**ICC IS UNDERCUTTING ITS OWN LEGITIMACY**

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After moving the US Embassy in Israel to Jerusalem, recognizing Israeli sovereignty over the Golan Heights signing a decree seeking to fight anti-Semitism on US college campuses, Israel is likely going to need US President Trump by its side if it is called to face the International Criminal Court in The Hague.

Since the Palestinians upgraded themselves to the status of a UN observer-state, they have not ceased to threaten Israel, saying that unless it capitulates to their demands in the peace negotiations, they will turn to the ICC and accuse Israel of committing war crimes.

In January 2015, the Palestinians signed the Rome Statute and effectively joined the treaty by which The Hague was formed with the explicit intent of seeking action against Israel for war crimes. Israel thus entered into an intensive behind-the-scenes campaign, sparing no effort to convince ICC Chief Prosecutor Fatou Bensouda that The Hague was devoid of authority to discuss the Israeli-Palestinian conflict.

Among other things, Israel explained that it is not a signatory to the Rome Statute and that the Palestinian Authority is not a state entity; that Israel has a strong, independent judiciary and therefore it is not the ICC’s place to act as its superior instance; that Judea and Samaria are not “occupied” territories and therefore the Israeli settlement enterprise is not in violation of international law, and the list continues.

These arguments have all fallen on deaf ears – Bensouda announced she plans to launch an investigation into alleged war crimes perpetrators in the West Bank and Gaza Strip.

We at Shurat Hadin Israeli Law Center predicted all this. We knew back in 2015 that Bensouda sought to improve the ICC’s fading luster and that she would be only too happy to do so by investigating the PA’s claims against Israel. After all, the tribal wars of obscure African tribes are nowhere near as attractive to the media as the Israeli-Palestinian conflict.

And so, we sprung into action: To counter the PA’s claims against IDF soldiers, we filed ICC claims against Hamas and Fatah leaders for crimes against humanity. We countered anti-settlement action in The Hague by filing a suit over occupied areas around the world, such as northern Cyprus, claiming that Turkey commits war crimes there, by building hospitals and universities and by encouraging settlement through tax benefits.

The ICC has yet to hear any of these suits but now, it will have to. Bensouda has already said it plans to investigate Hamas officials, but it is unlikely she would go after Fatah leaders of Palestinian Authority President Mahmoud Abbas, who are near and dear to her heart.

For this reason, Shurat Hadin plans to pursue ICC action against Abbas over his “pay-for-slay” policy of paying terrorists and their families stipends – an act that clearly demonstrates the PA’s support of terrorism.

To counter the claims about the settlements, we will re-issue our claims against Turkey and add another lawsuit against Russia for the occupation of Georgia’s and Crimea. I wonder if The Hague would dare to investigate Turkish President Recep Tayyip Erdogan or Russian leader Vladimir Putin for war crimes.

If the ICC continues to ignore these claims, it will prove that it cannot or does not want to serve justice and that it has marked Israel as a target in the first place. This will also prove that the ICC, designed to save nations from catastrophes and to punish those who butcher whole nations, has become a political battering ram, a biased court that no longer has the right to exist.

It is not for nothing that the Trump administration has been lambasting the ICC. Israel can only hope that Trump will stand by its side and exercise the same power against it if it really comes after Israel. Because a court that acts as the neighborhood bully and takes authority it does not have will only respond to power. Our great friend has much of it. Let’s hope it uses it for good.