Shurat HaDin: ICC giving PA immunity while going after Israel, Hamas

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Shurat HaDin has accused the International Criminal Court Prosecution of giving the Palestinian Authority immunity from potential war crimes while bearing down solely on Israel and Hamas.

On December 20, the ICC Prosecution announced that it had recognized Palestine as a state and was moving toward a full war crimes investigation of the Israeli-Palestinian conflict.

The NGO, representing the family of Hallel Ariel, a 13-year-old girl murdered in her bed by a 17-year-old Palestinian terrorist in 2016, claimed that her death and that of many other Israelis was caused by the PA's policy of "pay for slay."

Shurat HaDin CEO Nitsana Darshan Leitner said that Hallel Ariel’s murderer was raised on PA incitement and knew he would be well rewarded by the PA for the murder.

In addition, Shurat Hadin has handed evidence to the ICC which alleges that the PA has been involved in the war crime of torture.

It explained in a statement that “This grant of immunity to PA officials, with whom the prosecutor has been allegedly having collegial meetings while supposed to be reviewing previous complaints, deeply questions the ‘independent and objective assessment’ the ICC prosecutor has conducted on the Palestinian issue.”

The statement indicated that the 'pay for slay' scheme offers substantial financial rewards for the commission of war crimes, which has led to many nations condemning the practice.

In an annual report filed in early December, the ICC Prosecution raised for the first time the possibility of analyzing the 'pay for slay' scheme as a war crime, but said that this was a new kind of issue which required further study.

The ICC Prosecution did not mention 'pay for slay' weeks later in its December 20 notification that it was moving forward with its war crimes probe.

Although this could mean that the ICC Prosecution may still probe 'pay for slay' as a war crime at a later date once it has further analyzed the issue, Shurat HaDin said that it believed the ICC would give the PA a pass on the issue.

Moreover, although the December 20 ICC Prosecution decision said that Hamas would be investigated for the war crime of torture, there was no mention of probing alleged torture by the PA.

It was unclear whether this meant the ICC has already dismissed allegations against the PA. The ICC Prosecution had not responded by press time.

But Shurat Hadin claimed that the omission was intentional and was further proof of the ICC Prosecution only going after Israel and Hamas, while leaving the PA free from having to defend its actions.

Under the ‘pay for slay’ scheme, the statement said, Palestinian terrorists and their families are paid "salaries" - their sum directly related to the severity of their offence. When the terrorists are released, the PA awards them with a complete "welfare plan" - promising them jobs, education and more.

Families of terrorists killed in the act are also rewarded payments and gain elevated social status.

Crucially, Shurat HaDin said that this scheme is regulated officially and on a large scale, extending over decades, with hundreds of millions of dollars allocated for this purpose from the PA's budget.

The statement added that the payments go to all Palestinian terrorist groups, including Hamas, and even for Arab Israelis who have committed acts of terror.

Shurat HaDin said, “The most substantial beneficiaries of this policy are the vilest of all; mass murderers of hundreds of innocent women and children: convicted murderers, such as Hakim and Amjad Awawd, who brutally murdered a family of five, including a four-month-old baby in her bed.”

Further, the NGO’s statement said that the 'pay to slay' scheme is only the "tip of the iceberg" of a large-scale PA policy of incitement and legitimizing violence against Israelis, of glorifying murderers in the PA school's curriculum, and by naming streets, squares, sport events and institutions after terrorists.

Shurat HaDin said that over the last five years it has brought complaints against PA officials on numerous issues, but that it believed the ICC prosecutor was ignoring them.

Although Shurat HaDin is contesting the ICC prosecutor's jurisdiction and its recognition of a State of Palestine, it said that it would be even more “deeply troubling” if the ICC both recognized Palestine and ignored the alleged PA crimes.