



S. DANIEL ABRAHAM  
CENTER FOR MIDDLE EAST PEACE

## Israel and Middle East News Update

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# News Excerpts

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## Israel Hayom

### **ICC to Pursue Arrest Warrants for PM, Hamas Leaders**

The International Criminal Court's (ICC) chief prosecutor, Karim Khan, revealed that the court was pursuing arrest warrants for top leaders from both Hamas and Israel. The unprecedented applications are set to be heard before a panel of judges who will have to decide on whether arrest warrants are issued – are against Israeli Prime Minister Benjamin Netanyahu, Defense Minister Yoav Gallant, Hamas leader Yahya Sinwar, as well as two other prominent Hamas figures – Mohammed Deif, leader of the Al-Qassem Brigades, and Ismail Haniyeh, the political leader of Hamas. This decision marks the first time the ICC has targeted a national leader of a close US ally, placing Netanyahu in a similar position to Russian President Vladimir Putin, who faces an ICC arrest warrant over the Ukraine war.

## Ha'aretz

### **Biden Slams 'Outrageous' ICC Decision**

Israel will try to convince the White House and Congress to impose sanctions on the ICC in The Hague. While the United States doesn't recognize the ICC's authority, the Biden administration has so far decided against taking any concrete action against it. Now, the pro-Israel lobby in Washington will try to propose punitive measures to be taken against the ICC and the office of Chief Prosecutor Karim Khan, with the encouragement of the Israeli government. In late April, a group of Republican Senators wrote to the chief prosecutor and warned him that if he issued warrants against Israeli officials, they would promote sanctions against him and his employees and his family, including barring them entry to the US. But such measures require bipartisan support, and it's not certain whether enough Democratic lawmakers would support them. President Biden called the application for arrest warrants "outrageous," adding, "let me be clear: whatever this prosecutor might imply, there is no equivalence – none – between Israel and Hamas. We will always stand with Israel against threats to its security."

## Times of Israel

### **Hamas Slams ICC for Seeking Arrest of Its Leaders**

In a statement, Hamas said it “strongly denounces the attempts of the Prosecutor of the ICC to equate the victim with the executioner by issuing arrest warrants against a number of Palestinian resistance leaders.” The warrants relate to the ongoing war between Israel and Hamas in the Gaza Strip, which began when Hamas led a devastating attack on Israel on October 7. “Hamas... demands the cancellation of all arrest warrants issued against leaders of the Palestinian resistance, for violating UN conventions and resolutions,” the statement said. Hamas added that it has the right to resist Israeli occupation, including “armed resistance,” and criticized the court for seeking the arrests of only two Israeli leaders.

## **IDF Evacuates Nearly 1 Million People From Rafah**

The Israel Defense Forces (IDF) have successfully evacuated approximately 950,000 Palestinian civilians from Rafah in the Gaza Strip in just two weeks since May 6, the military revealed. This large-scale evacuation was part of the ongoing Israeli military operations aimed at dismantling Hamas' control in the region. According to the IDF, around 30 to 40% of Rafah is now under IDF control, while 60 to 70% of the city has been completely evacuated. The remaining civilians, estimated at 300,000-400,000, are concentrated near the Tel al-Sultan area along the Gaza coast. This evacuation was achieved despite earlier US predictions that such a large-scale movement could not be accomplished without significant casualties or a lengthy timeframe of about four months. The majority of those evacuated have relocated to the northwest region of al-Muwasi, with smaller numbers moving to central Gaza and Khan Yunis. The IDF has reported significant progress in its military operations.

Reuters

## **Gaza Aid Piles up in Egypt, US Pier Delivery Falter**

Food and medicine for Palestinians in Gaza are piling up in Egypt because the Rafah crossing remains closed and there has been no aid delivered to a UN warehouse from a US-built pier for two days, UN officials warned. Senior UN aid official Edem Wosornu said there were insufficient supplies and fuel to provide any meaningful level of support to the people of Gaza as they endure Israel's military onslaught against Hamas militants. "We are running out of words to describe what is happening in Gaza. We have described it as a catastrophe, a nightmare, as hell on earth. It is all of these, and worse," she said. She told the UN Security Council that the closure of Rafah crossing from Egypt had stopped the delivery of at least 82,000 metric tonnes of supplies, while access at Israel's Kerem Shalom crossing was limited due to "hostilities, challenging logistical conditions, and complex coordination procedures." Egypt said that the crossing is closed due to the threat posed to aid work by Israel's military operation.

Ynet News

## **US, Saudis Close to Deal on Defense Pact, White House Says**

White House national security communications adviser John Kirby said that US National Security Adviser Jake Sullivan made significant progress toward a major bilateral security agreement between the US and Saudi Arabia during his recent weekend visit to the Gulf kingdom. "We have achieved a near-final set of text on some of those bilateral agreements," Kirby stated. However, Kirby avoided giving a clear answer regarding whether Israel had committed to establishing a Palestinian state during the talks, as Prime Minister Netanyahu rejected that pathway for the establishment of a future state. Kirby added that nothing has changed in Joe Biden's stance on establishing a Palestinian state, since he believes normalization is a pathway to achieving that. Kirby also addressed the hostage deal between Israel and Hamas. "I can't, sadly, sit here and tell you that we're closer right now than we were a week or so ago. But that doesn't mean we're going to stop working on it," he said.

## **Iraqi Militia Fire UAVs at Eilat, Israel Intercepts Aerial Target Above Syria**

Iraqi militias took responsibility for launching two Unmanned Aerial Vehicles (UAVs) aimed at the area of Eilat and landed in the Gulf of Eilat. Fighter jets successfully intercepted a suspicious aerial target en route to Israeli territory from the Syrian area, according to Maariv. The target did not cross into Israeli territory. An alert for the potential infiltration of a hostile aircraft was activated in open areas in the Golan Heights, following protocol. There were no casualties. Additionally, in a joint operation between the Navy and the Air Force, a "Saar 4.5" missile boat and fighter jets successfully intercepted two aerial targets that were on their way to Israeli territory from the east. The targets did not cross into Israeli territory, and no alerts were activated. [Read More "Israel Reportedly Strikes Iranian Targets in Syria; Casualties Reported" \(Israel Hayom\)](#)

## **Gazans Say Unmoved by Death of Iranian President**

Gazans spared little thought for Iranian president Ebrahim Raisi, killed in a helicopter crash, saying he had failed to ease the suffering in the war-torn Palestinian territory. Raisi was confirmed dead after search and rescue teams found the remains of his helicopter, which crashed in a fog-shrouded western mountain region of Iran. Hamas, which runs the Gaza Strip and receives financial and military support from Iran, paid tribute to Raisi's "support for the Palestinian resistance, and tireless efforts in solidarity" with Palestinians. But Gazans in the central city of Deir al-Balah, an area that has been hit by fighting between Hamas and Israeli troops since the terror group's devastating October 7 attack on Israel, told AFP that Raisi's legacy in the Palestinian territory had been tarnished by inaction over their plight. "He never supported us, never kept his promises, never called for a ceasefire, and never stood by us. He does not concern us at all," said Naji Khodeir, a resident of the city, which now hosts large numbers of Gazans fleeing fighting further south. "He means nothing to us and nothing to Gaza," said Bilal Khodary, a displaced Gazan. Gazans said they were more concerned with their dire humanitarian situation, which aid groups warn has become critical amid the fighting. "I only grieve for my people who die every day, for the thousands of victims and martyrs who are falling, and for the fact that no one cares about us," said Roba al-Azaiza, a Deir al-Balah resident. "With all this destruction and devastation we've faced, no country has paid attention to us," said Hossam Abdallah. "Why should I care about this man when he has only brought us ruin?" [Read More "We Won't Shed a Tear": Israeli Members of Knesset React Coldly to Raisi's Death, as Government Mum" "US Offers Condolences Over Iran Chopper Crash, Blasts Raisi's Human Rights Record" \(Times of Israel\)](#)

## **A Spectacular Own Goal**

By Ben Caspit

- The prosecutor of the International Criminal Court, Karim Khan, scored a spectacular own goal. Just like Karim Benzema, only the opposite. The fact that he bound together in a single breath and in a single statement mass-murdering Nazis such as Yahya Sinwar and Mohammed Deif together with the elected leaders of a (still) democratic country, such as Binyamin Netanyahu and Yoav Gallant, primarily served to undercut his own credibility and the credibility of the important institution that he heads. I don't know if he suffered from a slip of the tongue or whether he deliberately intended to describe Israel as a "territory" and Palestine as a "state," but here, too, he was hardly brilliant, to understate matters. In a preliminary analysis, one can say he failed to serve any purpose that he had hoped to serve. He succeeded in uniting the Israeli public and a large part of the Western world behind the government and the IDF (don't worry, this will pass). He lowered the chances of Hamas agreeing to a deal or a solution of any kind ("exile"). He failed to advance any important or palpable objective.
- Arrest warrants against Sinwar and Deif are the last thing that worry them and, presumably, the arrest warrants against Netanyahu and Gallant won't really gain any altitude and won't land either of them behind bars. The chance of Netanyahu ultimately ending up being incarcerated still exists, but not in a Dutch prison. If that does come to pass, it will be in an Israeli prison. After having said all that, let's try to take an inward look. Karim Khan doesn't hate Israel and he isn't an antisemite. His record, to date, tells a completely different story. Truth be told, a lot of people in Jerusalem let out a sigh of relief when he was appointed.
- Khan is considered to be a very moderate Muslim, a fair-minded and meticulous man with a slight tilt in our favor. Israel played for time and dragged its feet in response to the deliberations by the previous ICC prosecutor as to whether or not to launch an investigation into Israel's actions in the territories, in hope of somehow reaching Khan's appointment. "Things will work out with him," Israeli political officials said reassuringly. By the way, they were right. Things did work out with him. But then the war broke out and everything that had gone right began to go wrong.
- What did Khan say? Before we begin to froth at the mouth, decry the "antisemitism," lament our bitter fate and accuse the entire world of being "against us," we need to bear in mind that he also accused Sinwar, Deif and Haniya of very serious crimes, including extermination, murder, rape and other acts of sexual violence as crimes against humanity, and he also devoted time and space to the issue of the hostages. When he spoke about Netanyahu and Gallant, the terminology was starkly different, and so is the bottom line: In our case, he requested that the court issue arrest warrants. To wit, he is at the stage of making a request/recommendation. The allegations against Israel's leaders that Khan wishes to look into are not murder, genocide or rape. They all hail from the realm of "humanitarian" principles.

- In other words, everything that is treated scornfully here. But it turns out that a world exists beyond Kerem Shalom, Rafah and Jerusalem that doesn't like seeing millions of bombarded, hungry, thirsty people roaming from place to place in hope of finding shelter. I am not writing this out of sympathy for the Gazans, but as a sober reading of the reality in which Israel lives. As such, the man who decided to appoint Ben Gvir as the minister responsible for national security and Smotrich as the minister responsible for Judea and Samaria shouldn't be surprised to find his and his government's line of international and legal credit stopped with a punch to the nose.
- The man who failed to respond to all the talk about "let's drop an atom bomb on them," and all sorts of other fascist and bloodthirsty calls that were aired here on a daily basis from members of his own coalition government, shouldn't complain when international tribunals lose their confidence in him. The person who appointed Nissim Vaturi as deputy Knesset speaker, Tally Gotliv as a Member of Knesset and Yinon Magal as his official mouthpiece shouldn't be surprised when somebody decides to break the game board over his head. The most ridiculous thing that Netanyahu's mouthpieces are now doing is asking (mainly themselves) where the Israeli judiciary has disappeared after having served until now as a successful and almost impervious flak jacket that prevented legal actions of this kind.
- They remind me of the joke about a man who murdered both his parents and then begged the court for mercy because he was an orphan. The answer is simple: Sometimes, even when you have an excellent goalie, the other side scores a goal. Even when you wear a seatbelt, you can get killed in a road accident. The Israeli justice system protected us against incidents of this kind for 76 years. But nothing lasts forever. The entire world watched the thuggish attempt by Yariv Levin and Simcha Rothman, with Netanyahu's support and inspiration, to weaken the justice system, to undermine the Supreme Court's independence and to turn us into a hamstrung democracy. Israel's definition was recently revised from one of a "liberal democracy" into an "electoral democracy," which is a full-league drop in the index of democracies.
- Furthermore, the world has been watching the rampaging bull in the china shop—in other words, Itamar Ben Gvir—in the corridors of what remains of the Israel Police. At the end of last week, the New York Times ran a huge investigative report by Ronen Bergman with fairly incredible evidence about settlers' rampages in Judea and Samaria, including statements by IDF generals on the issue. It was all recorded and filed away, including at The Hague. When Ben Gvir harangues the police commissioner and demands that he stop dispatching police cars to protect the humanitarian aid trucks that are supposed to enter the Gaza Strip—that has an impact. That was a direct and generous contribution to every legal action that might be taken against any senior Israeli official in the future. When a government minister berates the police into acting against that same government's decisions—it isn't democracy; it's chaos. Anyone who gets into bed with Ben Gvirs and Smotriches wakes up with arrest warrants. It's that simple. Karim Khan spoke about that.

- The issue in question is what is known as the complementarity principle: a principle that has allowed us for years to control another people, to hold territories filled with a hostile population without annexing them, keeping them in a legally-vague “interim” status, and to survive. According to the complementarity principle, there are no grounds for external intervention in the affairs of a country that has a strong and independent judiciary. That entire structure was built throughout all the years on the fact that Israel has a strong and independent judiciary. [The working premise was] that if a crime were committed against a Palestinian, it would be investigated. [The working premise was] that the attorney general is not subordinate to the government’s instructions, and that law enforcement agencies have teeth and try to see justice done and to have the truth come to light, not to appease the government. But all that has been under a coordinated, destructive and brutal attack by Netanyahu and his reckless servants.
- Behind them is a fulminating and ignorant crowd that fails to understand that those organizations are designed to allow us to continue to square the circle and to continue to function under difficult circumstances. When the Police Internal Investigations Department launches an investigation after an Israeli policeman kills a Palestinian, it isn’t done with the purpose of hounding the policeman. It is done because of the vital need that an investigation not be launched at The Hague. But even that no longer stands to our credit because the world has been closely following the developments, and Khan alluded to that very clearly: the theoretical complementarity principle isn’t enough. We also need to see that action is taken on the ground; that measures are taken on the operative level and the policy level. Karim Khan does not believe that to be the case. Regrettably, I am not sure that he is completely wrong.
- Every amateur hacker can assemble within 15 minutes a countless number of videos that ostensibly document cries for genocide and/or abuse, or videos documenting the destruction of Palestinian property in Gaza, vandalism and other foolish, gratuitous and damaging petty acts. Every singer who riles up his audience with calls about [blotting out] the memory of Amalek or any other variation on that theme also contributes to that bonfire of vanities. Because at the end of the day, the IDF is still the most moral army in the world, as moral as an army can be. The ratio of civilians to terrorists killed in Gaza is the lowest in all wars and conflicts in the modern era.
- We make efforts that no one else makes to prevent needless deaths, but we have little to show for that mainly because we lost our modesty, we lost our shame and we began to emulate our enemies, instead of continuing to adhere to our own original values. Karim Khan insinuated, and not for the first time, that attempts have been made to intimidate him, and that efforts are being made to apply improper pressure on him, to influence his decisions and to influence the institution that he heads. He said that he intends to act firmly against all that. I would advise taking him seriously. If anyone was considering dispatching Itzik Zarka and Rami Ben Yehuda to The Hague, they ought to reconsider. Having the defendant pose outside the courthouse with half the cabinet and a third of the MKs wearing COVID masks standing around him won’t do any good this time. The Hague isn’t Jerusalem. The judges there aren’t afraid, and neither are the prosecutors. It would be better to try to deal with them by presenting the facts and to refrain from cursing.

- **The bottom line is as follows: no matter how this ends, and we all hope it ends well, our snowball rolled further down the steep slope, at the end of which Israel will become a pariah state. One after the other, we have been losing all of our safety belts. We already are facing sanctions and an embargo, and we are likely to face arrest warrants soon as well. Not long ago, Yinon Magal described all that as a “concert.” His messiah called it not long ago a “league of his own.” It seems to me that that is a league of people looking for jobs.**



## **Legal Terrorism**

By Ben-Dror Yemini

- **Never before, one has to admit, has the International Criminal Court turned itself into an obsequious slave of the axis of evil and terrorism. That is happening now. A terrorist organization whose leaders publicly declare that they seek to annihilate Israel, annihilate Jews and Christians and to take over the world, a terrorist organization that unleashed the most murderous assault against Jews since the Holocaust, a terrorist organization whose leaders have said they will continue to murder—has been put on equal footing with a state that is defending itself from the murderous apparatus that set out to annihilate it. Does the fact that a sovereign state is facing a murderous enemy justify a harsh reaction? There isn't need to turn to academic theories. There are facts.**
- **When the United States killed hundreds of thousands of innocent Japanese civilians by bombing Tokyo—who was to blame, the United States or Japan? When Britain bombed Dresden and Hamburg—who was to blame, Hitler or Churchill? When the war on terror resulted in the deaths of half a million people, 70 percent (according to conservative estimates) of whom were innocent civilians—who was to blame, Osama bin Laden or George Bush and Barack Obama? When the United States destroyed 70 percent of the buildings in Mosul and Raqqa—who was to blame, the United States or ISIS? The answers are known. Until it comes to Israel.**
- **One can take the Israeli leadership to task for a thousand and one things. One can and should criticize the needless, foolish and gasconading statements about cutting off the water and food supply, about how “there aren't any innocents” and so on and so forth. Even as the sword was right in front of them to see, even when so very many people warned them—they continued. After the ICJ held its hearing, after the judges were shown statements that had been made by senior Israeli officials that served the prosecution, Bezalel Smotrich insisted on making a special effort to worsen the damage to Israel. He said at a Mimouna party: “No half-jobs. Rafah, Deir al-Balah, Nuseirat—total destruction, ‘Blot out the memory of Amalek from under the sky.’ There isn't any place under the sky.” Sinwar and South Africa sent him flowers.**
- **If the damage that radical right-wing representatives in the government have done to Israel wasn't clear until now, the time has come for it to be clear to everyone. As we all already know, Israel isn't the United States. Not only is the United States not a signatory to the Rome Statute, by dint of which people can be charged with crimes based on evidence that has been amassed against them, Congress passed with bipartisan support the so-called “The Hague Invasion Act,” which allows the US military to take any action to forcibly free—yes, that's right, forcibly—any American citizen or anyone who acts in the service of the United States from the clutches of the ICC prosecutor. When the former ICC prosecutor, Fatou Bensouda, planned to investigate crimes that allegedly had been committed by American soldiers, she had her visa revoked. The panel of three judges that discussed Bensouda's application took the hint and rejected the application. We are still at a preliminary stage.**

- **The application that was filed by Prosecutor Khan still needs to be approved by the judges. But considering the international atmosphere within progressive and enlightened circles, there are greater chances that they will side against Israel. We might expect at this stage for the United States to speak out forcefully against the prosecutor's hounding of Israel. It is unthinkable that the material that was collected by South Africa, an Iranian proxy, should also serve the ICC. The United States knows that would be a victory for terrorism and for the axis of evil. In the past number of weeks, however, the United States has been preaching morality to Israel and has delayed arms shipments based foggy allegations about Israeli violations of international law. It is all well and good that the United States somewhat belatedly decided to stand by Israel's side and to condemn the prosecutor's decision. Still, it could do more. Much more.**
- **The announcement about Israel being on the verge of normalized relations with Saudi Arabia is certainly good news. Given that development too, it seems that the United States both ought to and must prevent the axis of evil from succeeding and that it must use all of its influence to prevent the arrest warrants from being issued. The international hypocrisy doesn't absolve the Israeli leadership from its responsibility for the new nadir to which it has dragged Israel. It isn't enough to be right. It isn't enough to say the United States and Britain took merciless action to root out ISIS from Iraq and Syria. Because Israel should have taken into account that international hypocrisy plays a central role in the arena. And Israel should have known that it needed to say from the first day that the response to Hamas's terrorism would only be in compliance with international law.**
- **The IDF Spokesperson's Office shouldn't have released video footage of destroyed buildings in the Gaza Strip for the entire world to see without saying what purpose those buildings had served. And the IDF failed to brief troops about proper and expected conduct. And the IDF failed to adequately present the fact that serious investigations were being conducted into the actions of every soldier who deviated from the rules. According to the complementarity principle, the moment a country's justice system acts on its own against infractions, the ICC is barred from intervening. Infractions were committed and will be committed in the future. There is no war against evil without infractions. But as became evident from the corrections that even the UN announced as to the death toll in the Gaza Strip—the IDF commits far fewer infractions than any other Western military. We aren't only paying the price now for international hypocrisy. We are also paying the price for our own foolishness.**