Trump defends and protects Israel from International Criminal Court

April 16, 2019

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Israel Hayom

<https://www.israelhayom.com/2019/04/16/trump-defends-and-protects-israel-from-international-criminal-court/>

In what can be seen as an incredible show of support for Israel, the U.S. administration has included the Jewish state in its efforts to block the International Criminal Court at The Hague from investigating war-crimes allegations.

In a statement attributed to Trump, the White House said: “Since the creation of the ICC, the United States has consistently declined to join the court because of its broad, unaccountable prosecutorial powers; the threat it poses to American national sovereignty; and other deficiencies that render it illegitimate. Any attempt to target American, Israeli or allied personnel for prosecution will be met with a swift and vigorous response.”

While some have decried the administration’s response to be an expression of what they perceive as American exceptionalism, U.S. President Donald Trump views it as the opposite – unfair, exceptional focus on democracies. And so does Israel, which is consistently singled out and unfairly held to a higher standard in the international arena.

In response to the ICC investigation into alleged war crimes by U.S. forces and allies in Afghanistan, last week the United States revoked ICC Prosecutor Fatou Bensouda’s entry visa. National Security Advisor John Bolton has now threatened ICC judges with sanctions if they charge any American who served in Afghanistan with war crimes. The United States under Trump has made it clear that no international court, especially those led by human-rights violators, would threaten it or its military personnel. And, thanks to Trump, the United States has also made clear that Israel sits safely under American protection.

Professor Eugene Kontorovich, director of international law at the Jerusalem-based Kohelet Policy Forum, testified on the ICC in Congress and advised senior American and Israeli officials on the court and its jurisdiction.

“President Trump has taken an extraordinary step in defense of Israel, promising to impose sanctions such as travel bans on ICC officials if they pursue their biased investigation of Israel,” Kontorovich said.

He added that when the ICC “threw out its long-pending investigation into crimes committed by U.S. and other forces in Afghanistan, the Trump administration’s hardball approach to fighting prosecutions of U.S. soldiers by the Hague-based ICC was totally vindicated.”

“Now,” Kontorovich said, “the U.S. is promising to also impose sanctions on the court if it proceeds with an investigation into Israel about settlements in the West Bank. Israel, like the U.S., did not join the court’s treaty. This is an extraordinary show of support from America and may help deter a biased and unjust investigation.”

During the weekly government cabinet meeting on Sunday, Prime Minister Benjamin Netanyahu thanked Trump. He said, “They’re picking on the United States and Israel – two democracies which, by the way, are not members of the international court, but there’s no doubt that we have the best judicial systems in the world.”

“To come and make the soldiers of America stand trial, or the soldiers of Israel, or the State of Israel or the United States is absurd. It’s a reversal of the whole original point of the ICC,” Netanyahu added.

“Therefore, what we have here is a correction of injustice, and it is an act that has far-reaching influence with regard to the conduct of the international system in relation to the State of Israel,” he continued. “I congratulate the United States, President Trump and the Trump administration for their steadfast position on the side of the citizens of Israel and the soldiers of the IDF. As in previous times, it is proven that Israel has no better friend than the United States, and we very much appreciate this support in other areas as well.”

**‘An effective response to the abuses of international law’**

Eytan Gilboa, professor of international relations and international communication, and a senior research associate at the Begin–Sadat Center for Strategic Studies at Bar-Ilan University in Ramat Gan, said the decision is “compatible with Trump’s strategy to attack and undermine the activities of international organizations which are abusing their mission, and are targeting democratic countries such as the U.S. and Israel.”

He added that the American position is that “democratic countries are capable of dealing with war crimes or any other crimes.”

Gilboa also said that “it is very important that Trump said any attempt by that court to investigate Israel would trigger a similar response since it undermines the Palestinian strategy of attacking Israel in international organizations, where they have almost automatic support.”

In recent years, Israel has been working to prevent the entry of people who represent hostile organizations.

Referring to Trump’s threats against the ICC, Gilboa said: “This is a legitimate measure that Israel can take against those who are undermining it.”

Gilboa concluded by saying that “this is a very important step toward an effective response to the abuses of international law and international organizations that the Palestinians, the Arabs and the enemies of the people of Israel have been pursuing in the last decade.”

Konotorovich was reassuring as well, saying that “now Israel has been pulled into America’s protective umbrella.”