ICC has been hijacked, politicized, abused

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<https://www.jpost.com/opinion/article-799095>

Anyone familiar with the [International Criminal Court (ICC)](https://www.jpost.com/israel-news/article-799025) and with the noble aims and purposes set out in its 1998 Rome Statute, can only balk at the way in which the ICC, intended by its founders to be a completely independent and superior international judicial body, has been simply hijacked, politicized, abused and to all intents and purposes ruined.

The ICC prosecutor’s reported intention to issue warrants for the arrest of Israel ‘s senior governmental and security personnel is perhaps the straw that has broken the camel’s back.

From the very establishment of the court, Arab and Palestinian leaders have eyed the ICC as a potential target for their struggle to undermine the legitimacy of Israel, this in addition to the various UN bodies that they have already politicized and ruined.

**Historically problematic**

Relying on a false and politicized, nonbinding UN general assembly resolution, adopted by an automatic majority, upgrading the Palestinian UN delegation to that of a ‘non-member observer state,’ they came to the UN Secretary General, in his technical capacity as depository of the Rome treaty, with an application to be accepted as a ‘state party’ to the ICC. This despite the clear and basic requirement that only sovereign states may be party to the Rome Treaty and may constitute the ICC.

Armed with the UN secretary-general’s automatic concurrence to the Palestinian request, they then petitioned the ICC Prosecutor and its Conference of States Parties to accept them as a full member state, with the sole, and stated purpose, not to advance the cause of international justice, but to undermine the [legitimacy of Israel](https://www.jpost.com/breaking-news/article-798806).

Needless to say, and despite their obvious lack of Palestinian statehood, the lack of Palestinian sovereign territory, their glaring incapability of fulfilling any of the internationally recognized requirements for statehood or for membership of the UN, including the need to be a ‘peace-loving state,’ they were nevertheless granted full party status in the Court.

From then onward, all their interactions with the ICC have been to treat it as their own, backyard Israel-bashing tribunal – a convenient tool in their[delegitimization campaign](https://www.jpost.com/israel-news/article-799025).

Accompanied by some accommodating and politically oriented prosecutors, and with an overly eager reliance on UN resolutions, in stark contradiction to the Rome Statute requirement of complete independence from the UN system, they proceeded to realize their aim and to turn the ICC into another politicized UN-like body similar to the other politicized UN agencies such as the Council for Human Rights, UNESCO, UNRWA and the UN General Assembly itself.

And thus, a non-existing terror-oriented state, without any accepted or recognized sovereign territory, without being required to fulfill the basic accepted conditions for statehood, and contrary to the UN Charter requirements for membership, has succeeded in manipulating the ICC into possibly issuing arrest warrants against Israel’s leadership. This while the brutal Palestinian Hamas perpetrators of the largest and cruelest massacre of Jews since the Holocaust, apparently go scot-free and enjoy apparent immunity and impunity.

People like myself who were heavily involved in negotiating, drafting and creating the ICC and who are intimately familiar with the aims and purposes set out in preambular provisions of the ICC Statute, cannot but shudder in fear at the unbelievable abuse of that Statute and of the noble aims and intentions of its founding fathers, who are doubtless turning in their graves.