

Ismail Haniyeh causes a problem for Karim Khan

By Lev Tsitrin

While the commentators around the world are busy watching the political and military ramifications of the killing of Hamas political chief Ismail Haniyeh in Tehran, asking themselves – will Iran again attack Israel with missiles and drones? will it order Hezbollah to strike harder? Will it try terrorism against Israeli targets abroad? I, an observer of the legal sphere, of the hypocrisy and dishonesty of the judiciary and lawyers, am fascinated by something else: how will the International Criminal Court's prosecutor Karim Khan react?



I [wrote a couple of months ago](#), about the strangeness (to put it mildly) of Mr. Khan's decision to request the arrest warrants of Hamas chieftains, Haniyeh, Deif, and Sinwar – because this request is completely counter to ICC's limit on its mandate. ICC's "complementarity" principle demands that the court focuses only on the cases where other parties are not pursuing the culprits. Given that Israel was hunting down Hamasers anyways, what was the legal justification behind those arrest warrants? They seemed a mere fig leaf for Mr. Khan's more serious business – getting the arrest warrants for Israel's Prime Minister Netanyahu, and Minister of Defense Galant.

Since then, there were a couple of interesting developments. A few weeks ago, Israelis spotted Mr. Deif stepping out of a Gaza tunnel to take a breath of fresh air – and dropped five tons of explosives on top of him. His death was not confirmed, but merely inferred – and yet an attempt on him proved, for all who cared to see, that Israelis were rather serious about getting this trio of Hamas bigs – along with the rest of Hamasers. And now, a missile that flew through a window of a Tehran safe-house and landed in a room where Hanyieh was resting after a feast in honor of Iran's new president rid the ICC of the need to issue his arrest warrant.

Which means that two thirds of the fig leaf that covered ICC Khan's request for arrest warrant for the Israeli leaders had fallen off. Will Khan keep pushing, the nakedness of his anti-Israel intentions exposed for all to see?

Khan's request for arrest warrants cannot stay unmodified. He cannot request an arrest of Haniyeh – he can't arrest a corpse. And his request for Deif's arrest hangs on a very thin thread of a belief that something arrestable still remains of him. Khan's only remaining hope is Sinwar – a hope which Khan has to maintain against the solid proof provided by Sinwar's two comrades who are now, courtesy of Israel, enjoying their allotment of virgins (unless they landed in Hell, which is highly likely) – a proof that Israelis are very serious about dealing with the Hamasers in their own way, a way which is far more efficiently than that of ICC.

I readily grant you that what Iran will do, and how Hezbollah will proceed, is of infinitely greater import than the reaction of the ICC's Karim Khan. Yet I find his predicament, and his upcoming decision on whether to proceed with the charges against Netanyahu and Gallant, every bit as fascinating.