**Gov’t ICC response meeting ends inconclusively with 2 days to deadline**

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A meeting of the senior echelons of the government on how to react to the International Criminal Court’s announcement that it will investigate Israel for alleged war crimes ended inconclusively on Wednesday, two days before the deadline to respond.

The meeting was the first Prime Minister Benjamin Netanyahu, Defense Minister Benny Gantz and Foreign Minister Gabi Ashkenazi held, in which their ministries, the Justice Ministry and the IDF presented their recommendations, since the ICC sent an official letter notifying Israel of the investigation last month.

They plan to hold a further meeting before the April 9 deadline for Israel to respond to the ICC.

Israel is not a member of the ICC, and has a policy of not cooperating with it. However, the Palestinian Authority is a party to the Rome Statute establishing the court, and the ICC recognizes it as a member state; the PA submitted the complaint against Israel which led to the investigation.

Israeli officials have called the investigation illegitimate and focused on the argument that the court does not have jurisdiction, because Israel has its own independent judiciary capable of trying soldiers who commit war crimes. They have also argued that Palestinian Authority is not a state and therefore cannot legally be a member of the court. Both of those arguments were echoed by seven ICC member states, which sent letters to the court opposing an investigation against Israel. Netanyahu also called the probe antisemitic and said Jews have the right to live in their historic homeland.

Netanyahu, Gantz and Ashkenazi will need to decide whether to continue its policy towards the ICC, saying the probe is not legitimate, or to work with the ICC. If the path of cooperation is chosen, there are different options for Israel, including opening its own investigations of war crimes accusations against Israeli soldiers and officials. However, that would risk of legitimizing those claims, and it does not address the settlements issue, which the ICC also plans to investigate.

Last month, ICC Prosecutor Fatou Bensouda sent a letter notifying Israel that she is opening a war crimes investigation. The probe against Israel is expected to include 2014’s Operation Protective Edge, the riots at the Gaza border in 2018, and the settlement enterprise, including east Jerusalem. Among the senior officials who could be vulnerable to war crimes suits are Netanyahu, Gantz, who was IDF chief of staff in 2014, and others, as well as hundreds of IDF officers.

Anne Hertzberg, legal adviser of NGO Monitor, a think tank that has documented funding for organizations that support war crimes charges against Israel, said that that Jerusalem has “few good options” for its response to the ICC.

“The political campaign to exploit the ICC for demonization of Israel has continued for 20 years, funded by the EU and European governments,” Hertzberg said. “Given that cooperation with the Court is most likely futile, the Israeli government should focus on persuading Europe and other Western governments of the need to end this abuse under the facade of international law."