**NGO Building War Crimes Case Against Hamas Over Flaming Gaza Kites**

By: Tovah Lazaroff

Jerusalem Post

May 28, 2018

<https://www.jpost.com/Arab-Israeli-Conflict/NGO-building-ICC-war-crimes-case-against-Hamas-over-Gaza-flaming-kites-558544>

An Israeli NGO is building a case against Hamas to submit to the International Criminal Court over the flaming kites the terror group has launched against Israeli border farmers in the last month.

According to Israeli media, the kites are responsible for some 260 fires in Israel's fields in the past month, destroying thousands of acres of crops and causing millions of dollars in damage.

The Israeli NGO Shurat HaDin is asking Israeli farmers on the Gaza border to strengthen their pending petition to the court by joining their legal petition.

“Israel will not remain silent. The current security situation, in which fields and forests in Israel are burned every day by activists in a terrorist organization, is inconceivable,” Shurat HaDin's president, attorney Nitzana Darshan-Leitner, said.

“It cannot be that senior Hamas officials will accuse Israel of war crimes while using a civilian population - especially children - as human shields for their terrorist activities, which are repeatedly targeted at Israeli citizens. Therefore, we call on the International Criminal Court in The Hague to exact justice upon them,” she said.

Hamas's offenses are "a flagrant violation of many articles of the Rome Statute,” the NGO said.

It added that among the Israeli farmers who have already signed onto their case is Ofer Liberman, the manager of the agricultural branch of Kibbutz Nir Am, which has lost 1,000 dunams (250 acres) in fires ignited by the flaming Gaza kites.

Rafi Babian, the security officer of Kibbutz Alumim, has also signed onto the case, the NGO said.

Israel farmers on the Gaza border told Army Radio that the flaming kites, which they called “terror kites," caused much more damage than the rockets and the mortars that Hamas has launched against them since 2001.

It added that the complaint will specifically target senior Hamas figures, including Yahya Sinwar and Isma’il Haniyeh.

The NGO decided to turn to the ICC after the Palestinian Authority last week formally asked the ICC to open an investigation into Israeli war crimes.

The PA became a party to the court when it signed the Rome Statute in 2015, a move that allowed it to submit a case against Israel to the ICC this month.

For the last four years ICC Chief Prosecutor Fatou Bensouda has weighed the question of formally opening a war crimes investigation into the Israeli-Palestinian conflict, but has yet to make any conclusions on the matter.

Last month Bensouda warned both Hamas and Israel that they could be liable for war crimes prosecutions over their actions in Gaza.

“Violence against civilians - in a situation such as the one prevailing in Gaza – could constitute crimes under the Rome Statute of the International Criminal Court ("ICC" or "the Court"), as could the use of civilian presence for the purpose of shielding military activities,” she said.

“I remind all parties that the situation in Palestine is under preliminary examination by my office. While a preliminary examination is not an investigation, any new alleged crime committed in the context of the situation in Palestine may be subjected to my office's scrutiny.

This applies to the events of the past weeks and to any future incident,” she said.

“Any person who incites or engages in acts of violence including by ordering, requesting, encouraging or contributing in any other manner to the commission of crimes within ICC's jurisdiction is liable to prosecution before the Court, with full respect for the principle of complementarity. The resort to violence must stop,” Bensouda said.