ICC leader condemns antisemitism, won't back down from controversial cases

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By Yonah Jeremy Bob

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International Criminal Court president Judge Chile Eboe-Osuji on Monday categorically condemned antisemitism as part of the 75th anniversary of the liberation of Auschwitz, but also said that the ICC will not back down from controversial cases.

Eboe-Osuji said that, “Today... the world marks the 75th anniversary of the liberation of Auschwitz. It is right that world leaders should gather together as they did last Thursday to mark the anniversary. And we must all reflect.”

Thursday was the main gathering day for the[fifth World Holocaust Forum](https://www.jpost.com/Tags/World-Holocaust-Forum), this year held in Jerusalem and attended by dozens of world leaders.

"A guiding ethos of the world order following World War II – that was coeval with the Holocaust – was engraved in the commitment of ‘never again,'" he said.

The ICC chief continued: "Yes, it bears repeating that the Holocaust remains the paradigm testament of the human capacity for evil. As a global undertaking, however, ‘never again’ was meant to stand against human atrocities of even lesser scale – so that humanity is never again to endure atrocity on the scale of the Holocaust.

"But did ‘never again’ really mean anything?" he asked rhetorically, "Or was it merely a self-serving salve to the world’s apathy and gutlessness, that appeased and pleased a regime that hijacked the genius and might of one of the most powerful nations on earth, to commit a brand of evil that debased us all? It may be significant that in the decades following the liberation of Auschwitz, the world witnessed other atrocities – in the forms of war crimes, crimes against humanity and, yes, genocide.

"It was to take events like the genocide against Rwandan Tutsis and crimes against humanity committed in the former Yugoslavia, for the world finally to take firm action that gives concrete instrument to the ‘never again’ undertaking," Eboe-Osuji said. "That was the creation of the International Criminal Court."

Moving to recent political attacks on the ICC due to its confrontations with the US, Russia, England, Israel and others, the ICC president said: "It is in that light that the political attacks deployed against the ICC – since it commenced its work in 2002 – oddly make some sense."

"The ICC must be allowed to do its work undistracted by attacks directed against it in [an] obvious strategy to intimidate. But it may well be wishful thinking to hope for an end to political attacks against the Court, as there is no readily available strategy to stop such attacks," he continued.

According to Eboe-Osuji, "We are thus left to recognize the significance of these political attacks. It is in the nature of the ICC’s mandate to attract resistance – and the resistance shows that the court is making a difference [and] that the court cannot be ignored by those whose preference is to leave innocent victims at the mercy of heinous crimes."

Furthermore, he said that, "Yes, it is in the very mandate of the Court to get in the way of atrocities, to stand against them. And, yes, it is better for the Court to draw the ire of potential forces of violations – and of those who see an interest in condoning such violations – than that their hellfire is allowed to rain unobstructed upon defenseless, innocent victims."

On December 20, ICC prosecutor Fatou Bensouda announced her intention to open a full war crimes investigation against both Israel and Hamas. She also asked the ICC Pretrial Tribunal to approve her investigation and her finding that Palestine is a state which can grant the ICC jurisdiction to move forward.

Israel has slammed Bensouda's decision as biased and ignoring decades of international law dictating that Israel and the Palestinians resolve their border issues by negotiation.

Jerusalem has also attacked the prosecutor for her implications that the IDF may have committed war crimes, saying that the IDF goes beyond the requirements of laws of war to try to protect Palestinian civilians caught in the crossfire of hostilities between Israel and Hamas.

Bensouda has asked the ICC Pretrial Chamber to decide by around March 20.