



human-rights accusations.

To display its bias, even when the office of its prosecutor decided *not* to press a case against Israel, its judges have insisted that the matter be re-examined to see if there is any way an Israeli prosecution can be launched. This is precisely what happened last year when the judges rejected a prosecutorial decision not to charge Israel in the matter of the Marmara protest in 2010, during which casualties resulted while IDF forces were brutally attacked while boarding a Turkish vessel that was illegally trying to break the Gaza blockade.

Reacting to the latest ICC action, an outraged Israeli Prime Minister Binyamin Netanyahu declared that the planned prosecution of Israel and Israelis was “pure anti-Semitism.” He continued, “Who are they accusing here? Iran? Turkey? Syria? No—Israel, the only democracy in the Middle East!”

Clearly, the double standard against Israel is predominant in the ICC’s case.

The European Union and a number of European countries generously fund Palestinian-front non-governmental organizations (NGOs) that bring all sorts of anti-Israel complaints to the ICC, and their cumulative propaganda efforts seem to have finally borne fruit in The Hague.

The hundred-plus page prosecutor’s complaint was exhaustive in its listing of real or imagined Israeli offenses, and added vague references to the potential guilt of Palestinian “armed groups.” (“Armed Groups” is the ICC’s well-established preferred euphemism for the terrorist groups Hamas, the People’s Front for the Liberation of Palestine, the PA’s own terror groups, and other Palestinian NGO allies—who often are staffing the NGOs offering the complaints against Israel.)

The outrageous ICC prosecution proposal calls for cases to be brought against Israel in three main areas: Israel’s conduct during the 2014 war in Gaza known as “Protective Edge”; Israel’s efforts to control the border-crossing attempts by Hamas mobs during the Friday riots of the “March of Return” in 2018; and, most shockingly, the very existence of Jewish communities in east Jerusalem and other territories taken by Israel during the defensive 1967 Six-Day War.

On the last-named charge, George Mason University Law School Professor Eugene Kontorovich states that the ICC prosecutor “creates a crime that no one in international law has ever been charged with before: the crime of living in places. To say it is a crime for a Jew to live in the Jewish Quarter of the Old City is absurd.”

His point is underscored by the ICC’s past decisions that Russia’s resettlement of its citizens in the 2014-conquered areas of the Ukraine, and Turkey’s relocation of its citizens to its militarily occupied areas in northern Cyprus since 1974, are not prosecution-worthy.

Apparently, Kontorovich notes, “the crime of people living somewhere is a crime for which someone must be Jewish to be eligible.”

On Israel’s conduct in the 2014 Gaza War, the prosecutorial complaint nowhere identifies the triggers for that war—Hamas’ myriad missile attacks on Israel, or its digging of assault tunnels into Israeli territories.

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The ICC also doesn't acknowledge that  Hamas routinely located attack units and launching pads in Red Cross facilities, clinics and other humanitarian properties. Nor does it discuss humanitarian Israeli efforts to warn civilian Gaza residents of impending attacks on lethal Hamas military assets—located in their buildings that were targeted by the Israeli Air Force.

Many impartial postwar evaluations of Israeli actions in that conflict have paid tribute to Israel's ethical restraint in fighting a war against an adversary deliberately using civilians as unfortunate, innocent shields.

Israel, and her supporters, must express their outrage in discussions with friends, family and colleagues. We must explain that Israel's precarious situation is due to the aggressive and inhumane assaults to which it is subjected daily. Through letters to the editor and op-eds, we must raise our voices to make clear that the ICC's charges are purely political and have nothing to do with human-rights crimes by Israel.

Above all, in conversations with family, friends and colleagues, we must make clear that the ICC is a political entity—not a true court—that is a tool of anti-Israel and anti-Semitic forces on its despicable list of supporters and donors.

In addition, I hope you'll also take a minute, while you have this material front and center, to visit FLAME's lively new Facebook page and review the P.S. immediately below. It describes FLAME's *newhasbarah* campaign—outspokenly questioning the validity and wisdom of the so-called two-state solution.

Best regards,

Ken Cohen

Editor, Facts and Logic About the Middle East (FLAME)

P.S. Many politicians in the U.S., as well as in Western Europe, hold steadfastly to the notion of a two-state solution for resolving the Palestinians' conflict with Israel. However, it's become clear as stability in the Middle East deteriorates, power balances shift and the Palestinians themselves continue to reject peace initiatives, that a two-state solution may be no solution at all. That's why FLAME has created a new *hasbarah* message called "Is a Two-State Solution Still Possible?" I hope you'll review this hard-hitting paid editorial, which will run in coming months in the *New York Times* and *Washington Post*. It lays out seven tough questions that must be answered before two states can seriously be considered. This piece will also be sent to all members of Congress, Vice President Pence and President Trump. If you agree that this kind of public relations effort on Israel's behalf is critical, I urge you to support us. Remember: FLAME's powerful ability to influence public opinion—and U.S. support of Israel—comes from individuals like you, one by one. I hope you'll consider giving a donation now, as you're able—with \$500, \$250, \$100, or even \$18. (Remember, your donation to FLAME is tax deductible.) To donate online, just go to donate now. Now, more than ever, we need your support to ensure that the American people, the U.S. Congress and President Trump stay focused on realistic policies in relation to Israel,

the Palestinians and the entire Middle East.

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