FM: Razing of Bedouin hamlet delayed over fears it would be ‘last straw’ for ICC

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Foreign Minister Israel Katz said Sunday Israel has not yet razed a West Bank Bedouin village slated for demolition over concerns it would be the “the last straw” for the International Criminal Court, which is readying a probe into alleged war crimes in the Palestinian territories.

The High Court of Justice has approved the demolition of Khan al-Ahmar, a Palestinian hamlet east of Jerusalem, which Israel says was built illegally.

But despite Prime Minister Benjamin Netanyahu’s repeated vows to level the village, Israel has postponed the demolition, which ICC chief prosecutor Fatou Bensouda said last year may constitute a war crime.

“People are yelling ‘why not clear not Khan al-Ahmar?’ In the [security] cabinet we reached the conclusion that this a sensitive point that could be the deciding factor in a decision by the prosecutor from Gambia [Bensouda] to open an investigation against Israel,” Katz told Kan public radio on Sunday.

Asked if Netanyahu knew this when he repeatedly promised to raze the village, Katz said the premier did.

“He knew… the whole time we were following the deliberations about where approximately the prosecutor’s proceedings stood,” the foreign minister said.

Netanyahu recently [took heat](https://www.timesofisrael.com/in-swipe-at-netanyahu-challenger-saar-says-hell-again-fail-to-form-government/) over the delayed demolition of Khan al-Ahmar from MK Gideon Sa’ar, who is running against Netanyahu in the Likud party’s leadership primary on Thursday.

Katz, a Likud member, is running Netanyahu’s campaign for the December 26 primary vote.

“A few days ago I said at Khan al-Ahmar that no reason was given for why the clearance was being delayed. Today we learned the reason: The government of Israel is scared of The Hague [ICC],” Sa’ar tweeted in response to Katz.

Sa’ar said Katz’s remarks also explained the “powerlessness against the Palestinian takeover” of areas under the West Bank under Israeli military and civilian control.

Katz later hit back at Sa’ar’s criticism.

“The Israeli government isn’t scared,” he tweeted. “[Sa’ar’s] attempt to portray the considerations of Netanyahu and the cabinet on Khan al-Ahmar as a capitulation in order to gather votes in the primaries attests to [his] cynicism and lack of diplomatic maturity.”

Likud MK Yoav Kisch, Sa’ar’s campaign manager, also pounced on the foreign minister’s remarks.

“The same question remains: Who is sovereign in Khan al-Ahmar: the State of Israel or the European Union? Israeli courts or the court in The Hague?” he wrote on Twitter.

Kisch added: “Like [David] Ben-Gurion said once, ‘it’s not important what the goyim say, it’s important what the Jews do.”

The Likud infighting over Khan al-Ahmar came after Bensouda said Friday there was a “reasonable basis” to open an investigation into alleged war crimes in the Palestinian territories. Before opening the probe, she said she would ask the court to determine the territory over which it has jurisdiction, as Israel is not a member of the court.

The announcement was met with widespread condemnation from Israeli leaders and a legal opinion published by Attorney General Avichai Mandelblit arguing the court has no jurisdiction to launch the probe.

Bensouda said she would investigate Israel’s West Bank settlement policy; the 2014 war in the Gaza Strip; the Israeli response to violent protests on the Gaza border; and the targeting of civilians and torture of individuals by Hamas and other Palestinian terror groups.

The prosecutor said last year she was keeping tabs on the planned demolition of Khan al-Ahmar and that its razing could be a war crime, [drawing a rebuke from Israel](https://www.timesofisrael.com/israel-scolds-icc-prosecutor-over-warning-of-war-crimes-in-bedouin-village/).

There has been strong international pressure on Israel to reverse its plans to raze the village, which Israeli authorities say was built illegally. The village is located near several major Israeli settlements and close to a highway leading to the Dead Sea.

The state says the structures, mostly makeshift shacks and tents, were built without permits and pose a threat to the village residents because of their proximity to a highway.

But the villagers — who have lived at the site, then controlled by Jordan, since the 1950s, after the state evicted them from their Negev homes — argue that they had little alternative but to build without Israeli construction permits, as such permits are almost never issued to Palestinians for building in parts of the West Bank, such as Khan Al-Ahmar, where Israel has full control over civilian affairs.

Last May, the state said it could not demolish the hamlet until a new government is formed. Israel has been experiencing a political deadlock since the April elections and repeat September elections, both of which failed to yield a government.

The razing of Khan al-Ahmar has been a key concern for many settlers as well as others in the broader Israeli right, who have criticized the government for carrying out demolitions at the Netiv Ha’avot and Amona outposts while allowing the Palestinian hamlet to remain standing.