Hague Criminal Court set to open Israel war crimes probe, MKs reportedly told

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https://www.timesofisrael.com/national-security-council-said-to-warn-of-full-icc-investigation-in-2018/

Israel’s National Security Council reportedly warned members of the Knesset’s powerful Foreign Affairs and Defense Committee last week that the International Criminal Court will likely open an investigation at some point this year into the 2014 Gaza war and West Bank settlement construction.

Colonel Amit Aviram (res), a senior member of the committee, submitted to the Knesset committee a secret presentation entitled, “Strategic Situation Assessment for 2018,” Channel 10 news reported Monday.

One of the slides on security threats listed a concern that, in 2018, the prosecutor of the ICC in The Hague will move from the examination phase and open investigations into 2014’s Operation Protective Edge and construction in the West Bank,” the report said.

In addition, he reportedly warned that in the absence of peace negotiations between Israel and the Palestinians, there is likely to be an increase in both attempts to delegitimize Israel and calls to boycott the Jewish state.

On December 4, 2017, the chief prosecutor of the ICC, Fatou Bensouda, published a report, “Preliminary Examination Activities 2017,” in which she gave updates on preliminary examinations into Palestinian claims against Israel, launched in January 2015.

“In the past year, the Office has also progressed in its analysis of the alleged crimes committed by both parties to the 2014 Gaza conflict, as well as certain alleged crimes committed in the West Bank and East Jerusalem since 13 June 2014,” she wrote.

Regarding Israel’s war against the Hamas terror organization in Gaza, she wrote, “The Office has sought to select incidents which appear to be the most grave in terms of the alleged harm to civilians and civilian objects and/or are representative of the main types of alleged conduct.”

In her conclusion, Bensouda wrote, “The Office has made significant progress in its assessment of the relevant factual and legal matters necessary for the determination of whether there is a reasonable basis to proceed with an investigation.”

She said the assessment would continue with a view to reaching “conclusions on jurisdictional issues within a reasonable time frame.” However, she gave no indication as to whether she was likely to move beyond preliminary examinations to a full investigation or not.

Israel’s 50-day summer 2014 campaign against Hamas in Gaza originally began as a predominantly aerial campaign in response to repeated rocket attacks from the Strip, similar to the 2012 Operation Pillar of Defense. But after Hamas made use of its cross-border tunnel network to carry out attacks inside Israel, the focus shifted to tackling the subterranean threat.

A total of 74 people — 68 IDF soldiers, 11 of whom were killed in cross-border tunnel attacks; and 6 civilians — died on the Israeli side of the conflict. In Gaza, more than 2,000 people were killed, with Israel putting the number of civilians killed at approximately 50 percent, the rest being combatants. Gaza itself was badly damaged by the fighting.

In February 2017, the Knesset passed legislation allowing the Israeli government to expropriate private Palestinian land ex post facto, where illegal outpost homes had been built, provided that the outposts were established “in good faith” or had government support and that the Palestinian owners received financial compensation for the land.

However, Israel’s High Court of Justice has given the government until February to explain why the legislation should not be struck down on constitutional grounds.