# Mandelblit: ICC jumping on Russia war crimes won’t harm Israel

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https://www.jpost.com/israel-news/article-707678

Former attorney-general Avichai Mandelblit said at the Israel Bar Association Conference that the International Criminal Court’s (ICC) newly increased involvement against Russia for war crimes in Ukraine will not lead to harm against Israel.

According to Mandelblit, Russia’s war crimes against Ukraine are so horrid that they have no comparison.

Mandelbit was asked about a recent CNN report that claimed that Israel was responsible for the murder of a famous Al Jazeera journalist.

He pushed back against the report, saying that there have been many reports by third parties who didn’t have all the facts.

Furthermore, he expressed disappointment at the [Palestinian Authority](https://www.jpost.com/israel-news/article-707663) for refusing to a joint investigation of the case. They also refused to give Israel an autopsy of the journalist and the ballistics of the bullet that killed her.

Returning to the issue of the ICC

Mandelblit said that Israel’s investment in probing its own alleged war crimes would protect it from outside legal cases.

The former attorney-general cited the ICC’s own statute, which does not allow it to get involved in cases that a nation has personally investigated.

When questioned about former ICC chief prosecutor Fatou Bensouda in comparison to Prosecutor Karim Khan, Mandelbit declined to comment.

He did not want to express happiness that Bensouda is out of office – despite how many Israelis viewed her as more aggressive against Israel than Khan.

Mandelblit said it should not matter who the ICC chief prosecutor is because the ICC has no jurisdiction of the issue. He explained that this is due to the absence of a formal Palestinian state, as well as Israel’s own investigation into its alleged war crimes.

When asked about the trial against former prime minister Benjamin Netanyahu, Mandelblit said he did not want to address what many saw as a failure by the prosecution (namely its erroneous dating of a key meeting between Netanyahu and one of his top aides).

Instead, Mandelblit said that such issues should be resolved by the court and not debated by the public, who sometimes lack all of the facts.

Speaking on a panel after Mandelblit, former IDF International Law Division chief Col. (res.) Pnina Sharvit Baruch said that Khan was a better situation for Israel.

She said that, by not moving forward with the ICC’s probe of Israel during his first year, Khan has shown that he will avoid contentious political cases.

On the flip side, top human rights lawyer Michael Sfard said that Israel is not having an honest discussion about the problems with its rules of engagement; he also drew attention to the lack of cases in which soldiers are prosecuted and punished for alleged war crimes.