Palestinian rights group urges EU to ensure justice to the Palestinian people at the ICC

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The Ramallah-based Palestinian human rights organization, Al-Haq, this week sent letters to the High Representative of the European Commission and European Union (EU) member states urging them to ensure justice to the Palestinian people at the International Criminal Court (ICC).

The letter came following concerning statements made by various EU member states, rejecting and opposing the landmark decision of the Pre-Trial Chamber of the ICC, which affirmed that the Court has territorial jurisdiction over the Occupied Palestinian Territory (OPT), and the historic announcement by the Office of the Prosecutor of the ICC on the opening of a full criminal investigation into the Situation in Palestine.

The letters stressed that Palestine can no longer be treated as an exception to the application of the international rule of law and urged the EU and all its member states to provide cohesive, public, and compelling support to the independence and impartiality of the Court in all its operations, including its investigation into the Situation in Palestine, which constitutes an important step towards an end of Israel’s impunity and the long-awaited justice for the Palestinian people, as came in a press release by Al-Haq.

The letters underlined the EU and its member states’ firm support of the Court, and their previous opposition to attacks on the independence and impartiality of the institution, including in response to the imposed-US sanctions against the ICC.

They further welcomed the statements made by the EU spokesperson on 4 March affirming that the ICC "is an independent and impartial judicial institution with no political objectives to pursue," but, at the same time, highlighted Al-Haq’s great concern of remarks and statements made by EU member states, including Austria, the Czech Republic, Germany, and Hungary, which undermine the credibility and the work of the ICC, a vital tool of accountability.

The letters further stressed the importance of the investigation into the Situation in Palestine, which arose directly from the ongoing and continuous perpetration of Rome Statute crimes in the State of Palestine, amid an environment of impunity managed by the Israeli military occupation, and highlighted how the opening of an investigation by the ICC marks an important step towards ending decades of Israel’s unlawfully-enjoyed culture of impunity.

Finally, by reminding the EU and its Member States of their legal obligation to fully cooperate with the Office of the Prosecutor as per the obligations set forth in Article 86 of the Rome Statute, and in line with Common Article 1 of the four Geneva Conventions and Article 146 of the Fourth Geneva Convention, and other obligations under international law, the letters called on all state parties to the Rome Statute, including Austria, Czech Republic, Germany, and Hungary to reaffirm their commitment to fully support the ICC, including by ensuring the arrest and transfer to The Hague of persons investigated and accused of international crimes in the OPT, so as to deter and to prevent the further continuation of international crimes against the Palestinian people.