**J STREET’S ‘WAR CRIMES’**

**By: Stephen M. Flatow**

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[**https://www.jns.org/opinion/j-streets-war-crimes/**](https://www.jns.org/opinion/j-streets-war-crimes/)

“A few years ago, when Palestinian Arab leaders were threatening to enlist the International Criminal Court (ICC) in their war against Israel, J Street expressed “understanding” at “the Palestinians’ frustration.”

But now that the ICC is taking action that could lead to J Street’s leaders being branded “war criminals,” the J Streeters have fallen silent. What an agonizing moment this must be for the Jewish far-left!
This ugly mess began several years ago, when the Palestinian Authority began joining various international organizations and signing international treaties in order to use them against Israel. In January 2015, the P.A. signed the Rome Statute, which created the ICC.

Here’s what J Street said a few years ago: “With regard to the International Criminal Court (ICC), while we understand Palestinians’ frustration at the ongoing occupation and the lack of a path to ending it, we regard attempts to bring cases before the ICC to be unhelpful. Such action stands to set off a spiral of counterproductive actions and leave the Palestinian people no closer to freedom and self-determination.”

Notice how J Street refused to characterize the P.A. using the ICC against Israel as immoral or wrong. In fact, J Street did not even acknowledge that such hostile actions by the P.A. are a blatant violation of the Oslo Accords. No, J Street’s only concern was that such P.A. action would lead to “counterproductive actions” by Israel.

It seems that J Street has no problem with the principle of the P.A. and its allies waging international legal warfare against Israel. It’s just concerned that the tactic might not succeed in bludgeoning Israel into making more concessions to the Arabs.

Well, the P.A. ignored J Street’s advice. It went ahead and pressed the ICC to act. And now the ICC is preparing for battle. As a result of the P.A.’s allegations, the ICC’s chief prosecutor, Fatou Bensouda, announced last week: “There is a reasonable basis to believe that war crimes have been or are being committed in the West Bank, including East Jerusalem, and the Gaza Strip.”

The specific “war crimes” that Bensouda has in mind are Israel’s “disproportionate” use of force against Gaza rockets (apparently, Ms. Bensouda will be the one to decide what is “proportionate” and what is “disproportionate”); Israeli troops defending themselves against Arab firebomb-throwers at the Gaza border; and the presence of Jews in “Palestinian Territories.”

That last phrase is the one that could cause big problems for J Street and others on the American Jewish left.

According to the ICC, any part of Jerusalem that was occupied by the Arabs prior to June 1967 is “Palestinian territory.” Numerous Jewish neighborhoods in Jerusalem, therefore, are sitting on “Palestinian territory,” which makes their existence a war crime.

French Hill. Ramot. Ramat Eshkol. Gilo. Givat HaMatos. Talpiot Mizrach. The Old City of Jerusalem. Their residents are all war criminals, according to the ICC and the P.A.

I wouldn’t describe J Street’s leaders as big defenders of Jerusalem. In fact, they denounced the U.S. recognition of Jerusalem as Israel’s capital, and they have criticized Israeli Jews for renting apartments in some mostly Arab neighborhoods in the city (funny, that sounds like advocating apartheid, but never mind!).

However, J Street’s official platform, on its website, says that it favors an Israeli-Palestinian agreement in which “Jewish areas of Jerusalem are secured as the capital of Israel.” And the tour groups J Street brings to Israel include parts of the Old City of Jerusalem on their itinerary.

The ICC might very well conclude, according to its own definition, that since J Street advocates committing war crimes, such as “securing” war-criminal parts of Jerusalem as part of Israel, and since it further encourages war crimes by bringing Jews to some of those parts of the city, then J Street is either guilty of war crimes or guilty of being an accomplice to war crimes.

It’s too bad that J Street hasn’t issued a press release denouncing the P.A. for inciting the ICC against Israel.

If J Street really was “pro-Israel,” as it claims, then it would be at the forefront of blasting the P.A.-ICC action. But regardless of J Street’s troubling silence, we can all learn an important lesson from this controversy.

The lesson is that it’s an illusion to believe there is any chance of reaching a genuine peace agreement with the Palestinian Authority. Its positions are so hopelessly extreme and unreasonable that even if Israel agreed to retreat all the way to the indefensible 1967 borders, and even if Israel agreed to violently expel hundreds of thousands of Jews from their homes, and even if Israel agreed to a hundred other P.A. demands, it would still regard many of the Jewish residents of Jerusalem to be war criminals and still demand the mass expulsion of Jews from major parts of the city.

And that is something the vast majority of Israelis and the vast majority of world Jewry, from right to left—presumably, including J Street—can never accept.”