After A-G Move to Legalize West Bank Units – ICC Could Prosecute Israel

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<https://www.jpost.com/Israel-News/Report-After-A-G-move-to-legalize-W-Bank-units-ICC-can-attack-Israel-574490>

Israel “should be worried” about how the International Criminal Court will respond to the attorney-general’s legal opinion to help legalize 2,000 Jewish West Bank units, former foreign ministry top legal adviser Robbie Sabel told The Jerusalem Post on Sunday.

On Thursday, a legal opinion by Att.-Gen. Avichai Mandelblit was publicized describing what moves could be taken to legalize 2,000 units lived in by Jews in the disputed West Bank.

Mandelblit based significant portions of his opinion on a recent district court decision. Unlike the Settlements Regulation Law, the 2,000 units in question are not, as a group, defined as violating private Palestinian property rights.

Sabel said that while these factors might mitigate ICC Prosecutor Fatou Bensouda from viewing the legalization as a war crime and proof that Israel’s legal system whitewashes the issue, the move might very well put Israel in jeopardy with her.

The former foreign ministry chief lawyer said that the damage of Mandelblit personally approving the legalization of the units could be compounded by the fact that it came a short time after Bensouda’s annual report, which implicitly but strongly warned Israel about the settlements.

Whereas the report on countries being reviewed hinted to positive treatment for Israel regarding war crimes allegations relating to the [2014 Gaza War](https://www.jpost.com/Arab-Israeli-Conflict/Breaking-down-the-UNHRC-report-on-2014-Gaza-war-406778), it implied that even Israel’s High Court of Justice was not fully and properly addressing legal problems with the settlements.

Sabel did say he hoped that maybe the fact that Mandelblit’s opinion presumes the 2,000 units to be sovereign Israeli territory might save Israel from problems with the ICC.

But he said the idea that those units can be legalized if they were thought to be state land – even if that presumption was later proven incorrect – could get Israel into trouble.

In addition, he said it was not clear that a sizable portion of the units might not be on private Palestinian land, in which case he said they would be as problematic as the Settlements Regulation Law which Mandelblit himself called illegal.

Overall, Sabel said he viewed the move as “a mistake” since, at the very least, the land is generally disputed – and switching such a large volume of units from being unauthorized to being legal will be hard for the ICC to ignore.