



State of Palestine

Ministry of Foreign Affairs

please check against delivery

Statement of H.E. Dr. Raid Malki, Minister of Foreign Affairs of the State of Palestine, before the fourteenth session of the Assembly of States parties of the ICC, The Hague, 18 November 2015.

Thank you Mr. President,

I am honoured to address the Assembly of States parties of the ICC on behalf of the Palestinian people and the State of Palestine for the first time. I do so while our people continue to endure a prolonged belligerent occupation waging a systematic and widespread attack against them, including through the illegal settlement regime, extra-judicial killings, and massive arbitrary arrests -while being denied protection and justice. Today, as we speak, the brave and resilient people of Palestine face a new wave of crimes, terrorism and collective punishment. These heinous crimes are a direct consequence of the impunity granted to the Israeli political and military leaderships, and the immunity extended to settlers and occupation forces. In the span of one month, 90 Palestinians have been murdered in cold blood, 3000 have been wounded by bullets, some are paralyzed for life, and 1800 have been arbitrarily arrested. Several homes have been also been demolished, displacing entire families. Unchecked settlers' violence and terrorism continue unabated, and the deep burns engraved on the body of 4 years old Ahmad Dawabsheh, who survived the burning of his home by settlers which killed his mother, father and brother, stand witness to the horrific crimes we endure. There is

no shelter or safe haven for Palestinians in the occupied Palestinian territory, including besieged Jerusalem, where Israel demonstrates, unchallenged, its total contempt for the sanctity of life and the protection afforded by international law to civilians, including by sending death squads, disguised as civilians, to execute injured Palestinians and brutally detain them in hospitals. The same was true during the aggression on the occupied and besieged Palestinian people in Gaza in the summer of 2014; civilians had safe shelter, not even UN-designated shelters protected them. This must stop.

Impunity feeds criminality. For there can be no genuine rule of law if laws are breached without consequence and there can be no effective protection without accountability. This Court was established to reflect the international community's will to prevent the commission of the worst crimes of all. Its establishment served as a signal that these crimes would not go unpunished, and that victims would not stand alone in the face of oppression. It was therefore Palestine's right and duty to join this Court.

We have decided to join the ICC as an additional expression of our commitment to the values this institution upholds -to clearly reflect our will to actively pursue respect for international law and help further its rule. Over the years, Palestine has repeatedly resorted to international mechanisms to uphold the law and ensure its respect. We have repeatedly resorted to the United Nations, to the ICJ, to special procedures, as well as the establishment of fact finding missions and commissions of inquiry without trying to restrict their mandate or distort their purpose and called for the convening of conferences of the High contracting Parties to the Geneva Conventions. Since our accession and the lodging a declaration under article 12 (3), we have continued this path by cooperating with the ICC Prosecutor, presenting three communications for its consideration and engaging in a constant

dialogue with the Prosecutor's office. We have also established national committees in charge of following up on our accession and are working on aligning our legislation with the Rome Statute and adapting our national structures to the requirements of this accession.

We will continue, tirelessly, our efforts in support of the universal application of the values and principles enshrined in international norms. We will knock on every door and pursue every avenue to provide justice for our people. Those who call for universality of the Rome Statute cannot justify opposing the accession of the State of Palestine; instead they should be encouraging all States to join and cooperate with the Court. Those who call for accountability for perpetrators of crimes cannot justify exceptions, for that runs contrary to the principles upon which this institution has been established. This Court has to fulfill its purpose without double standards and regardless of the identity of the perpetrators and of the victims. It should intervene in a timely manner, especially in situations where the crimes are underway, to fully exercise its deterrence role. Only by ending impunity can the Court prevent the commission or recurrence of such horrific crimes. Anything less will not do, for undermining international law anywhere will jeopardize it everywhere. This is what Palestine believes in, and what it will pursue both through the Courts' structures, including by cooperating with members of this Assembly, and beyond.

In this context, the State of Palestine welcomed the opening of a preliminary examination into the situation in Palestine based on the declaration it lodged on the 1st of January, in pursuance of the established policy and practice of the office of the Prosecutor. Palestine calls for a prompt opening of investigation, especially in view of the numerous independent international reports on serious violations of international law and which provide facts that fulfill the reasonable doubt

requirement in relation to the commission of crimes falling under the jurisdiction of the Court.

The role of the Court is of great importance to bring to justice perpetrators of crimes of most concern to the international community as a whole. However, this does not relieve states from upholding their own role and obligations to respect and ensure respect for international law by providing protection to the Palestinian people and compelling Israel, the occupying power, to comply with international law.

As stated by the preamble of the Rome Statute, such grave crimes threaten the peace, security and well-being of the world. Therefore those who aim at achieving peace should not condone or justify impunity but should rather demand, pursue and provide accountability. Those who seek to achieve peace at the expense of justice will achieve neither.

Palestine will remain a determined and principled defender of the universal values that the Court was established to advance. And it will remain the most important test for these international mechanisms. A test the world cannot afford to fail.