Israeli NGO demands ICC open war crimes probe against Haniyeh and Abbas

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<https://www.jpost.com/Arab-Israeli-Conflict/Israeli-NGO-demands-ICC-to-open-war-crimes-probe-against-Haniyeh-and-Abbas-565108>

An Israeli NGO is pushing the [International Criminal Court](https://www.jpost.com/Arab-Israeli-Conflict/What-an-ICC-war-crimes-probe-could-mean-for-Israel-558370) to investigate Palestinian leaders for war crimes and crimes against humanity.

On September 13, the Jerusalem Institute of Justice plans to file its second request this year to the ICC prosecutor’s office asking that it open a war crimes probe against Hamas leader Ismail Haniyeh for the militarization of children under the age of 15.

In March 2017, it also asked the ICC prosecutor to investigate Haniyeh for war crimes based on Hamas’s use of civilians as human shields and its indiscriminate rocket fire against Israel.

Later this year, the NGO intends to file requests for investigations against Haniyeh and Abbas for crimes against humanity.

The NGO argued that the Palestinian Authority’s 2015 accession to the Rome Statute, which governs the ICC and the ICC’s decision in that year to open a “preliminary examination into the situation in Palestine,” opened the door to such suits.

“We contend that if any full investigation is to be pursued into crimes committed [by Palestine] then a case should be lodged against [Hamas leader] Haniyeh,” the NGO said.

Its petition, the NGO stated, “provide[s] evidence that Haniyeh is guilty of the war crime of conscripting, enlisting or using children below the age of 15 to participate actively in hostilities. Though this known colloquially as using ‘child soldiers,’ the crime also includes the use of children to support hostilities, including as ‘human shields,’” the Jerusalem Institute of Justice said in its petition, an preliminary copy of which it shared with The Jerusalem Post.

It held Haniyeh responsible for these activities because as the de jure head of Hamas, he could have prevented such activity. Instead, he was an active proponent.

It added that the Hamas-dominated Gaza court have done nothing to punish those who committed these crimes against children, and so there is no recourse possible through the local justice system.

As part of its written submission, it expanded that Hamas uses the Gaza school system to enlist children beginning in kindergarten. It teaches songs and shows television programs that speak of hatred toward Jews and glorifies martyrdom.

It also runs military training camps for children under 15, in which the youths participate in military parades holding weapons and learn to crawl under barbed wire and simulate attacks against Israel soldiers.

Hamas has used children as human shields by hiding weapons in schools and encouraging them to participate in the violent riots along Israel’s border this year, the NGO said.

In March of this year, Hamas “sent a 7-year-old girl to breach the Gaza border, undoubtedly endangering the girl’s life,” the institute said.

Another example occurred in July, when a Palestinian sniper fired a soldier after 20 children were sent to the Gaza border fence as a decoy, the NGO said in its ICC submission.

Later this year, the Jerusalem Institute will file a separate case against Haniyeh for crimes against humanity. It will include “physical and mental torture, ill-treatment, arbitrary detention, and unlawful killings.” Among those targeted were journalists, social media activists and political opponents of Hamas. It also took issue with Hamas’s use of the death penalty, including against those charged with collaborating with Israel.

Haniyeh is responsible for those crimes as his role as “Commander-in-Chief of the Ministry of the Interior in Gaza and Hamas’s forces,” the NGO said. Evidence also suggests that Haniyeh’s policies incited Hamas authorities to commit these crimes, the NGO said.

The NGO will also file a request for a probe against Abbas for such crimes. It explained that Abbas had “conducted a systematic and widespread campaign of consistent torture and abuse against the Palestinian people with a blatant disregard for their basic human rights.”

The group charged that the PA Security Forces have “engaged in severe beatings, arbitrary arrests, psychological torture such as violent threats and verbal abuse, physical torture such as Shabeh (stress positions), severe solitary confinement, and other acts of inhumane treatment.”

The ICC process can be lengthy. The Jerusalem Institute of Justice said it had yet to receive a response to its March 2017 petition.