Israeli officials in US for talks on ICC war crimes threat

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The US and Israel are coordinating their responses to the threat both countries face against the possibility of war crimes suits before the International Criminal Court, Channel 13 reported over the weekend.

According to the news channel, a delegation led by Energy Minister Yuval Steinitz, which included Deputy National Security Adviser Reuven Azar, was in Washington on Thursday and Friday for talks about the ICC with US officials in the White House, the State Department and members of Congress.

Steinitz is in charge of coordinating the Israeli response to the ICC, whose pre-trial chamber is adjudicating the question of whether the international tribunal has jurisdiction to hear war crimes cases against Israelis for actions committed in east Jerusalem, Gaza and the West Bank. Among the questions under examination is the status of Palestine as a state.

The ICC has to accept briefs by March 16 briefs from Germany, Austria, Hungary, the Czech Republic, Uganda, Brazil and Australia on the question of jurisdiction. It is expected that all seven countries will submit briefs on Israel’s behalf. Canada has also told the ICC it opposes war crimes suits against Israel.

The US and Israel are not members of the ICC, and US President Donald Trump’s administration has backed Israel in its battle against the court.

The Steinitz-led delegation arrived in Washington as the Trump administration learned American soldiers could be in danger of war crimes suits at the ICC for their actions in Afghanistan.

The ICC was set up to prosecute war crimes, genocide and crimes against humanity. It has jurisdiction only if a member state is unable or unwilling to prosecute atrocities itself.

Both Israel and the US have argued they have credible legal systems that can properly adjudicate human rights violations and there is no need for ICC intervention.

On Thursday, ICC prosecutors said they would investigate whether war crimes were committed in Afghanistan by the Taliban, Afghan military and US forces.

The ICC decision, which came days after the US agreed to pull its troops from the long-running conflict, opens the way for prosecutors to launch a full investigation, despite US-government opposition.

“The appeals chamber considers it appropriate to... authorize the investigation,” presiding Judge Piotr Hofmanski said at the court in The Hague. He said prosecutors’ preliminary examination in 2017 had found reasonable grounds to believe war crimes were committed in Afghanistan and that the ICC has jurisdiction.

US Secretary of State Mike Pompeo quickly condemned the decision as “a truly breathtaking action by an unaccountable political institution, masquerading as a legal body.”

“It is all the more reckless for this ruling to come just days after the US signed a historic peace deal on Afghanistan – the best chance for peace in a generation,” he said.

“The US... will take all necessary measures to protect our citizens from this renegade, so-called court.”

On Friday Pompeo expanded on his opposition to the ICC ruling, telling Fox News the ICC was set up to go after “rogue regimes” and not “institutions like America.”

He added, “we hold our own accountable. We always have. We always will. We are not going to let them take on all the young men and women who went and served America. And we’re going to – we will make sure that this doesn’t happen.”