**Behind the Headlines: PA Appeal to the ICC**

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Israel Ministry of Foreign Affairs

<http://mfa.gov.il/MFA/ForeignPolicy/Issues/Pages/PA-appeal-to-the-ICC-Jan-2015.aspx>

Israel expects the International Criminal Court to unequivocally reject the PA’s hypocritical request because the Palestinian Authority is not a state. Furthermore, the PA is allied with Hamas, a terrorist organization that commits war crimes.

The International Criminal Court (ICC), governed by the [*Rome Statute*](http://www.icc-cpi.int/en_menus/asp/RomeStatute/Pages/default.aspx), is the first permanent, treaty based, international criminal court established to help end impunity for the perpetrators of the most serious crimes of concern to the international community. The ICC is an independent international organization, and is not part of the United Nations system. Its seat is at The Hague in the Netherlands. The Rome Statute entered into force on 1 July 2002 after ratification by 60 countries. 122 countries are currently states parties to the Rome Statute of the International Criminal Court. In 2002, the United States and Israel, which had earlier signed the Statute, informed the UN Secretary General that they no longer intend to become states parties and, as such, have no legal obligations arising from their earlier signature.  
  
A 2009 declaration by the Palestinian Authority accepting the jurisdiction of the Court was [deemed invalid by the ICC Prosecutor](http://mfa.gov.il/MFA/PressRoom/2012/Pages/ICC_no_jurisdiction_PA_complaints_3-Apr-2012.aspx) in early 2012 as he did not consider Palestine a "state" for the purposes of the Rome Statute. The Prosecutor did not see any basis to reassess the application after a vote in the United Nations General Assembly later in 2012 which recognized Palestine as a non-member observer state. In December 2014, the Palestinians received official recognition as an observer at the opening session of the Assembly of States Parties to the Rome Statute.   
  
On Friday evening, January 2, 2015, the Palestinian Ambassador to the United Nations Riyad Mansour submitted to the UN offices in New York the request to join a number of international treaties, including the Rome Statute of the International Criminal Court at the Hague, signed by Palestinian Authority President Mahmoud Abbas on December 31. The submission of the signed documents marks the final step in the process of establishing its membership in the court.  
  
**Israel expects the International Criminal Court to unequivocally reject the PA’s hypocritical request because the Palestinian Authority is not a state.** Furthermore, the PA is allied with Hamas, a terrorist organization that commits war crimes. This step proves clearly that the PA is inclined towards continuing the conflict and not negotiating with Israel. An agreement between Israel and the Palestinians will be achieved only through bilateral negotiations and not by unilateral dictates.  
  
**The ones who should be afraid of legal proceedings are the leaders of the PA who, in the framework of the unity government with Hamas, are collaborating with a professed terrorist organization.** Hamas, like the Islamic State, commits war crimes such as shooting at civilians from within population centers.  
  
The PA appeal to the ICC is a flagrant violation of the agreements that the PA signed with Israel with the backing of the international community.  
  
Israel is a law-abiding state with a moral army that upholds international law and knows how to check itself in accordance with the highest standards. Israel will defend its soldiers as they defend the state. Israel will rebuff any attempt to force dictates upon it, just as the [Palestinian appeal to the UN Security Council was rebuffed](http://mfa.gov.il/MFA/PressRoom/2014/Pages/FM-Liberman-on-defeat-of-Palestinian-draft-resolution-31-Dec-2014.aspx).

## Israel and the ICC - Background

**Upon its signature to the Rome Statute on December 31, 2000, Israel issued the following declaration:**  
  
“Being an active consistent supporter of the concept of an International Criminal Court, and its realization in the form of the Rome Statute, the Government of the State of Israel is proud to thus express its acknowledgment of the importance, and indeed indispensability, of an effective court for the enforcement of the rule of law and the prevention of impunity.  
  
**As one of the originators of the concept of an International Criminal Court, Israel, through its prominent lawyers and statesmen, has, since the early 1950’s, actively participated in all stages of the formation of such a court.** Its representatives, carrying in both heart and mind collective, and sometimes personal, memories of the holocaust - the greatest and most heinous crime to have been committed in the history of mankind - enthusiastically, with a sense of acute sincerity and seriousness, contributed to all stages of the preparation of the Statute. Responsibly, possessing the same sense of mission, they currently support the work of the ICC Preparatory Commission.  
  
At the 1998 Rome Conference, Israel expressed its deep disappointment and regret at the insertion into the Statute of f**ormulations tailored to meet the political agenda of certain states**. Israel warned that such an unfortunate practice might reflect on the **intent to abuse the Statute as a political tool**. Today, in the same spirit, the Government of the State of Israel signs the Statute while rejecting any attempt to interpret provisions thereof in a politically motivated manner against Israel and its citizens. The Government of Israel hopes that Israel’s expressions of concern of any such attempt would be recorded in history as **a warning against the risk of politicization**, that might undermine the objectives of what is intended to become a central impartial body, benefiting mankind as a whole.  
  
Nevertheless, as a democratic society, Israel has been conducting ongoing political, pand academic debates concerning the ICC and its significance in the context of international law and the international community. The Court’s essentiality - as a vital means of ensuring that criminals who commit genuinely heinous crimes will be duly brought to justice, while other potential offenders of the fundamental principles of humanity and the dictates of public conscience will be properly deterred - has never ceased to guide us. Israel’s signature of the Rome Statute will, therefore, enable it to morally identify with this basic idea, underlying the establishment of the Court. to guide us. Israel’s signature of the Rome Statute will, therefore, enable it to morally identify with this basic idea, underlying the establishment of the Court.  
  
Today, [the Government of Israel is]  honoured to express [its] sincere hopes that the Court, guided by the cardinal judicial principles of objectivity and universality, will indeed serve its noble and meritorious objectives.”  
  
**On August 28, 2002, Israel informed the UN Secretary General that it no longer intends to become a state party to the Rome Statute of the International Criminal Court.**