International Criminal Court prosecutor says he aims to ‘visit Palestine’ in 2023

December 7, 2022

The Times of Israel

<https://www.timesofisrael.com/international-criminal-court-prosecutor-says-he-aims-to-visit-palestine-in-2023/>

The prosecutor of the International Criminal Court (ICC) said this week that he plans to “visit Palestine” next year.

Karim Khan made the remark on Monday at the 21st session of the Hague-based court’s Assembly of State Parties, adding that he also intended to visit Afghanistan and the Democratic Republic of Congo, according to human rights activists who were at the session and posted updates from it via Twitter.

Speaking about the places he has visited, Khan said that “God willing,” he would visit those locations in 2023, presumably as part of probes the court is leading, including into possible Israeli and Palestinian war crimes in the Gaza Strip and the West Bank during a war in the summer of 2014 and afterward.

Israel’s Kan public broadcaster said the ICC had confirmed that “a visit to Palestine is one of the prosecutor’s goals for next year.”

Last year, Khan’s predecessor Fatou Bensouda [announced an investigation](https://www.timesofisrael.com/icc-announces-investigation-into-israeli-palestinian-war-crimes/) that would “cover crimes within the jurisdiction of the Court that are alleged to have been committed in the situation since 13 June 2014, the date to which reference is made in the referral of the situation to my office.”

The June 13, 2014, date is significant. The previous day, Palestinian terrorists kidnapped and murdered three Israeli teenagers in the Gush Etzion area of the West Bank. By asking for an investigation beginning on June 13, the Palestinians ensured that the ICC will not look into the killing of Eyal Yifrach, Gil-ad Shaer, and Naftali Fraenkel.

Israel has blasted the investigation, with then-prime minister Benjamin Netanyahu branding it “the epitome of antisemitism and hypocrisy.”

Jerusalem has argued the court doesn’t have jurisdiction since Israel isn’t a member of the court and hasn’t ratified its Rome Statute, but the ICC said it had jurisdiction in the West Bank and Gaza since it accepted Palestine as a member state in 2015.

Israel hasn’t cooperated with the court’s probe, and it remains unclear how Jerusalem would respond to any potential requests for access by staff if a visit was formally announced.

Public broadcaster Kan quoted Nick Kaufman, an Israeli lawyer who previously served as a defense attorney at the ICC, as saying the prosecutor had “picked his words carefully” in light of diplomatic pressure regarding the court’s probe into Israel.

Kaufman said Khan hadn’t said he intends to visit, but rather that “one of his goals” is to do so.

On Tuesday, the Qatari state-owned television network Al Jazeera [submitted to the ICC](https://www.timesofisrael.com/al-jazeera-to-hand-icc-purported-proof-idf-deliberately-killed-reporter-abu-akleh/) what it said was detailed evidence allegedly proving that the Israel Defense Forces deliberately shot dead its reporter Shireen Abu Akleh during clashes in the West Bank in May. The family of Abu Akleh, whom Jerusalem insists was shot by mistake during a gunfight between IDF soldiers and Palestinian gunmen in Jenin, has also asked the court to launch an investigation.

Any person or group can file a complaint to the ICC prosecutor for investigation, but the Hague-based court is not obliged to take them on.