

Israeli and US Attack on the International Criminal Court

On May 28, 2024, the *UK Guardian*, in conjunction with the Israeli-Palestinian publication +972 Magazine and Hebrew-language outlet *Local Call*, reported that Israel has waged a nine year war against the International Criminal Court's efforts to pursue an investigation into possible war crimes in Gaza and the West Bank, dedicating immense intelligence and diplomatic efforts to discover the court's plans and attempting to thwart them via multiple channels and tactics including espionage and threats. Israel has long been open about its opposition to the ICC, refusing to recognize its authority. Israeli ministers have intensified their attacks on the court and even vowed to try to dismantle it.

In 2015, Fatou Bensouda, representing the International Criminal Court, decided to open a preliminary examination into the situation in Palestine. Soon after, she and her senior prosecutors began to receive warnings that Israeli intelligence was taking a close interest in their work. From 2017 to 2019, Mossad chief Yossi Cohen made a personal attempt to dissuade Bensouda from continuing her work. However, in December 2019, she announced that she had grounds to open a full criminal investigation into allegations of Israeli war crimes in Gaza, the West Bank and East Jerusalem.

Cohen then escalated attempts to intimidate Bensouda by raising questions about the security of her family, and suggested that a decision to open a full investigation would be detrimental to her career. Israel also attempted an unsuccessful "smear campaign" that had no impact on her work.

On May 20, 2024, Karim Khan, Bensouda's Prosecuting successor, requested arrest warrants for Israeli Prime Minister Benjamin Netanyahu and Defense Minister Yoav Gallant. He also warned against any attempts to impede, intimidate or improperly influence Court officials. The Court, in accordance with its established procedures, then assigned the case to a three-judge, pre-trial chamber, presided over by Judge Iulia Motoc. The request for arrest warrants brought a predictable response from Israel, which launched angry recriminations, invective, and the usual tactical smears against the Court. It was instantly joined by its Western government allies in attacking the Prosecutor's request, with U.S. officials going so far as to threaten the Court itself. By May 28 2024, only eight days later, at the time of the Guardian expose, the Court had gone silent on the Palestine file- a silence that would last for five months.

Then, in early October, pro-Israel publications began circulating anonymous allegations accusing the ICC Prosecutor of harassing a female staff member. Just days later, on October 20, 2024, the ICC announced that Motoc, the Presiding Judge, had suddenly stepped down. A five-month delay after almost a full decade of stalling have of course raised questions. Acting on Israel's behalf, U.S. legislators, the State Department, and U.S. National Security Council officials have joined forces to pressure, threaten and try to derail the case against Israeli officials, even threatening sanctions against the Court.

5/28/2024 The Times of Israel

Israel said to have waged 9-year 'war' against ICC, tapping its communications

<https://www.timesofisrael.com/israel-said-to-have-waged-9-year-war-against-icc-tapping-its-communications/>

5/28/2024 The Guardian

Revealed: Israeli spy chief ‘threatened’ ICC prosecutor over war crimes inquiry

<https://www.theguardian.com/world/article/2024/may/28/israeli-spy-chief-icc-prosecutor-war-crimes-inquiry>

5/28/2024 The Guardian

Spying, hacking and intimidation: Israel’s nine-year ‘war’ on the ICC exposed

<https://www.theguardian.com/world/article/2024/may/28/spying-hacking-intimidation-israel-war-icc-exposed>

5/30/2024 Aljazeera

Israel’s clashes with the ICC over the past decade – a timeline of events

<https://www.aljazeera.com/news/2024/5/30/israels-clashes-with-the-icc-over-the-past-decade-a-timeline-of-events>

11/07/2024 Scheerpost

Turmoil at the ICC as Fears Rise Over Israel and the US Interference

<https://scheerpost.com/2024/11/07/turmoil-at-the-icc-as-fears-rise-over-israel-and-the-us-interference/>