (2024, July 10). Revisiting jurisdiction at the ICC: Challenging attempts to block accountability for Israeli officials. International Law & Palestine Blog. [Law for Palestine] Access address: https://law4palestine.org/revisiting-jurisdiction-at-the-icc-challenging-attempts-to-block-accountability-for-israeli-officials/

Heller, K. J. (2024, 4 January). A Response to Mariniello About the Palestine Investigation. [Opinio Juris] Access address: https://opiniojuris.org/2024/01/04/a-response-to-mariniello-about-the-palestine-investigation/

Hillebrecht, C. (2016). The Deterrent Effects of the International Criminal Court: Evidence from Libya. International Interactions, 42(4), 616–643.

Human Rights Watch (2022, 31 March) Ukraine: Apparent POW Abuse Would Be War Crime. [Human Rights Watch] Access address: https://www.hrw.org/news/2022/03/31/ukraine-apparent-pow-abuse-would-be-war-crime

ICC just for Africans and Putin, 'elected leaders' told court prosecutor. (2024, 21 May) [Middle East Eye] Access address: https://www.middleeasteye.net/live-blog/live-blog-update/icc-just-africans-and-putin-elected-leaders-told-court-prosecutor

ICC Prosecutor, Karim A. A. Khan KC, concludes first visit to Israel and State of Palestine by an ICC Prosecutor: "We must show that the law is there, on the front lines, and that it is capable of protecting all". (2023, 3 December) [ICC] Access address: https://www.icc-cpi.int/news/icc-prosecutor-karim-khan-kc-concludes-first-visit-israel-and-state-palestine-icc-prosecutor

ICC Prosecutor Karim A. A. Khan KC concludes sixth visit to Ukraine: "Amidst conflict, the law can unify our response to atrocities". (2024, 13 September) [ICC] Access address: https://www.icc-cpi.int/news/icc-prosecutor-karim-khan-kc-concludes-sixth-visit-ukraine-amidst-conflict-law-can-unify-our

ICC prosecutor steps aside in the storm. (2025, 19 May) [Justice Info] Access address: https://www.justiceinfo.net/en/145463-icc-prosecutor-steps-aside-in-the-storm.html

ICJ Advisory Opinion, (2024, 19 July) Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem. [ICJ] Access address: https://www.icj-cij.org/case/186

International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

Interview with Karim Khan KC, Prosecutor at the International Criminal Court. (2023, 20 November) [Ibanet] Access address: https://www.ibanet.org/Interview-with-Karim-Khan-KC-Prosecutor-at-the-International-Criminal-Court

Imposing Sanctions on the International Criminal Court. (2025, February 6) [White House] Access address: https://www.whitehouse.gov/presidential-actions/2025/02/imposing-sanctions-on-the-international-criminal-court/

Kersten, M. (2022, 16 December). Ukraine must investigate alleged war crimes by its forces. [Aljazeera] Access address: https://www.aljazeera.com/opinions/2022/12/16/ukraine-must-investigate-alleged-war-crimes-by-its-forces

Keppler, E. (2012). Managing Setbacks for the International Criminal Court in Africa. Journal of African Law, 56(1), 1-14.

Khan, K. (2023, 10 November). We are witnessing a pandemic of inhumanity: to halt the spread, we must cling to the law. [The Guardian] Access address: https://www.theguardian.com/commentisfree/2023/nov/10/law-israel-hamas-international-criminal-court-icc

Krever, T. (2016, 30 October). Africa in the Dock: On ICC Bias. [Critical Legal Thinking] Access address: https://criticallegalthinking.com/2016/10/30/africa-in-the-dock-icc-bias/?utm_source=chatgpt.com

Labuda, P.I. (2024). Beyond rhetoric: Interrogating the Eurocentric critique of international criminal law's selectivity in the wake of the 2022 Ukraine invasion. Leiden Journal of International Law, 36 (4), 1095 - 1116.

Lewicki, A. (2023). East–west inequalities and the ambiguous racialisation of 'Eastern Europeans'. Journal of Ethnic and Migration Studies, 49(6), 1481-1499.

Mariniello, T. (2024, 1 March). The ICC Prosecutor's Double Standards in the Time of an Unfolding Genocide. [Opinio Juris] Access address: https://opiniojuris.org/2024/01/03/the-icc-prosecutors-double-standards-in-the-time-of-an-unfolding-genocide/

Mégret, F. (2006). From 'savages' to 'unlawful combatants': a postcolonial look at international humanitarian law's 'other'. A. Orford (Ed.), International Law and its Others, in (265-317. pp.). Cambridge: Cambridge University Press.

Mégret, F. (2016). Is the International Criminal Court Focusing Too Much on Non-State Actors?. D. M. Amann and M. deGuzman (Eds.), Arcs of Global Justice: Essays in Honor of William A. Schabas. (173-202. pp.). New York: Oxford University Press.

Meloni, C. (2023, 19 December). ICC: why NGOs are concerned, not States. [Opinio Juris] Access address: https://www.justiceinfo.net/en/126232-icc-why-ngos-are-concerned-not-states.html

Murphy, M.C. (2023, 6 December). ICC's Karim Khan centers Israelis in Palestine investigation [Electronic Intifada] Access address: https://electronicintifada.net/blogs/maureen-clare-murphy/iccs-karim-khan-centers-israelis-palestine-investigation

Murithi, T. (2013). The African Union and the International Criminal Court: An embattled relationship. Institute for Justice and Reconciliation, 8, 1–12.

Mutua, M. (2001). Savages, victims, and saviors: The metaphor of human rights. Harvard International Law Journal, 42 (1), 201-245.

Nashed, M. and Al Tahhan Z. (2023, 9 December). 'Alarming': Palestinians accuse ICC prosecutor of bias after Israel visit. [Aljazeera] Access address: https://www.aljazeera.com/features/2023/12/9/alarming-palestinians-accuse-icc-prosecutor-of-bias-after-israel-visit

Nashed, M. (2023, 18 October). Could a warning by the ICC deter war crimes in Israel-Gaza conflict? [Aljazeera] Access address: https://www.aljazeera.com/features/2023/10/18/could-a-warning-by-the-icc-chief-prosecutor-deter-war-crimes-in-gaza

Nessa, J. J. (2024, 11 October). Delays, Interference, and Espionage: The ICC's Struggle with Arrest Warrants in the Situation in the State of Palestine. [Opinio Juris] Access address: https://opiniojuris.org/2024/10/11/delays-interference-and-espionage-the-iccs-struggle-with-arrest-warrants-in-the-situation-in-the-state-of-palestine/

Nouwen, S. M. H. and Werner W. G. (2010). Doing Justice to the Political: The International Criminal Court in Uganda and Sudan, European Journal of International Law, 21 (4) 941–965.

Palestinian rights groups snub ICC prosecutor. (2023, 2 December) [Reuters] Access address: https://www.reuters.com/world/middle-east/palestinian-rights-groups-snub-icc-prosecutor-2023-12-02/

Parsi, L. (2024). Fabricated legality: The role of legal advisers in the commission of international crimes. Journal of International Criminal Justice, 22 (1), 19-42.

Pattison, J. (2022). Ukraine, Intervention, and the Post-Liberal Order. Ethics & International Affairs, 36 (3), 377-390.

Press point with NATO Secretary General Jens Stoltenberg. (2022, 30 September) [Nato] Access address: https://www.nato.int/cps/en/natohq/opinions_207788.htm

Reynolds, J. and Xavier, S. (2016) 'The Dark Corners of the World': TWAIL and International Criminal Justice. Journal of International Criminal Justice, 14 (4), 959-983.

Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) United Nations, Treaty Series, vol. 2187, No. 38544.

Russia banned from Eurovision song contest over invasion of Ukraine. (2022, 25 February) [Reuters] Access address: https://www.reuters.com/lifestyle/broadcasters-call-russia-ban-eurovision-song-contest-2022-02-25/

Sadat, L. N. and Hueseman, J. (2024) How the Ukraine Situation is Testing the International Criminal Court. Washington University in St. Louis Legal Studies Research Paper No. 24-08-03, 1-48.

Samour, N. and Tzouvala, N. (2023, 27 November) Self-defence in Israel and Palestine: Unsuspending Disbelief. [Research Society of International Law] Access address: https://rsilpak.org/2023/self-defence-in-israel-and-palestine-unsuspending-disbelief/

Schabas, W. A. (2009). Victor's Justice: Selecting Situations at the International Criminal Court. John Marshall Law Review, 43 (3), 535-552.

Simmons, B. A. and Danner, A. (2010). Credible commitments and the International Criminal Court. International Organization, 64(2), 225–256.

Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova. (2023, 17 March) [ICC] Access address: https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and

Ssenyonjo, M. (2013). The Rise of the African Union Opposition to the International Criminal Court's Investigations and Prosecutions of African Leaders, International Criminal Law Review, 13(2), 385-428.

Stahn, C. (2017). Damned If You Do, Damned If You Don't: Challenges and Critiques of Preliminary Examinations at the ICC. Journal of International Criminal Justice, 15 (3), 413-434.

Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in the State of Palestine. (2024, 20 May) [ICC] Access address: https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state

Statement of ICC Prosecutor Karim A. A. Khan KC from Cairo on the situation in the State of Palestine and Israel. (2023, 30 October) [ICC] Access address: https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-khan-kc-cairo-situation-state-palestine-and-israel

Statement of ICC Prosecutor Karim A. A. Khan KC from Ramallah on the situation in the State of Palestine and Israel. (2023, 6 December) [ICC] Access address: https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-khan-kc-ramallah-situation-state-palestine-and-israel

Statement of ICC Prosecutor, Karim A.A. Khan QC, on the Situation in Ukraine: Receipt of Referrals from 39 States Parties and the Opening of an Investigation. (2022, 28 March) [ICC]

Access address: https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-situation-ukraine-receipt-referrals-39-states

Statement of ICC Prosecutor, Karim A.A. Khan QC, on the Situation in Ukraine: Receipt of Referrals from 39 States Parties and the Opening of an Investigation. (2022, 2 March) [ICC] Access address: https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-situation-ukraine-receipt-referrals-39-states

Statement of ICC Prosecutor, Karim A.A. Khan QC, on the Situation in Ukraine: "I have been closely following recent developments in and around Ukraine with increasing concern.". (2022, 25 February) [ICC] Access address: address:https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-situation-ukraine-i-have-been-closely-following

Statement of ICC Prosecutor, Karim A.A. Khan QC, on the Situation in Ukraine: "I have decided to proceed with opening an investigation.". (2022, 28 February) [ICC] Access address: https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-situation-ukraine-i-have-decided-proceed-opening

Statement of ICC Prosecutor, Karim A.A. Khan QC, on the Situation in Ukraine: Additional Referrals from Japan and North Macedonia; Contact portal launched for provision of information. (2022, 11 March) [ICC] Access address: https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-situation-ukraine-additional-referrals-japan-and

Statement of ICC Prosecutor, Karim A.A. Khan QC, on his visits to Ukraine and Poland: "Engagement with all actors critical for effective, independent investigations.". (2022, 16 March) [ICC] Access address: https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-his-visits-ukraine-and-poland-engagement-all-actors

Statement by ICC Prosecutor, Karim A.A. Khan QC: Office of the Prosecutor joins national authorities in Joint Investigation Team on international crimes committed in Ukraine. (2022, 25 April) [ICC] Access address: https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-office-prosecutor-joins-national-authorities-joint

Statement of ICC Prosecutor, Karim A.A. Khan QC, at the Arria-Formula meeting of the UN Security Council on "Ensuring accountability for atrocities committed in Ukraine". (2022, 27 April) [ICC] Access address: https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-arria-formula-meeting-un-security-council-ensuring

Statement by Prosecutor Karim A. A. Khan KC on the issuance of arrest warrants against President Vladimir Putin and Ms Maria Lvova-Belova. (2023, 17 March) [ICC] Access address: https://www.icc-cpi.int/news/statement-prosecutor-karim-khan-kc-issuance-arrest-warrants-against-president-vladimir-putin

Statement by Prosecutor Karim A.A. Khan KC on the issuance of arrest warrants in the Situation in Ukraine. (2024, 5 March) [ICC] Access address: https://www.icc-cpi.int/news/statement-prosecutor-karim-aa-khan-kc-issuance-arrest-warrants-situation-ukraine

Statement by Prosecutor Karim A.A. Khan KC on the issuance of arrest warrants in the Situation in Ukraine. (2024, 25 June) [ICC] Access address: https://www.icc-cpi.int/news/statement-prosecutor-karim-aa-khan-kc-issuance-arrest-warrants-situation-ukraine-0

Tallgren, I. (2015). The Voice of the International: Who is Speaking?, Journal of International Criminal Justice, 13 (1), 135–155.

US military aid to Ukraine approaches $45B. (2023, 12 September) Access address: [Anadolu Agency] https://www.aa.com.tr/en/americas/us-military-aid-to-ukraine-approaches-45b/2989633

32 UN experts issue a joint letter to the ICC Prosecutor regarding the Situation in the State of Palestine. (2023, 23 March) [OHCHR] Access address: https://www.ohchr.org/sites/default/files/documents/countries/palestine/2023-03-23-Letter-ICC-Palestine.pdf

Waddell, N. and Clark, P. (eds) (2008). Courting Conflict? Justice, Peace and the ICC in Africa. London: Royal African Society.

Wiebelhaus-Brahm, E., & Ainley, K. (2023). The evolution of funding for the International Criminal Court: Budgets, donors and gender justice. Journal of Human Rights, 22(1), 31–46.