The ICC campaign of lies

December 23, 2019

By Ben-Dror Yemini

YNet News

<https://www.ynetnews.com/article/SBEH0UROP>

For years now, we have seen an international campaign to indict Israel in the International Criminal Court in the Hague (ICC) for various allegations, almost all unfounded.

Following the announcement of ICC Chief Prosecutor Fatou Bensouda's decision to begin conducting a probe into allegations of war crimes perpetrated in the West Bank and the Gaza Strip, the campaign has overcome its first hurdle - to Israel's detriment.

Although this is a victory of the campaign of lies, an indictment is still far away.

There is no reason to turn Bensouda into a public enemy. Experience proves otherwise.

When a petition was filed at the ICC over the 2010 IDF raid on a flotilla to Gaza, in which nine activists of Turkish Jihad organization IHH were killed, Bensouda decided that there wasn't sufficient need to conduct a probe.

And while on two occasions ICC justices decided that an investigation was in order, both times Bensouda deflected them, clarifying that after looking into the matter several times, she would not change her mind.

In November 2016, she published an opinion on the torture of prisoners in Afghanistan by the United States.

She was supposed to arrive in Washington in early 2019 in order to, among other things, promote legislation on the issue.

The U.S. responded by canceling her entry visa, with President Donald Trump declaring: "America is a sovereign nation and our first priority is always the safety and security of our citizens."

The ICC justices were shocked. A week after Bensouda's entry visa was revoked, they decided to cancel the investigation.

Human rights organizations protested, but they couldn’t change the decision, with Trump refusing to initiate new policy on the matter.

The [American Service-Members' Protection Act](https://legcounsel.house.gov/Comps/American%20Servicemembers'%20Protection%20Act%20Of%202002.pdf) - a bipartisan piece of legislation passed in 2003 by Congress and nicknamed the "Hague Invasion Act" - states clearly that if the ICC lays a finger on an American soldier, the United States has the unequivocal right to invade the Hague.

Israel doesn't possess the same power and influence as the United States. It cannot make any threats, but the U.S. did announce Saturday that the ICC has no jurisdiction to investigate Israel.

We are not talking about a hostile entity such as the UN Commission for Human Rights, and Israel does have a fair argument that a complaint to the ICC can only be filed by a state, which Palestine is not.

In addition, the Oslo Accords state that the Palestinian Authority does not possess the authority to file such a petition at an international court.

But still, this is an assembly of judges who have been appointed by nations hostile to Israel.

It is a fact that the majority of fatalities over the last two decades have been innocent civilians.

Sometimes it is done with malice, such as the Darfur genocide or the use of chemical weapons by the Syrian regime against its civilians or the Iranian-sponsored bombings and starvation in Yemen.

Sometimes it is done unintentionally, such as the death and destruction in the Iraqi city of Mosul, where some 190,000 civilians perished in the battle against Islamic State.

Apart from the former president of Sudan, Omar al-Bashir, none of the people involved in these incidents was ever indicted.

Al-Bashir was never extradited, due to widespread support from various Arab and Muslim nations, nations in Africa, as well as China and Russia.

The absurdity of allegations against Israel is twofold, firstly because the U.S. Army Chief of Staff and the former commander of the British forces in Afghanistan, not to mention other military experts, have repeatedly made it clear that Israel is the country taking the most strenuous measures to protect innocent lives.

Secondly, data shows that compared to other militaries around the world, Israel has far fewer civilian casualties during its military operations.

In this instance, Bensouda's behavior is reminiscent of the damning 2009 report by Richard Goldstone, commissioned by the UN after the first war between Israel and Hamas.

Neither individual hates Israel, but they are operating within a system that has been methodically brainwashed about "the crimes" of Israel.

The same is true of the media, academia, international institutions and now legal tribunals.

With this in the background, the decision to blame Israel specifically has a black flag hanging over it.