

If the US Can't Stop Israel, Maybe the International Criminal Court Can?

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Palestinians sheltering in Rafah, the last remaining 'safe-place' in Gaza, are awaiting extermination at the hands of the Israeli Defense Forces (IDF) after Israeli Prime Minister Benjamin Netanyahu gave the [IDF orders to 'evacuate' over 1 million people](#).

In this case, the term evacuate means exterminate. There is nowhere to go. Some have wondered if they might be forced to walk to the north of Gaza, but that area is bombed to the ground by the IDF. Any remaining structures that could have been used to shelter have been demolished by the IDF engineering unit, after setting demolition explosives and bringing the buildings down to rubble.

The US, Egypt and Qatar worked on a draft proposal for a ceasefire in Gaza with Hamas representatives, but Netanyahu rejected the proposal without offering a counter-proposal. While leaders around the world, including the western democracies, have pressed US President Joe Biden to get a ceasefire approved with Israel for Gaza, US Secretary of State Antony Blinken has come up empty handed after meeting with Netanyahu.

If the US can't stop Israel, maybe the [International Criminal Court](#) (ICC) can?

[Karim A. A. Khan is the Prosecutor of the ICC](#), serving a nine-year term beginning in 2021. He was born in Edinburgh, Scotland of a Pakistani father and a British mother. Khan is a Muslim, but has never lived under a brutal military occupation, or siege. Khan has been born, and lived his entire life in a free, western and democratic society. He has no experience living under the Israeli occupation of Palestine which denies all human rights to six million people.

[On November 17, 2023](#), Khan issued a statement that five states: South Africa, Bangladesh,

Bolivia (Plurinational State of), Comoros, and Djibouti, had referred information concerning war crimes committed by Israel. South African Foreign Minister Naledi Pandor asked Khan why he was able to issue an arrest warrant for Russian President Putin, but not for Israeli Prime Minister Benjamin Netanyahu.

[On December 6, 2023](#), Khan issued a statement after a trip to Palestine and Israel. He made points concerning Israeli actions in Gaza, and Israeli settler extremism in the Occupied West Bank, but the statement was mere words, and the victims are waiting for real justice.

On January 24, 2024, French lawyer Gilles Devers, along with a legal army composed of human rights groups and more than 600 lawyers, [presented evidence of genocide by Israel to Khan](#) at the ICC. A 56-page lawsuit arrived at the prosecutor's office last November demanding the opening of an investigation into crimes by the Israeli army in Gaza since Oct. 7, that have killed more than 25,000 people, mainly women and children.

The [Jordan Bar Association, and the Arab Lawyers Union](#) participated in the submission of the case to the ICC of crimes including genocide committed by Israel against the Palestinian people. The international team includes the Jordanian, Palestinian, Algerian, Tunisian, and Mauritanian Bar Associations, as well as the National Union of Algerian Judges.

Dr. Anis Qasim, an international law expert, called for the removal of Khan at the ICC, due to his obvious bias in favor of the Israeli occupation. Qasim explained that Khan has failed to take steps against Israel, even though the statements made by Israeli leaders were sufficient to convict them under the ICC, given the demonstration of criminal intent.

[Palestinian Centre for Human Rights](#), [Al Mezan Center for Human Rights](#), and [Al-Haq Organization](#) all submitted information to Khan concerning Israeli war crimes. Khan did not meet with these key groups, or the Palestinian victims of the Israeli crimes. However, Khan did meet with the families of Israeli victims of the October 7 attack.

Al-Haq's General Director Shawan Jabarin told Al Jazeera, "US officials, the administration, I can say they are helping and complicit in the war crimes taking place in Palestine. We're killed by the American weapons."

Experts fear that Khan will attempt to convict Hamas of war crimes connected to the October 7 attack, and let Israel off free of charges.

"Khan's is aligned with the Western rejection of any investigation into Israel's crimes. Recall that former British Prime Minister Boris Johnson reassured Israel about Khan's nomination for the position of Prosecutor General, claiming he would "fix the International Criminal Court," and that his country would oppose the court's investigation into crimes committed in Palestine," wrote [Aicha el Basri](#).

In the view of Khan, Hamas is a terrorist organization following Radical Islam. He equates Hamas with Al Qaeda and ISIS. Khan has stated that Hamas is not representative of Islam, because Islam is a loving religion. Experts would ask Khan, "Is Hamas a religious organization, or is it a resistance organization?" There is a huge difference, but Khan can't see it, because he has never lived it.

Because Khan feels no solidarity with his fellow Muslims living under brutal siege and occupation in Palestine, he has no concept of resistance. Although Khan is a legal expert, he

seemingly does not recognize the Geneva Convention, and the guarantee that all people under occupation have the right to armed struggle.

Hamas has stated they are not fighting to kill all Jews; they are fighting for the freedom of the Palestinian people. Hamas is a resistance group among many in the Middle East, all fighting for the same goal, to restore the human rights to about 6 million Palestinian people in Gaza and the Occupied West Bank.

Regardless of Khan's religion, he is a British man first and foremost. He is well versed in defending Israel's interest. Most experts doubt that Khan will make any meaningful attempt to bring Israel to account for obvious war crimes that the UN, Amnesty International and Human Rights Watch have researched and documented.

In the court of public opinion, Israel has already been convicted. In a recent poll, a majority of Americans have said that even though the Hamas attack was horrific, that it was justified because of the past history of the Israeli brutality against the Palestinian people. The protests against Israel have brought millions of people into the streets across the US, UK and all over Europe. The ICC may be part of a western democratic society, but Khan is far removed from the British people in the streets of London demanding a ceasefire and an end to the occupation of Palestine. Khan is running his court according to his own views and he is biased towards Israel, and where is the justice in that?

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