**[Nuremberg Betrayed: ISIS and the International Criminal Court](http://www.algemeiner.com/2015/04/17/nuremberg-betrayed-isis-and-the-international-criminal-court/" \o "Permanent Link to Nuremberg Betrayed: ISIS and the International Criminal Court)**

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Coming in the context of this 70th Yom HaShoah, the statement by Fatou Bensouda, the Prosecutor of the International Criminal Court  (ICC): “…I have come to the conclusion that the jurisdictional basis for opening a preliminary examination into this situation [the crimes of ISIS] is too narrow at this stage” —  is a betrayal of the ICC’s original aspiration to follow the historic example of the 1945-46 Nuremberg Tribunal.

That Court had criminalized the entire Nazi Party as a terrorist organization, which served as a basis for the Western allies’ de-Nazification policy, though abandoned with the onset of the Cold War. Today, such programmes are named “deradicalization”

Indeed, until 1933, the Nazis were as much a terrorist NGO, as are today’s ISIS and its other, ‘uncivil’ society colleagues: Al-Qaeda, Hezbollah, Hamas and Al-Shabaab.

The “spoiler states” that finance and arm these movements, specifically, Iran and Qatar, never signed or ratified the ICC Statutes. Iran claims the text conflicts with Sharia law as it criminalizes torture, Qatar protests the Court’s arrest warrant for Sudanese President, Omar Bashir, the genocidist of Darfur.

In 2004, the Wiesenthal Centre commissioned a Draft Convention on Suicide Terrorism – the most costly in lives and, today, most prevalent in internecine Islamic terrorism.  The Convention defined a terror food chain from those inculcating, recruiting, sheltering, financing, arming, training, glorifying and martyrzing the suicide murderers.  All in the chain were to be considered complicit.

The Convention was endorsed by Pope John-Paul II and viewed enthusiastically by the then Spanish Foreign Minister Miguel Moratinos and Turkish President-elect , Abdullah Gül, On grounds of “one man’s terrorist is another’s freedom fighter”, the support was swiftly dropped.  The Convention was eventually passed as a motion by the Australian Parliament, following Indonesia’s release of the Bali bomber of mainly Australian tourists.  In a modified format, it was accepted by the Latin American Parliament (PARLATINO) then based in San Paulo Brazil.

The objective was to implicate the individuals of the terror chain so that INTERPOL, as in its past cooperation with Simon Wiesenthal, might now provide international arrest warrants and mentor their movements, as in the Argentine 1994 Jewish Centre’s atrocity regarding six Iranian and one – now deceased – Hezbollah Lebanese suspects.

The politicization of the ICC has added to the emptiness of the “Never Again” catch-phrase, compounded by the “ever again” fear of the “G-word” (Genocide) political and financial repercussions

Ironically,in the lead-up to the ICC’s 2002 Rome Statute, we had felt vindicated that, at last, there was a jurisdiction where “genocide” was no longer subject to a Statute of Limitations.

Of the 194 United Nations members, over one-third are not ICC States-Parties. These include, for different reasons, the United States, Israel and all Arab/Muslim States apart from Jordan, and now the anomalous acceptance of ‘Palestine’.

Terrorist movements are the beneficiaries of “donor-states” (which are not ICC State-Parties) and “supplier-states” (which most definitely are).

A recent New York court’s condemnation of the Jordanian Arab Bank for “knowingly” processing payments to Hamas, has provided compensation to survivors and to families of victims. It is also a major victory in an evolving human rights jurisprudence on liabilities and penalties for terrorism.  Similar recourse may be available for the prosecution of antique theft and, especially, heritage-site destruction.

“Supplier-states”, albeit unwillingly, are the Western native lands of recruits to ISIS and its ilk.  The ICC Prosecutor, in her ruling, hints that these States-Parties may eventually be actionable under her terms of competence.

Had contact with the Nazi Party been banned by the Western democracies in the early 1930’s, war and Shoah may, perhaps, have been forestalled.

We still have a window to ban financing, recruiting, arming, glorifying the Nazis’ heirs. We must strive to isolate and quarantine the Jihadist epidemic, so that there may be no need for Nuremberg after it is all over – although,as we already should know, it will never be totally over.