

Statement on Behalf of the Palestinian Center for Human Rights
8th Assembly of States Parties to the Rome Statute of the ICC

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Mr. President, Excellencies, Ladies and Gentlemen,

My name is Raji Sourani, Director of the Palestinian Center for Human Rights in Gaza.

From 27 December 2008 to 18 January 2009, the Israeli military launched a devastating military offensive on the Gaza Strip. The whole world watched as war crimes were broadcast live on television. There have been extensive investigations conducted into all parties' conduct of hostilities, including those of the UN and the Arab League. Yet, despite the overwhelming evidence, there has been no real progress towards ensuring justice for the victims and accountability for the perpetrators.

Is there no court for Gaza?

The International Criminal Court (ICC) was built on a noble and essential philosophy and goal: to ensure that victims' rights were upheld and that those most responsible for the most serious crimes were held to account and thus to ensure that the rule of enforceable international law would extend throughout the globe.

These simple truths holds true today.

However, from the beginning, obstacles and problems emerged as the US, Israel and China, amongst others, voted against the text of the Rome Statute. These problems have persisted, and the problems faced by the ICC today are precisely those that motivated those States decisions eleven years ago.

These concerns must be analysed and addressed and their true colours revealed. There may be some procedural and textual flaws within the Statute, but in essence these objections amount to nothing more than a desire to shield alleged war criminals from justice. Despite the safeguards of complementarity, these objections are fundamentally based on the desire to ensure that nationals of these States never stand trial before an international court, even if they are suspected of committing the most serious crimes.

Is there any way to describe this as anything other than political self-interest and a callous disregard both for the rule of law and the fundamental principles of human rights? Are some victims more equal than others?

While the ICC has many successes, I would like to focus on what I see as its main problem. I will use the Israeli war on Gaza as an example.

The facts of the offensive are now well known, and I shall not repeat them. However, I would like to emphasize that over 80% of the more than 1400 Palestinians killed were civilians, and that civilian property and public infrastructure throughout the Gaza Strip were deliberately targeted and destroyed.

It is now well accepted that serious violations of international law were perpetrated in the course of the offensive. There is sufficient evidence to indicate that crimes against humanity may have been committed.

It is self-evident that these allegations demand effective judicial redress. In the face of Palestinians' and Israel's unwillingness or inability to effectively investigate and prosecute, the situation in Gaza, and Palestine at large, seems ready made for the ICC.

Yet any efforts to progress in this regard have been met by concerted protests from certain States, most notably the US and Israel. It is a shame on us all that today these efforts have for the most part succeeded.

Many reasons have been given for this opposition to the role of the ICC. These objections have been dealt with and dismissed elsewhere, they are, for the most part, baseless. Once again, the objections which States put forward are designed to shield alleged war criminals from justice in the name of politics.

This situation, which is mirrored throughout the world, lies at the heart of the problems facing the ICC, and international law in general. The laws' protection must be equal; all those who violate the law must be held to account, regardless of their political power or affiliations.

The legitimacy of international law itself is undermined if the law is not applied equally, raising questions, doubts, and often-valid criticisms, which should never be associated with true international justice.

It is essential that we return to the philosophy underlying the ICC, that we focus our efforts on expanding, and improving the institution, in order to achieve what must be our ultimate goal: true universal justice.

Through universal ratification the Court may become resistant to power politics and become worthy of the hope placed in it, and the law itself, by millions throughout the world. In the meantime, the Security Council must live up to its responsibilities, and act on behalf of the nations of the World.

Without accountability, without justice for the victims, innocent civilians will continue to be denied the protection of the rule of law and consigned to the rule of the jungle.