**‘INTERNATIONAL CRIMINAL COURT HAS NO AUTHORITY TO HEAR MARMARA CASE’**

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An Israeli advocacy group has recently appealed to the International Criminal Court in The Hague, demanding it be allowed to be a respondent in the complaints filed against Israeli soldiers and officers with respect to the Mavi Marmara ship.

The Mavi Marmara was a Turkish vessel that in 2010 attempted to breach the maritime blockade on the Gaza Strip. Upon approaching Gaza’s waters, the Israeli Navy hailed the ship several times, ordering it to stop and turn around. The Marmara refused and Israeli commandos raided the ship. The operation was met with violence by the passengers, 10 Turkish nationals were killed and several Israeli soldiers were beaten.

The incident caused a rift between Israel and Turkey, and the once warm diplomatic relations between Jerusalem and Ankara have become chilly, at best, despite Israel’s $20 million reparations to the victims’ families.

Despite the settlement, the ICC has recently ordered Chief Prosecutor Fatou Bensouda to reopen the investigation following an appeal by the IHH, which organized the flotilla led by the Mavi Marmara.

The Turkey-based IHH Humanitarian Relief Foundation has been designated as a terrorist group by Israel, Germany and the Netherlands.

IHH Attorney Robert Feldmeier has reportedly presented Bensouda with a document he obtained on a special trip to Comoros, in Africa’s east coast.

Feldmeier was seeking documentation suggesting the Marmara was sailing under a Comoros flag, as the IHH claims.

This is essential to any potential IHH proceedings against IDF soldiers in The Hague, as the ICC can only try cases involving countries that are signatories to the Rome Statute – the treaty that established the International Criminal Court – and neither Israel nor Turkey have joined it.

However, it appears the documents Feldmeier obtained revealed that the Marmara was not sailing under the Comoros flag. It also appears he was told that any registration to the contrary was made by a clerk who had no authority over the matter and was, in fact, fired over it.

This has prompted Attorney Nitsana Darshan-Leitner, director of Shurat HaDin, Israel Law Center, to argue that as neither Israel nor Turkey are party to the Rome Statute, the ICC lacks the jurisdiction to hear any case related to the Mavi Marmara.

“It’s unclear to me why the ICC can’t see that the IHH is using it. IDF soldiers who raided the Marmara have not committed any war crimes,” she said.