# Palestinians take Khan al-Ahmar case to ICC

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Palestinians have turned to the International Criminal Court over Israel’s plan to demolish the West Bank shantytown of Khan al-Ahmar.

A High Court of Justice injunction barring the demolition of the illegal herding village that is home to 180 Jahalin Bedouin ended at midnight, feeding speculation of an imminent demolition.

“We are just waiting to see if they are going to come tonight and expel us and demolish the houses,” said Feisal Abu Dahok, 45, a resident of the village.”

“We will not leave volun–tarily. If they throw us out we will return to stay in this place. There is no other place for us to go.”

As a protest move and as part of an effort to prevent the evacuation of its residents, Palestinian activists on Monday night established what they called a “new neighborhood” near Khan al-Ahmar, which is located alongside Rte. 1, near the city of Ma’aleh Adumim and the settlement of Kfar Adumim.

PLO Secretary-General Saeb Erekat told reporters in Ramallah Tuesday, “We hope that an official judicial investigation can be opened as soon as possible.”

As part of the submission, the PLO urged ICC Prosecutor Fatou Bensouda to meet with representatives of Khan al-Ahmar and Palestinian officials over the village’s fate, Erekat said.

”We’re determined to pursue our fight in the UN Security Council, General Assembly and Human Rights Council and the International Court of Justice,” he added.

Israel is already under international pressure not to demolish the village. The European Union has warned against the consequences of tearing down the village’s tents and tin shacks. The European Parliament is set to hold a debate on the matter this Thursday.

French Foreign minister Jean-Yves Le Drian said Tuesday that his country was “paying particular attention to the case of Khan al-Ahmar given its location in an area of strategic importance for the contiguity of a Palestinian state and for the viability of a two-state solution with Jerusalem as the capital.”

He added his voice to the EU’s when he warned “of the potential humanitarian as well as political consequences of the demolition of this village and the displacement of its inhabitants.”

On Monday France, Germany, Italy, Spain and the United Kingdom issued a joint statement in support of the village.

Two UN special human rights investigators said, “Forced eviction constitutes a gross violation of the right to adequate housing under international human rights law. In addition, forcible transfer of people who are protected within an occupied territory is a grave breach of the Fourth Geneva Convention, and amounts to a war crime under the 1998 Rome Statute.”  
The statement was issued by Michael Lynk, the special rapporteur on the situation of human rights in the Palestinian territories, and Leilani Farha, the special rapporteur on adequate housing.

Anne Bayefsky, the president of Touro Institute on Human Rights and the Holocaust and Human Rights Voices, spoke against the Palestinian decision to turn to the ICC, saying the PLO was “continuing to hijack and pervert the ICC.”

She told The Jerusalem Post that the Palestinians were trying to turn the court into their “own personal attack agent, just as they commandeered and destroyed the credibility of UN bodies.” Bayefsky warned, “When those who actively support terror are allowed to weaponize and corrupt international law, everybody who genuinely cares about the rule of law loses.”

The Palestinians’ decision to bring the issue of Khan al-Ahmar before the ICC came less than 24 hours after the US announced that it was closing the PLO’s diplomatic mission in Washington. The Palestinian move is seen as a direct challenge to the Trump administration, and is yet another sign of the crisis between the two sides.

Confirming the decision to close the PLO’s Washington office, US National Security Adviser John Bolton on Monday warned The Hague-based court not to go after Israel. “We will not allow the ICC or any other organization to constrain Israel’s right to self-defense,” Bolton said.

The Palestinians acceded to the Rome Statute in 2015. In May, the PLO formally referred a case against Israel to the ICC, triggering the assignment of a pre-trial chamber. But no formal decision has been taken to “open an investigation” against Israel on any issue, including Khan al-Ahmar.