**Netanyahu to call meeting on ICC investigation of Israel**

By: Tovah Lazaroff

Jerusalem Post

April 3,2021

<https://www.jpost.com/breaking-news/netanyahu-to-call-meeting-on-icc-investigation-of-israel-663999>

Prime Minister Benjamin Netanyahu is expected to hold a meeting Tuesday to determine whether Israel should participate in the ICC’s war crimes investigation or boycott the matter, according to reports in the Israeli media.

Israel has until April 9 to respond to an ICC letter it received last month informing it that a war crimes investigation had been opened.

At issue is Israeli activity during the 2014 Gaza war, its response to the Hamas led Great March of Return and settlement activity as of June 13, 2014.

Israel has the option of presenting an argument as to why a probe is unnecessary. Should Israel opt to respond, it's expected that it could dissuade the court given that Israel independently investigates IDF activity and the court is supposed to be active in situations where there is no domestic judicial redress.

Israel’s argument against settlement activity is expected to be less effective.

The Jerusalem Post reported last week that no meeting had been held on the matter.

According to Israeli media reports, Tuesday’s meeting will include officials from the Justice Ministry and the Defense Ministry. The country at present has no justice minister.

Israel has to date participated only inadvertently in the process and has believed that it is in the country’s best interest not to be formally involved in a proceeding like this one that it deems illegitimate.

The former Trump administration had denounced the ICC, which is also investing US activity in Afghanistan and had imposed sanctions on its top official. Neither Israel or the US are parties to the Rome Statute which governs the court.

The administration of US President Joe Biden has been supportive of Israel with respect to the ICC, but on Friday took a step in the court’s direction and removed the Trump era sanctions against ICC chief prosecutor Fatou Bensouda and removed Phakiso Mochochoko, head of the ICC’s Jurisdiction, Complementarity and Cooperation Division, from the Specially Designated Nationals list.

US Secretary of State Antony Blinken discussed the issue with Foreign Minister Gabi Ashkenazi when the two spoke on Friday.

“The Secretary of State clarified that the United States does not agree with the court’s activities with regards to the Palestinian matter nor with the Court’s attempt to exercise its authority against non-member countries, and noted that the United States will continue to uphold its commitment to Israel,” Ashkenazi said in a tweet he posted Saturday about their talk.

“I emphasized Israel’s firm position against the court’s jurisdiction to him, and Israel’s absolute commitment to protecting its citizens and soldiers.

“I clarified that the PA’s active involvement in advancing the case and the investigation will harm any chance of progress whether that be at the political level or the situation on the ground. The Palestinians’ activity has a destructive impact on relations with Israel,” Ashkenazi said.

In a statement on the sanctions removal, Blinken said the State Department had also terminated a separate 2019 policy on visa restrictions on certain ICC personnel and added: “These decisions reflect our assessment that the measures adopted were inappropriate and ineffective.”

Blinken said Washington was taking the step even though it continued “to disagree strongly with the ICC’s actions relating to the Afghanistan and Palestinian situations” and to object to ICC “efforts to assert jurisdiction over personnel of non-states parties such as the United States and Israel.”

“We believe, however, that our concerns about these cases would be better addressed through engagement with all stakeholders in the ICC process rather than through the imposition of sanctions,” his statement said.

Blinken said Washington was encouraged that a broad range of reforms were being considered to help the ICC “prioritize its resources and to achieve its core mission of serving as a court of last resort in punishing and deterring atrocity crimes.”

A spokesman for the ICC said the court and its governing body of the member states welcomed the US move.

Silvia Fernandez de Gurmendi, president of the Assembly of States Parties, as the governing body is known, said it would contribute to “strengthening the work of the court and, more generally, to promoting a rules-based international order.”

“I trust this decision signals the start of a new phase of our common undertaking to fight against impunity,” she said in a statement.

In his formal announcement terminating the sanctions, dated Thursday, Biden said that while they were neither “effective or appropriate,” the United States would “vigorously protect current and former United States personnel” from any ICC attempts to exercise jurisdiction over them.

The Trump administration last year accused The Hague-based ICC of infringing on US national sovereignty when it authorized an investigation into war crimes committed by Afghan forces, the Taliban or US troops.

It targeted court staff, including Bensouda, in September with asset freezes and travel bans for investigating American citizens without US consent. The United States is not a member of the court.

The ICC said the sanctions were an attack on international justice and the rule of law.

US secretary of state at the time Mike Pompeo also opposed an investigation launched in 2019 into alleged war crimes in the Palestinian territories, including by Israeli forces.

The Open Society Justice Initiative (OSJI) said the termination of the sanctions came days before a US government response was due to a lawsuit that OSJI filed charging that Trump’s move had violated constitutional rights, including freedom of speech.

“The United States has a long history of using sanctions to punish human rights abusers, but never before was this tool used to punish an independent court that seeks justice for victims of atrocities,” OSJI executive director James Goldston said in a statement.

“We welcome this step by the Biden administration to demonstrate its commitment to human rights, international justice and the restoration of US ideals.”