Attorney general: ICC can’t rule on conflict as there is no Palestinian state

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Attorney General Avichai Mandelblit said Monday he is drafting a legal opinion that refutes the International Criminal Court’s legitimacy to discuss matters pertaining to the Israeli-Palestinian conflict because “there is no Palestinian state.”

Jerusalem has long argued that the court has no jurisdiction over matters relating to the Israeli-Palestinian conflict, since it has no jurisdiction over Israel (which is not a member state) or the West Bank and Gaza — as Palestine is not a state.

In January 2015 ICC prosecutor Fatou Bensouda opened a preliminary examination into the “situation in Palestine,” after the Palestinian Authority signed the Rome Statute and formally accepted the court’s jurisdiction over its territory.

However, the legal validity of the move remains a subject of contention.

Bensouda has yet to rule on whether there is a basis to investigate Palestinian claims of war crimes.

Furthermore, the Hague-based court will not investigate alleged Israeli violations if it finds the Israeli legal system can be relied upon to investigate any “grave crimes” committed by Israelis.

PA President Mahmoud Abbas has called on the ICC to probe and prosecute Israeli officials over settlement activity.

Mandelblit said Monday that he would continue to oppose legislation that he believes violates international law. But he stood by the Knesset’s right to advance such proposals, asserting that local law trumps international law.

Both before and after it was passed by the Knesset in February 2017, Mandeblit announced that he would not defend legislation aiming to legalize West Bank outposts, arguing that it robbed Palestinians of their property rights and was contrary to international law.

The government was forced to hire private attorney Harel Arnon to defend the legislation, which allows the state to legalize outposts built on private Palestinian land ex-post facto.

Mandelblit has been cognizant of the ICC’s influence on issues pertaining to the Palestinians, encouraging cabinet ministers last month to delay the demolition of the West Bank Bedouin hamlet of Khan al-Ahmar, saying a forced evacuation could compromise the Israeli position vis-a-vis Palestinian claims at the Hague.

### Bezeq probe into PM ‘on verge of completion’

Mandelblit also discussed the corruption investigations into Prime Minister Benjamin Netanayahu, specifically highlighting Case 4000, which involves suspicions Netanyahu advanced regulation benefiting Shaul Elovitch, the telecommunication giant’s largest shareholder, in exchange for positive coverage from the Bezeq-owned Walla news site.

Pushed on whether he anticipates handing down an indictment against the prime minister, Mandelblit said it was “too early” to draw conclusions. However, he asserted that “the investigation is on the verge of completion.”

On Sunday, Channel 10 reported that a state prosecutor appointed to oversee and review the corruption allegations against Netanyahu recommended the premier be charged in at least one of three cases against him.

The head of the State Prosecution’s Tax and Finance Department, Liat Ben Ari, has presented her final recommendations in Cases 1000 and 2000 to State Prosecutor Shai Nitzan, according to the TV channel.

Among the conclusions, the report said, was a recommendation to try Netanyahu on corruption charges in Case 1000, in which the prime minister is suspected of receiving benefits worth about NIS 1 million ($282,000) from billionaire benefactors including Israeli Hollywood producer Arnon Milchan, in exchange for assistance on various issues. Ben Ari maintained there was sufficient evidence to lodge an indictment, the TV report said, though it did not elaborate on which charges she had recommended Netanyahu face.

The channel said it was unclear whether she had recommended an indictment in Case 2000, which involves a suspected illicit quid-pro-quo deal between Netanyahu and Yedioth Ahronoth newspaper publisher Arnon Mozes that would have seen the prime minister weaken a rival daily — the Sheldon Adelson-backed Israel Hayom — in return for more favorable coverage from Yedioth.

Police in February recommended Netanyahu be indicted in both cases.

Mandelblit has already announced, however, that a final decision on indictments in the two cases will only be made together with the findings of another ongoing investigation, Case 4000.

That probe has been [reopened](https://www.timesofisrael.com/netanyahu-graft-probe-renewed-delaying-decision-on-indictment-report/), a report by the Kan public broadcaster said last week, due to new information. The development is expected to delay any decision by prosecutors on filing indictments against the premier.

Netanyahu has been questioned 12 times over the various graft suspicions, most recently in August over the Case 4000 investigation.

Once police investigators finish their work in that investigations, they will submit their findings and recommendations to prosecutors, who will then hand over their conclusions to the attorney general.

Netanyahu has long denied any wrongdoing in all three cases.