ICC Probe Into Israel's Conduct - Hypocritical - Ex-Soldier

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After keeping quiet for almost a week, Fatou Bensouda, the prosecutor of the International Criminal Court, who opened a probe into Israel's alleged war crimes last Friday, granted an interview to the Israeli newspaper Yediot Ahronot.

Bensouda, whom the paper previously accused of double standards eluding to her ties with the former Gambian dictator Yahya Jammeh, who raped women and persecuted sexual minorities, said she has nothing to hide, and her conscience is clear.

But Omri Ohayon, one of the Israeli soldiers who was fighting in Gaza during Operation Protective Edge of 2014 - the event that the prosecutor wants to investigate - said Bensouda and the organization she represented were hypocritical.

"You cannot compare the only democracy in the Middle East with a terror organization like Hamas. This comparison is unacceptable," said Ohayon, who during the operation was serving in the Israel Defence Forces' Yahalom unit, responsible for spotting and eliminating tunnels, used by the militants of Hamas to infiltrate the Israeli territory to kidnap and murder Israelis.

The underground threat to Israel's security

Since 2007, when Hamas seized control of the enclave, the Islamic group had constructed more than 1300 tunnels spending more than a billion US dollars [on the project.](https://mfa.gov.il/MFA/ForeignPolicy/Issues/Pages/Hamas-terror-tunnels.aspx)

Most of them were used for storage and smuggling purposes but many - the so-called attack tunnels that penetrate the Israeli territory - were utilized to kidnap and murder Israelis.

In 2014 Ohayon and his team found 11 such tunnels, out of 32 that were discovered during the operation.

*"The goal of Protective Edge was to find and destroy tunnels as well as to protect Israel from militants' infiltrations, not to harass Palestinians or kill civilians. This is not what we were ordered to do by our commanders, and this is not what we did on the ground," explained Ohayon.*

ICC's bias against Israel

However, he believed, the ICC ignored these facts, opting to portray Israel in the most negative light.

*"If the ICC claims to be objective, equal and unbiased," said Ohayon, "why don't they investigate regimes where human rights are breached, and civilians are massacred, including in Syria, Iran, North Korea or even the Palestinian Authority that knows little about such rights as freedom of speech?"*

Yet, the ICC report did mention it would check the conduct of the PA for its alleged violations of human rights in the West Bank, and the activity of Hamas in Gaza, that according to multiple reports, used civilians as human shields. Many of such incidents were [documented](https://mfa.gov.il/MFA/ForeignPolicy/Terrorism/Pages/Hamas-use-of-civilians-as-human-shields-20-Jul-2014.aspx) by the IDF and [Israel's foreign ministry.](https://mfa.gov.il/MFA/ForeignPolicy/Terrorism/Pages/Hamas-terrorists-confess-to-using-human-shields.aspx)

But most of the ICC's criticism was directed at Israel. Apart from immoral conduct during 2014, touted the deadliest of all Israel-Hamas wars, the Jewish State has also been accused of opening fire on Palestinian protesters during their weekly Gaza-border demonstrations which erupted in 2018 following Washington's recognition of Jerusalem as the capital of Israel and its subsequent relocation of its embassy there. Besides, Tel Aviv was also held responsible for its continuous expansion activity in Judea and Samaria.

From 1967, when Israel captured the West Bank from Jordan and up until 2017, the Jewish state had established more than 200 settlements. Today they house some 500 thousand people that make up less than a quarter of the area's total population, which is predominately Palestinian.

*"One of the most absurd things is that Israel was accused of attacking Red Cross institutions in Gaza. When in fact, Israel had no other choice, as Hamas militants used these facilities as a shield while fighting against us," explained the former soldier, adding that the IDF is one of the most moral armies in the world.*

Clear conscience

In an attempt to avoid civilian casualties during its key operations, Israel implemented several techniques. These including calling Palestinians and alerting them that their houses would be destroyed, sending notes from a jet and even roof knocking, a practice in which the IDF drops a non-explosive device onto the roofs of targeted civilian homes, as a prior warning to an imminent attack, giving them [time to flee the area](https://www.ynetnews.com/articles/0,7340,L-4541669,00.html).

*"I can testify that in many cases shelling of civilian buildings was called off simply because we found out that there were civilians inside. At times we were too cautious, and it would cost us our soldiers' lives," he said, recalling an incident when a Hamas militant attacked his squad while hiding behind civilians.*

That's why, says Ohayon, just like Bensouda herself, his conscience is also clear. "I cannot speak in the name of the whole army, but I know my commanders, and I know my soldiers. War crimes were not committed. Even more so, we did everything in our power to save human lives and avoid unnecessary casualties".