**ICC prosecutor gave PA advance notice but asked to “keep secret” her ‎decision to open an investigation**

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<https://palwatch.org/page/18644>

The response of the Palestinian Authority to the decision of the Prosecutor of the ‎International Criminal Court (ICC) again exposed the level of collusion between the ‎two. ‎

The ICC was created as a court of last resort to bring to justice persons who have ‎committed a spectrum of crimes. The court and its organs are meant to be ‎independent and deal equally with all potential suspects. Preferential treatment, ‎such as open collusion with one set of suspects, fundamentally undermines not ‎only the requirements of justice the court is meant to provide, but also the ‎appearance of justice being done. ‎

After the ICC Pre-Trial Chamber decided - solely for the purposes of the court - that ‎a “State of Palestine” actually exists and that the prosecutor can proceed with her ‎investigation, the Prosecutor is now legally, ethically and morally bound to consider ‎all offences that may have been committed within that area, and by all parties. ‎Showing preference and colluding with potential suspects to the point where those ‎suspects – i.e. the Palestinians - are given a feeling of impunity, fundamentally ‎undermines both justice and the perception of justice. ‎

Theoretically, the ICC investigation of the “situation in Palestine” is meant to ‎examine the claims that all sides, including Palestinians, have allegedly committed ‎crimes covered by the Rome Statute. Crimes committed by the PA officials would ‎potentially include the incitement to murder Israelis and the PA policy of paying ‎financial rewards to terrorists and their families. The potential crimes of other ‎Palestinian terrorist groups, such as Hamas and the Popular Front for the Liberation ‎of Palestine would include inciting and conducting systematic attacks on Israel’s ‎civilian population, including murder, and indiscriminately firing rockets at Israel’s ‎civilian population. ‎

While these actions clearly give rise to concrete suspicions, the PA Minister of ‎Foreign Affairs Riyad Al-Malki has exposed that the PA and the Prosecutor, Fatou ‎Bensouda, have been in constant contact and that Bensouda even gave the PA ‎advance notice of her decision to formally open an investigation, but asked that the ‎PA ”keep it secret”. Al-Malki also explained that PA representatives intend to meet ‎with the Prosecutor in the near future. ‎

Official PA TV host: “Going back to the recent decision of [ICC] ‎General Prosecutor [Fatou Bensouda], have you made contact with ‎her? …‎

PA Minister of Foreign Affairs Riyad Al-Malki: Yes, we are in ‎constant contact with her… and her office from the first moment ‎when we set foot in the ICC in 2014… [We’re in touch] directly or ‎indirectly, through the visits we are making, through the contact via our ‎delegation at The Hague, or through the periodical reports we are ‎submitting to the general prosecutor’s office. We made contact before ‎the announcement [of the ICC investigation], and we were informed a ‎number of hours before the announcement that there will be an ‎announcement. We knew about this, but they asked us to keep it ‎secret… We are currently seriously considering visiting The Hague and ‎meeting with the general prosecutor to discuss the following steps. ‎What can be expected from her? … What is required of us? What do ‎they expect from the government of the State of Palestine in this matter, ‎and when can we expect the arrival of the ICC’s first delegations for ‎preparations ahead of beginning the investigation? …‎

Official PA TV host: “But there has been no contact with you from the ‎general prosecutor’s office after this decision?”‎

Riyad Al-Malki: “There was, there was. Yes, contact has been made ‎between us and the general prosecutor’s office regarding the request ‎for a meeting...‎

Host: “Is this visit expected to be soon?”‎

Riyad Al-Malki: “It depends first of all on the steps taken in Holland ‎against the [Coronavirus] epidemic... Maybe the meeting will be ‎possible next week. Maybe it will be the following week or later.‎

[Official PA TV, Topic of the Day, March 6, 2021]‎

The level of collusion between the PA and the Prosecutor would appear to explain ‎the general sense within the PA that its personnel, and other Palestinian terrorists, ‎are and will remain immune from investigation.‎

This sense of confidence would explain how the PA Ministry of Foreign Affairs ‎warmly welcomed the decision of Bensouda clearly detailing its expectation that the ‎entire investigation would focus on Israel, the so-called ”occupying power”:‎

‎“The State of Palestine welcomes the announcement of the Prosecutor ‎of the International Criminal Court on proceeding with the investigation ‎into the Situation in the State of Palestine… The State of Palestine ‎reminds the Prosecutor and States Parties that the crimes committed by ‎officials of the occupying Power against the Palestinian people are ‎ongoing, systematic, and widespread.”‎

[Wafa (English edition) March 3, 2021]‎

The PA Ministry of Foreign Affairs ended by saying, "The State of Palestine stands ‎ready to cooperate with and extend all assistance to the Office of the Prosecutor ‎and the Court during this investigation."‎

This is clearly not the language of any person or body, who, despite having openly ‎committed crimes that should be covered by any investigation, has any reservations ‎about the opening of the investigation.‎

The fact that PA Chairman Mahmoud Abbas is personally responsible for the ‎payment of cash rewards to Palestinian terrorists did not stop his office ‎commending the decision of the Prosecutor. It was Abbas who codified the PA’s ‎payments to the terrorist prisoners and released prisoners; It was Abbas who twice ‎raised the salaries of the terrorist prisoners; It was Abbas who repeatedly raised the ‎PA-funded payments to the wounded terrorists and the families of the dead ‎terrorists.‎

‎“The Palestinian Presidency today expressed its great appreciation for ‎the decision of the Prosecutor of the International Criminal Court (ICC) ‎to open a criminal investigation into the Situation of Palestine, which ‎includes the war on Gaza, settlements, and the prisoners in Israel.‎

The Presidency praised "the independence and courage of the ‎Prosecutor in defending the right and freedoms," while also praising ‎‎"the tireless efforts made in previous years to reach the goals we seek."‎

[Wafa (English edition), March 4, 2021]‎

Fatah Central Committee Secretary Jibril Rajoub, who has openly and repeatedly ‎incited to murder Israelis, added his comments about the decision:‎

‎“First, [the International Criminal Court’s (ICC) decision to investigate ‎Israel] is the climax of the efforts that the Palestinian National Authority, ‎the [PA] Ministry of Foreign Affairs, the mechanisms of the state, and ‎the [PA] presidential institutions have invested over the years that have ‎passed, and now we are picking the fruits of this effort that has ‎meanings and messages.”‎

[Official PA TV, Topic of the Day, March 3, 2021]‎

Spelling out the PA expectations from the Prosecutor and the investigation, Rajoub ‎added:‎

‎“For our part, we will cooperate with the court that will work on three ‎levels: the level of the crimes that were committed against the civilians, ‎and particularly in 2014 in the Gaza Strip (i.e., the 2014 Gaza war); the ‎second level is the level of the prisoners and detainees; and the third ‎level is the level of the settlements.”‎

Leaving no room for misunderstanding, Rajoub finished by laying out the extent to ‎which the PA sees the ICC, the Prosecutor, and the investigation as nothing more ‎than a PA tool to attack Israel:‎

‎“Of course for our part, we will be subjected to pressures and threats, ‎but we are adhering to our right to put on trial those who committed ‎war crimes against us…”‎

Curiously, the legislative body of the Abbas-headed PLO saw the decision of the ‎Prosecutor as “a magnificent victory of Palestinian diplomacy” and as a means to ‎achieve “justice” for the imprisoned Palestinian terrorists and suicide bombers, or ‎so-called Martyrs:‎

‎“The [Palestinian] National Council (i.e., the legislative body of the PLO) ‎said that the announcement of International Criminal Court (ICC) Chief ‎Prosecutor is the beginning of justice being done for our people and its ‎Martyrs, prisoners, and detainees.”‎

[Official PA daily Al-Hayat Al-Jadida, March 4, 2021]‎

Abbas’ Fatah Movement also welcomed the decision, with its spokesman, Jamal ‎Nazzal, declaring:‎

“The fact that Palestine has reached this day is credited mainly to the ‎decision of [PA] President Mahmoud Abbas – who was supported by ‎Fatah and the leadership – to join the Rome Convention, which ‎constitutes a condition for membership in the ICC at The Hague.”‎

[Official PA daily Al-Hayat Al-Jadida, March 4, 2021]‎

The latest statements regarding the level of collusion between the ICC Prosecutor ‎and the PA, confirm previous reports by Palestinian Media Watch, which ‎highlighted the meetings held between the Prosecutor and PA Prime Minister ‎Mahmoud Shtayyeh. They also appear to reflect the PA patronage of the other ‎Palestinian terror groups that were members in the PA-organized committee that ‎was in contact with the Prosecutor. ‎

The following are longer excerpts of the articles mentioned above:‎

Headline: “Palestine welcomes decision by ICC Prosecutor to proceed with ‎investigation”‎

‎“RAMALLAH, Wednesday, March 03, 2021 (WAFA) - The State of Palestine ‎welcomes the announcement of the Prosecutor of the International Criminal Court ‎on proceeding with the investigation into the Situation in the State of Palestine, said ‎a statement by the Ministry of Foreign Affairs and Expatriates.‎

‎"This is a long-awaited step that serves Palestine’s tireless pursuit of justice and ‎accountability, which are indispensable pillars of the peace the Palestinian people ‎seek and deserve," it said.‎

‎"The State of Palestine reminds the Prosecutor and States Parties that the crimes ‎committed by officials of the occupying Power against the Palestinian people are ‎ongoing, systematic, and widespread. In accordance with the objectives and ‎mandate of the Rome Statute, this calls for a particular urgency to promptly ‎conclude investigations into these crimes, to ensure accountability, promote ‎deterrence, and save lives."‎

The statement added: "All States Parties must refrain from politicizing these ‎independent proceedings. They must also respect their obligation to protect the ‎Court and its proceedings from interference and to shield Court staff, including ‎judges, the Prosecutor, and their families from any threats or attempts at coercion."‎

It concluded: "The State of Palestine stands ready to cooperate with and extend all ‎assistance to the Office of the Prosecutor and the Court during this investigation."‎

[Wafa (English edition) March 3, 2021]‎

Fatah Central Committee Secretary Jibril Rajoub: “First, [the International Criminal ‎Court’s (ICC) decision to investigate Israel] is the climax of the efforts that the ‎Palestinian National Authority, the [PA] Ministry of Foreign Affairs, the mechanisms ‎of the state, and the [PA] presidential institutions have invested over the years that ‎have passed, and now we are picking the fruits of this effort that has meanings and ‎messages. The first message to the Israelis is that your continued contempt for ‎international legitimacy and human rights, and your continued belittling of ‎international law and international conventions, with cover from [former US ‎President Donald] Trump or someone else. I think that this matter has ended. For ‎our part, we will cooperate with the court that will work on three levels: the level of ‎the crimes that were committed against the civilians, and particularly in 2014 in the ‎Gaza Strip (i.e., the 2014 Gaza war); the second level is the level of the prisoners ‎and detainees; and the third level is the level of the settlements. And this [ICC ‎decision to investigate] is itself recognition that this official terror that the occupation ‎institutions are committing – today it obligated [them] to be accountable, and we ‎hope that the international community, part of which has rewarded Israel both with ‎silence and encouragement, will reexamine [its position] and allow the criminals to ‎receive their punishment. We view this step as an opening towards giving us rights ‎and doing justice with us. Of course for our part, we will be subjected to pressures ‎and threats, but we are adhering to our right to put on trial those who committed war ‎crimes against us, against our people, against our land, against our sacred things ‎during the years of occupation. The world needs to know and understand that its ‎silence or support are what have created the racist and fascist regime of the 21st ‎century.”‎

‎[Official PA TV, Topic of the Day, March 3, 2021]‎

Jibril Rajoub also serves as Head of the PLO Supreme Council for Youth and Sports, Chairman of the Palestinian Football Association, Chairman of the Palestine Olympic Committee, and Chairman of the Palestinian Scout Association (PSA).

Headline: “The International Criminal Court officially decides to launch an ‎investigation of war crimes that the Israeli occupation has committed in Palestine”‎

‎“The [Palestinian] National Council (i.e., the legislative body of the PLO) said that ‎the announcement of International Criminal Court (ICC) Chief Prosecutor [Fatou ‎Bensouda on launching an investigation against Israel] is the beginning of justice ‎being done for our people and its Martyrs, prisoners, and detainees.‎

The council added in a statement yesterday [March 3, 2021,] that this decision ‎constitutes a significant stage on the path to demanding an accounting from Israel ‎on the legal and international level, and a magnificent victory of Palestinian ‎diplomacy. It expressed hope that this will deter the occupation from continuing its ‎crimes and terror…‎

The council concluded by saying that the time has come to demand an accounting, ‎to try, and to punish the perpetrators among the Israeli political leaders and military ‎commanders, and the Israeli settler terror organizations such as the ‘Price Tag,’ ‎‎‘Hilltop Youth,’ and ‘HaShomer HaChadash’ organizations, which are committing ‎murders and terror, stealing the occupied Palestinian lands, burning Palestinian ‎farms, and terrorizing the defenseless citizens…‎

The Fatah Movement welcomed the decision and congratulated our people for ‎reaching the day when Palestine is realizing its right by virtue of having joined the ‎ICC.‎

Fatah Spokesman Jamal Nazzal thanked all the states that have supported the ‎Palestinian right, and the role played by the judges and Chief Prosecutor Fatou ‎Bensouda.‎

He continued: ‘The fact that Palestine has reached this day is credited mainly to the ‎decision of [PA] President Mahmoud Abbas – who was supported by Fatah and the ‎leadership – to join the Rome Convention, which constitutes a condition for ‎membership in the ICC at The Hague.’‎

Nazzal said: ‘This decision increases the effectiveness, benefit, and credibility of ‎the path paved by the leadership with the support of Fatah in order to realize the ‎Palestinian right, in a way that was not dependent on the occupation’s agreement ‎or on a green light from any state in the world, and in a way that proves that the ‎Palestinian decision making is independent, since this step was taken despite the ‎threats, the political and financial pressures, and the blockade.’”‎

[Official PA daily Al-Hayat Al-Jadida, March 4, 2021]‎

Headline: ”Presidency appreciates ICC Prosecutor's decision to open a criminal ‎investigation into the Situation of Palestine”‎‏ ‏

‎“RAMALLAH, Thursday, March 4, 2021 (WAFA) - The Palestinian Presidency today ‎expressed its great appreciation for the decision of the Prosecutor of the ‎International Criminal Court (ICC) to open a criminal investigation into the Situation ‎of Palestine, which includes the war on Gaza, settlements, and the prisoners in ‎Israel.‎

The Presidency praised "the independence and courage of the Prosecutor in ‎defending the right and freedoms," while also praising "the tireless efforts made in ‎previous years to reach the goals we seek." The Presidency also expressed its ‎appreciation for the efforts of the Ministry of Foreign Affairs and Expatriates and its ‎diplomatic staff, which carried out its duties as directed by President Mahmoud ‎Abbas in defense of the rights of the Palestinian people, praising, in particular, the ‎role of the National Committee for Follow-up of the Court's file and civil society ‎institutions in this field.”‎

[Wafa (English edition), March 4, 2021]‎

Official PA TV program Topic of the Day

Official PA TV reporter: “Okay, doctor, going back to the recent decision of ‎‎[International Criminal Court (ICC)] General Prosecutor [Fatou Bensouda], have you ‎made contact with her after her decision to officially launch an investigation of the ‎Israeli war crimes?”‎

PA Minister of Foreign Affairs and Expatriates Riyad Al-Malki: “We made contact ‎and did not make contact, in the sense that we are making contact with her office. ‎Yes, we are in constant contact with her. We have not stopped the contact with her ‎and her office from the first moment when we set foot in the ICC in 2014. From that ‎moment on we are in constant contact, directly or indirectly, through the visits that ‎we are making, through the contact via our delegation at The Hague, or through the ‎periodical reports that we are submitting to the general prosecutor’s office. We made ‎contact before the announcement [on launching an investigation], and they ‎informed us a number of hours before the announcement that there will be an ‎announcement, and we knew about this, but they asked us to keep it secret. By ‎virtue of my role I only informed [PA] President [Mahmoud Abbas]. The president, ‎myself, and our ambassador in Holland were the only three who knew a number of ‎hours in advance about this step. But the contact with her office is continuing, even ‎after the announcement. We are currently thinking seriously about visiting The ‎Hague and meeting with the general prosecutor to discuss the following steps – ‎what can be expected from her and her office regarding the following steps after the ‎decision to launch the investigation? When will they immediately begin the actual ‎steps on the ground? What is required of us? What do they expect from the [PA] ‎government of the State of Palestine in this matter, and when can we expect the ‎arrival of the ICC’s first delegations for preparations ahead of beginning the ‎investigation? All these issues and questions require answers and explanations ‎between us and the general prosecutor and her office. Therefore, we are currently ‎waiting to set an appropriate time when it will be possible to visit the general ‎prosecutor and her office to discuss these issues.”‎

Official PA TV host: “But there was no contact with you from the general ‎prosecutor’s office after this decision?”‎

Riyad Al-Malki: “There was, there was, right, in different ways. I can say that yes, ‎contact was made between us and the general prosecutor’s office regarding the ‎following steps, regarding the request for a meeting. Currently we are setting the ‎appropriate time for them and us so that we will be able to complete this activity.”‎

Host: “Okay, is it expected that this visit will be soon?”‎

Riyad Al-Malki: “It depends first of all on the steps taken in Holland against the ‎‎[Coronavirus] epidemic, the ease of arriving there, and also that which concerns the ‎ICC’s activity, the possibility of meeting us, and the general prosecutor’s schedule. It ‎may be that the meeting will be possible next week. It may be that it will be the ‎following week or later, but what is important is that we have asked for a meeting ‎and they are examining the request. What is important is that the appropriate ‎conditions will be found. We do not want to pressure anyone in a way that is ‎unacceptable. We want to act calmly on this matter, without those at the ICC and the ‎general prosecutor’s office feeling that they are being subjected to pressure from ‎Palestinians or others on everything concerning the topic. But the meeting must ‎happen to clarify matters concerning the following steps.”‎

[Official PA TV, Topic of the Day, March 6, 2021]‎