ICC judges' bias against Israel

November 30, 2018

By Ben-Dror Yemini

YNet News

[https://www.ynetnews.com/articles/0,7340,L-5414319,00.html](https://www.ynetnews.com/articles/0%2C7340%2CL-5414319%2C00.html)

A year ago, on December 1, 2017, the prosecutor of the International Criminal Court in The Hague, Fatou Bensouda, [decided to close the "Marmara case."](https://www.ynetnews.com/articles/0%2C7340%2CL-5050334%2C00.html) This is the same old story from 2010, in which [Israeli forces commandeered a flotilla](https://www.ynetnews.com/articles/0%2C7340%2CL-4218728%2C00.html), led by the Mavi Marmara, on its way to Gaza. Nine activists were killed during the takeover.

Following the incident, a number of investigation committees were established, most prominently that of the UN Security Council, led by former Prime Minister of New Zealand Jeffrey Palmer. The [Palmer Committee](https://www.ynetnews.com/articles/0%2C7340%2CL-4117076%2C00.html) determined that Israel used excessive force, but that the blockade itself was legal. Following that conclusion, Bensouda decided to close the case in 2014.

In 2015, a committee of three ICC justices [demanded the case be reopened](https://www.ynetnews.com/articles/0%2C7340%2CL-4680881%2C00.html). Bensouda appealed the decision. After her appeal was rejected, she again investigated and [again decided to close the case](https://www.ynetnews.com/articles/0%2C7340%2CL-5059006%2C00.html).

But last week, a panel of judges ordered the prosecutor to open an investigation, in order to file a claim against Israel. The authority to file a claim, it should be noted, is that of the prosecutor alone. Thus, for years the prosecutor has ruled that there are no grounds for an investigation, and various panels of judges insist on having one anyway.

That Gaza flotilla was an initiative by IHH, a Turkish-Islamic organization. Even before the flotilla set sail, European intelligence sources noted that IHH was linked to the global Jihad movement, including al-Qaeda. The European Union's delegate to the International Convention for the Suppression of the Financing of Terrorism, Jean-Louis Burgier, affirmed that IHH is connected to the global terrorist network.

When members of the organization were aboard the Mavi Marmara on their way to Gaza, they chanted the song of annihilation, "Khaybar Khaybar, ya Yahud, Jaish Muhammad, sa Yahud" ("Khaybar, Khaybar, O Jews, Mohammed’s army will return" is a thinly disguised call to murder Jews, referring to a battle in Khaybar when Mohammed slaughtered scores of Jews).

One of the flotilla's prominent members was Sheikh Raed Salah, leader of the northern branch of the Islamic Movement in Israel, who energized the participants with hate speech. Like other members of the global Jihad, IHH members made it clear, even before the incident, that they were destined to be martyrs. Of the 500 participants in the flotilla, 40 were members of the IHH and of the nine killed, eight were IHH members.

A few months after they returned to Turkey, members of IHH traveled to Tehran to meet their ally, Mahmoud Ahmadinejad, then president of Iran. Saleh Ozer, the organization's leader, declared: "We are here today with the yearning and determination to build a Middle East without Israel and America." Similar statements were made by IHH leaders later on.

All this information, and probably additional information, was available to Bensouda. One cannot "accuse" her of being overly sympathetic to Israel, but she understood that this was a planned provocation by a terrorist organization that forged an alliance with "progressive forces"—the red-green alliance of jihadists and the radical left, whose only common denominator is anti-Semitism.

Considering these facts, an investigation should have been launched against Turkey, which sponsored the flotilla and the IHH, and encouraged and equipped them. In the struggle between Jihad and its supporters and a free country, the West was supposed to side with the latter.

But presumptions go through a dangerous change when it comes to Israel. It is fighting an organization that is recognized as a terrorist organization, whose members declare in advance their desire to become martyrs, an anti-Semitic ideology dominated the deck, but wonder of wonders—the ICC court's judges repeatedly demand an indictment against Israel.

During the last round of discussions at the UN General Assembly, various committees submitted nine condemnations of Israel—and not even one proposal against any other country in the world. This is a shameful extension of the obsessive bias against Israel. These organizations have an automatic majority against Israel, but what about the judges?!