**Kamala Harris signed letter in May against ICC's ‘dangerous politicization'**

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US Vice President Kamala Harris signed a letter last year calling the International Criminal Court’s intentions towards Israel “dangerous” and stating that “the US should stand in full force” against them.

Another indication of the Biden administration’s thinking on the matter is that it has not reversed Trump-era sanctions on ICC officials.

The ICC’s Pre-Trial Chamber ruled on Friday that it has the jurisdiction to probe war crimes allegations in Gaza, the West Bank and east Jerusalem committed since June 13, 2014, including possible lawsuits against Prime Minister Benjamin Netanyahu, defense ministers and other high-level officials, as well as IDF soldiers and commanders.

Netanyahu has reached out to world leaders on the phone and through letters, presenting Israel’s position that the investigation is illegitimate. Israel is not a signatory of the Rome Statute which formed the ICC, and though the Palestinians did join, Israel and others argue that they do not reach the standards to be considered an independent state.

An Israeli government official involved in the matter said the decision “didn’t come as a surprise. There was a whole set of activities in place and we were ready to go.” Officials in the Prime Minister’s Office, National Security Council, Foreign Ministry, Justice Ministry and the IDF have been working on the matter.

Ambassador to the US Gilad Erdan spoke with officials in the White House over the weekend after the announcement was made and was given reassurances that they share Israel’s position on the matter. Foreign Minister Gabi Ashkenazi spoke with senior officials in the Biden administration and thanked them for their support.

On Saturday night, State Department Spokesperson Ned Price said: “We do not believe the Palestinians qualify as a sovereign state…We have serious concerns about the ICC’s attempts to exercise its jurisdiction over Israeli personnel. The United States has always taken the position that the court’s jurisdiction should be reserved for countries that consent to it, or that are referred by the UN Security Council.”

The bipartisan letter Harris signed last May when she was a senator, urged then-secretary of state Mike Pompeo to “stand in full force against any biased investigation of Israel” by the ICC. The leading signatories were Senators Ben Cardin of Maryland, a Democrat, and Rob Portman of Ohio, a Republican. Close to 70 more senators, including Harris, joined them.

The letter came six months after ICC Prosecutor Fatou Bensouda announced that she thought there was “a reasonable basis to proceed with an investigation” into crimes by Israelis and Palestinians.

That announcement “constitutes a dangerous politicization of the Court and distorts the purposes for which the court was established,” the Senators wrote, pointing out that it was meant to be a court of last resort for prosecuting serious international crimes.

“ICC actions currently underway could lead to the prosecution of Israeli nationals despite the fact the ICC does not enjoy legitimate jurisdiction in this case,” the letter reads. “Both Democratic and Republican administrations have refused to join the Court in part because they feared its politicization and misuse.”

The Senators pointed out that “Palestine” does not meet the criteria for statehood and that Israel – as well as the US – are not members of the court, and that the court’s own rules “prohibit it from prosecuting cases against a country that has a robust judicial system willing and able to prosecute war crimes of its personnel,” which Israel has.

“By accepting Palestinian territorial claims over the West Bank, East Jerusalem, and Gaza, the Prosecutor is making a political judgment that biases any subsequent investigation or trial,” the letter states. “Establishing the boundaries of any future Palestinian state is a political decision that must be determined through negotiations between Israel and the Palestinians. Any ICC determination regarding its jurisdiction over the disputed territories or investigation of Israel would further hinder the path to peace.”

US President Joe Biden has used executive orders to overturn dozens of former US president Donald Trump’s policies, but lifting sanctions on ICC officials is not one of them.

The Trump administration said that the ICC infringed on American national sovereignty by authorizing a probe into alleged war crimes by US troops in Afghanistan, As such, it sanctioned dozens of ICC staff members, including Bensouda, freezing their assets in the US and banning them from traveling to the US to investigate American citizens without US consent.

In late January, a State Department spokesman told Reuters that the sanctions will be “thoroughly reviewed,” but that “we disagree with the ICC’s actions relating to the Afghanistan and Israeli/Palestinian situations.

Australian Foreign Minister Marise Payne released a statement on Saturday expressing “deep concerns” about the ICC’s ruling.

“Australia does not recognize a ‘State of Palestine,’ noting that matters relating to territory and borders can only be resolved through direct negotiations between Israel and the Palestinians,” Payne said. “We made clear in our observations submitted to the Pre-Trial Chamber that Australia does not therefore recognize the right of any so-called ‘State of Palestine’ to accede to the Rome Statute. The [ICC] should not exercise jurisdiction in this matter.”

Other countries that expressed its opposition to the ICC investigation titled the “Situation in Palestine” before this week’s ruling were Germany, the Czech Republic, Hungary, Australia, Austria, Brazil, Uganda and Canada.