Palestinians to Make First Submission to International Criminal Court

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The Palestinian are expected to turn in preliminary information against Israel to the International Criminal Court Thursday, with Palestinian Foreign Minister Riyad al-Maliki asking the general prosecutor Fatou Bensouda to open a criminal investigation on the matter of alleged Israeli war crimes. Al- Maliki is meant to arrive at the court in The Hague in order to personally submit the documents, which Palestinian reports say prove the existence of war crimes.

The Palestinians have said recently that they will provide the prosecutor with general information on Israel's control of the West Bank, from daily life to IDF raids. The current batch of documents do not include specific information, which the Palestinians are saving for possible future use, depending on the prosecutor's decision. "The information that we will pass on will be general, and will include statistics regarding the Israeli occupation," a representitive said. "The information paints a saddening picture of Israel's actions, and why we think the prosecutor needs to open an investigation into the matter."

In early 2015 Bensouda opened an initial inquiry to evaluate the possibility of war crimes being committed in the West Bank and Gaza. At the end of the inquiry, which can take months or even years, she is to decide whether to open a full investigation or not. Lately the prosecutor has threatened that if Israel continues to stonewall her and fail to cooperate, she will base her inquiry on Palestinian statements alone. The prosecutor is likely to publish a status update regarding her inquiry in November.

After the Palestinian submission to the ICC, there is a strong likelihood that the court will dispatch a delegation to the area, in order to check the claims. Israel, for its part, can prevent the delegation from entering both Israel and the West Bank.

"These actions are a Palestinian spin," said an Israeli official on the move. "We are talking about a submission of information that is meant to manipulate and influence the prosecutor to open an investigation."

Nitsana Darshan-Leitner, chairwoman of the human rights organization "Shurat HaDin" – an organization that fights legal battles against terrorist organizations – said that this process must be stopped in its infancy because soon it will be too late. "Israel does not recognize the court's jurisdiction, seeing the court as biased. If Israel cooperates with the process, it will be accepting the court's jurisdiction on the matter, making its decisions binding on Israel."

Shurat HaDin petitioned the court this week to disqualify the current prosecutor Fatou Bensouda, claiming that she has made openly biased statements to the media on the matter of Palestinian claims. According to the organization, the Rome statute and the rules of the court say these actions should prevent here from working on the case.

Additionally the organization is demanding that the court investigate the case against the Palestinians, which the organization submitted to the ICC, before it reviews the Palestinian claims against Israel. To this day the court refuses to review cases submitted against the Palestinians on the grounds of genocide and war crimes.

As a result of the situation, a high ranking UN official called on Prime Minister Benjamin Netanyahu to translate his statements on the two-state-solution into actions, including ending settlement construction. Under-Secretary-General for political affairs Jeffrey Feltman said; "The UN Secretary-General Ban Ki-Moon is happy to hear Netanyahu's recent statements on a lasting two-state-solution." Feltman added however, that: "Israel needs to stop sensitive one sided."