

Do not be Fooled by the International Criminal Court's Probe into Alleged War Crimes by Israel in the Disputed Territories

The International Criminal Court (ICC) wants to illegally extend its judicial gavel into areas beyond its jurisdiction and probe into Israeli actions in the disputed territories. Although the State of Israel is not a member of what has mutated into a politicized judicial club, the ICC is set to begin possible investigations into Israeli "war-crimes" in these areas. Israel has its own robust and honest judicial system which is well capable of investigating any crimes and prosecuting when necessary. Recent history proves that. The fact that the State of Israel is not a party to the Rome Statute, the mandate governing the International Criminal Court (for good reasons; the United States also is not a member), means the ICC has no jurisdiction whatsoever over alleged "war crimes" committed either within Israel's territory or the disputed territories. "Palestine", not being a recognised nation-state in the United Nations (except with observer status) means the ICC has no legal jurisdiction to make any investigation.

Despite this, in a panel of three international judges the majority (2) voted that the ICC does have jurisdiction to investigate alleged war crimes by Israel in Gaza, the West Bank and East Jerusalem. The third judge in the decision—the Chief judge, opposed this vociferously. As of the date of this writing, sovereign states which have opposed the ICC decision are Israel, USA, Canada, Germany, Austria, the Czech Republic, Hungary, Uganda, Brazil, and Australia.

Whereas the ICC was set up in 1998 with what were good intentions—to seek out and bring to justice real war criminals, yet in more recent times it has become a political tool in the hands of the Palestinian Authority to demonise and threaten the citizens of the Jewish State. For example, in the 2014 Gaza War (Operation Protective Edge), when the Israelis were being kidnapped, murdered, rocket-attacked, and threatened by the invasion of jihadist extremists using underground tunnels protruding out of Gaza, the Israelis had no choice but to retaliate for the defence of their own citizens. Israel did what any reasonable western democracy would do to defend its territory and reassure its citizens of the ability of its defence force to protect them. Although at the time extremely negative media coverage accused Israel of disproportionate force, the fact was that the Israelis were doing all they could to warn innocent Gazan civilians of impending attacks, so as not to target the innocent. The Israeli aim was to weed out and target the Hamas operatives who were escalating the war.

Having been forced to conduct a defensive war against the extremists, the Israelis are now threatened with investigations by a politicised and biased International Criminal Court, which could find Israeli Defence Force personnel in the firing line for simply doing their job to defend a democratic nation. This could result in the conviction of good Israelis, their imprisonment (if found outside of the borders of Israel), and the seizure of their financial assets. They will find no end to fabricated "testimony" of radicalised Palestinians who claim such crimes took place. As happened in the war of 2014, the extremists will distort photographic imagery to prove their point.

Another concern for Israel is that "settlers" who are fulfilling their national and historic right to build a life on the land of their ancestors in Judea and Samaria (West Bank) will also find themselves in the firing line of the International Criminal Court. The ICC may call the relocation of Israelis, who by their own choice decide to live on this ancestral land, a "war crime". They may accuse Israel as an "occupying power" of transferring its citizens into this disputed territory. This while real crimes happening in other parts of the world will go unchecked. Why isn't the ICC investigating war crimes taking place because of the actions of Iran, Syria, Turkey, and many others?

President Mahmoud Abbas, as leader of the Palestinians, made their position clear in 2011 regarding Palestinian membership into international institutions:

Palestine's admission to the United Nations would pave the way for the internationalization of the conflict as a legal matter, not only a political one. It would also pave the way for us to

pursue claims against Israel at the United Nations, human rights treaty bodies and the International Court of Justice. (NY Times, May 16, 2011)

Unfortunately, the Palestinian Authority is once again using the ignorance of the international community; its susceptibility to swallow distorted emotive rhetoric and lies; and the bias that already exists in the United Nations against the Jewish state, to try and fulfil what they had pledged themselves to fulfil only through open negotiations with the Israelis—a real Palestinian state. As long as the international community continues to accommodate this diversionary tactic by the Palestinians—i.e., trying to achieve their aim by any means except negotiations with the Israelis, then the stalemate will continue. **Do not be fooled by the International Criminal Court's probe into alleged war crimes by Israel in the Disputed Territories.** This is not justice; it is Palestinian politics.

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