

**FOR IMMEDIATE RELEASE**

5 January 2015

Palestine Joins ICC: Ending Impunity Key to Lasting Peace

Global civil society welcomes crucial step towards accountability for grave crimes in region

The Hague/New York—The accession of Palestine to the Rome Statute of the International Criminal Court (ICC) is a crucial step towards accountability for grave crimes in the region and a peaceful resolution of one of the world's longest running conflicts, the Coalition for the ICC said today.

By depositing the instruments to accede to the Rome Statute—the ICC's founding treaty—with the UN Secretary General, Palestine will become the 123rd state to join the world's only permanent international court capable of trying individuals for war crimes, crimes against humanity and genocide.

“The Coalition fully supports Palestine's accession to the Rome Statute,” **said William R. Pace, convenor of the Coalition for the ICC.** “For 12 years, the Coalition has urged all states to exercise their right to join the ICC, and key members have made special appeals to both Israel and Palestine to join the Court during the last year, which saw some of the deadliest and most destructive armed conflict between the two countries.”

“We hope this move will contribute to ending the cycles of violence between Israel and Palestine,” **Pace continued.** “Contrary to the position of some, Coalition members argue that enforcing international humanitarian law strengthens the peace process, while also giving victims recourse to legal remedy.”

“President Mahmoud Abbas's decision to finally accede to the Rome Statute is groundbreaking; it makes it possible for the ICC to prosecute and punish those most responsible for committing serious crimes,” **said Shawan Jabarin, general director of Al-Haq.** “As such, the Court can ultimately erase the immunity that Israel has effectively afforded to its own soldiers, officials and politicians. There is no doubt that Palestine's accession will fundamentally change the way that Israel carries out its occupation and treats Palestinians.”

Palestine also submitted a declaration to the ICC under Article 12.3 of the Rome Statute granting the Court jurisdiction over alleged crimes committed on Palestinian territory since 13 June 2014—the date of the initiation of the 2014 Israel-Gaza hostilities.

Civil society has long been urging both Israel and Palestine to join the ICC in order to stem well-documented mass violations of human rights during the course of the decades-long conflict between the two.

“We call upon Israel, rather than sanctioning Palestine for such a move, to ratify the Rome Statute as well. We call upon the U.S. and all States publicly opposed to

CONTACTS**In New York:**

Mr. William Pace
Coordinator

Coalition for the ICC
Tel: +1 646 465 8510

pace@coalitionfortheicc.org

Mr. Dan Verderosa
Communications Officer

Coalition for the ICC
Tel: +1 646 465 8524

verderosa@coalitionfortheicc.org

Mr. Yazen Abed
Middle East and North Africa Fellow

Coalition for the ICC
Tel: +1 646 465 8538

abed@coalitionfortheicc.org

In The Hague:

Mr. Niall Matthews

Head of Communications
Coalition for the ICC

Tel: +31 (0) 70-3111085

matthews@coalitionfortheicc.org



Palestinian accession to the international justice system to end their efforts to block accountability access and instead support the rights of victims to justice and redress,” said **Katherine Gallagher, vice president of the International Federation for Human Rights and senior staff attorney at the Center for Constitutional Rights.**

BACKGROUND: The ICC’s jurisdiction over grave crimes committed in Palestine will take effect on 1 April 2015. Palestine also submitted a declaration to the Court under Article 12.3 of the Rome Statute giving it jurisdiction over grave crimes committed on its territory or by its nationals since 13 June 2014. States becoming parties to the Rome Statute can choose to give the Court retroactive jurisdiction over grave crimes committed before the date of accession, but not before 1 July 2002, the treaty’s initial entry into force.

While the ICC will have jurisdiction over grave crimes committed on the territory of Palestine irrespective of the nationality of the alleged perpetrators, or by Palestinian nationals anywhere, the prosecutor will only investigate and/or prosecute if domestic authorities are genuinely unable or unwilling to do so. Should the prosecutor decide to open an investigation, it would be subject to authorization by ICC judges.

In April 2012, the ICC Office of the Prosecutor (OTP) rejected a special ad-hoc declaration made by Palestine in 2009 accepting the Court’s jurisdiction over acts committed on its territory since 1 July 2002. Such declarations are reserved for states only. The OTP said that it was unable to proceed with a preliminary examination into whether to open an investigation because it did not have the competence to decide whether Palestine was a state under the Rome Statute, leaving it to the competent UN bodies or eventually the Assembly of States Parties—the ICC’s governing body—to resolve the legal issue relevant to Palestine’s statehood for the purpose of the Court’s jurisdiction.

In November 2012, by UN General Assembly Resolution 67/19, Palestine’s status at the UN was upgraded from observer entity to non-member observer state, allowing it to join a number of international treaties.

At the December 2014 session of the Assembly of States Parties, Palestine was for the first time invited to participate with non-state party observer status.

The ICC is the world’s first permanent international court to have jurisdiction over war crimes, crimes against humanity, and genocide. Central to the Court’s mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unable or unwilling to investigate and prosecute perpetrators of genocide, crimes against humanity and war crimes.

There are currently nine active investigations before the Court: the Central African Republic I & II; the Democratic Republic of the Congo; Darfur, Sudan; Kenya; Libya; Uganda; Côte d’Ivoire and Mali. The ICC has publicly issued 31 arrest warrants and nine summonses to appear. Two trials are ongoing. The OTP has made public that it is examining nine situations on four continents, including Afghanistan, Colombia; the registered vessels of the Comoros, Greece and Cambodia; Georgia, Guinea, Honduras, Iraq (examination re-opened in 2014), Nigeria and Ukraine. The Office of the Prosecutor has concluded preliminary examinations relating to Iraq, Venezuela, Palestine and the Republic of Korea, declining in each case to open an investigation.



The Coalition for the International Criminal Court is a global network of civil society organizations in over 150 countries working in partnership to strengthen international cooperation with the ICC; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide.

www.coalitionfortheicc.org

Experts from human rights organizations members of the Coalition are available for background information and comment. Contact: communications@coalitionfortheicc.org