## US Pans ICC War Crimes Probe Of Israel As ‘Tragic Irony’

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## By AFP, AP, Times of Israel Staff

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The United States on Friday condemned as a “tragic irony” the International Criminal Court’s decision to open a preliminary probe into possible war crimes committed by Israeli forces against Palestinians

“We strongly disagree with the ICC prosecutor’s action today,” State Department spokesman Jeff Rathke said in a statement. “It is a tragic irony that Israel, which has withstood thousands of terrorist rockets fired at its civilians and its neighborhoods, is now being scrutinized by the ICC.”

“As we have said repeatedly, we do not believe that Palestine is a state and therefore we do not believe that it is eligible to join the ICC,” said the statement.  “The place to resolve the differences between the parties is through direct negotiations, not unilateral actions by either side.”

The International Criminal Court’s prosecutor on Friday opened an initial probe to see if war crimes have been committed against Palestinians, including during last year’s Gaza conflict.

“Today the prosecutor of the International Criminal Court Fatou Bensouda opened a preliminary examination into the situation in Palestine,” her office said in a statement, adding it may lead to a full-blown investigation.

Her decision comes after the Palestinians formally joined the ICC earlier this month, allowing them to lodge war crimes and crimes against humanity complaints against Israel as of April 2014.

At the same time, the Palestinians also recognized the ICC’s jurisdiction retroactively, to cover the period during last summer’s war with Hamas and other terror groups in Gaza that killed nearly 2,200 Palestinians and 72 Israelis. Israel says about half of the dead were Hamas gunmen and blames Hamas for all fatalities since it set up its war machine in residential areas. Israel has said it is Hamas that should be prosecuted at the ICC for its indiscriminate rocket fire at Israel.

“A preliminary examination is not an investigation but a process of examining the information available in order to reach a fully informed determination on whether there is a reasonable basis to proceed with a (full) investigation,” Bensouda said.

Depending on her findings, Bensouda will decide at a later stage whether to launch or quash the investigation, based on the initial probe.

Bensouda said in a statement she will conduct the preliminary examination with “full independence and impartiality.”

Potential cases Bensouda could take on include allegations of war crimes by Israel during last summer’s Gaza war where the Palestinians suffered heavy civilian casualties. Israel’s settlement construction on land claimed by the Palestinians could also be examined.

The cases could also include alleged war crimes by Hamas, which controls Gaza, including the firing of thousands of rockets at Israeli residential areas from crowded neighborhoods.

The prosecutor’s announcement came after the Palestinian Authority acceded to The Hague-based court’s founding treaty and recognized its jurisdiction dating back to July, the eve of the last Gaza war. That move opened the door to an ICC investigation that could target possible crimes by both Israel, which is not a member of the court, and Palestinians.

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Foreign Minister Avigdor Liberman harshly criticized the announcement, calling it a “scandalous decision whose only goal is to try and harm Israel’s right to defend itself against terror.”

“We will not tolerate it and I will recommend that we don’t cooperate with this so-called probe,” he said, according to Ynet.

“Israel will act in the international sphere to bring about the dismantling of this court which represents hypocrisy and gives impetus to terror,” he went on.

A senior Palestinian source told Ynet the Palestinians were satisfied with the decision, calling it “a positive step in attaining justice and protection for the Palestinian people.”

“We hope that Israel will now understand that international law must be respected,” the source charged.

Operation Protective Edge, last summer’s war that pitted Israel against Hamas and other terrorist groups in and around Gaza, was one of the deadliest hostilities in the territory’s recent history.

The Palestinians have accused Jerusalem of intentionally targeting civilian centers. However the Israeli government strongly denies this, claiming terrorists used schools, hospitals and United Nations buildings to launch rockets at civilians in Israeli territory.

The IDF is currently investigating a number of incidents regarding the army’s conduct during the 50-day conflict.

The Palestinian Authority pushed through with the charges after a failed attempt to secure a UN bid urging a complete Israeli withdrawal from the West Bank and East Jerusalem by the end of 2017.

The move is also seen as part of a shift in strategy to internationalize its campaign for statehood and move away from the stalled US-led peace process.

Both Israel and the US have condemned the plan, with Washington calling it “counterproductive”.