



**Statement by Riad Malki, Minister of Foreign Affairs of the State of
Palestine**

**Seventeenth session of the Assembly of States Parties of the ICC, 5 December 2018,
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Thank you Mr. President. It is my honor and distinct pleasure to represent the State of Palestine today, in the Seventeenth session of the Assembly of States Parties of the ICC.

Twenty years ago the international community adopted the Rome Statute with the aim to deliver justice for victims and communities affected by the gravest crimes. The ICC was born from the collective belief that all states have a common responsibility to hold those who commit atrocity crimes accountable. The Rome Statute system is designed to ensure that all stakeholders shoulder these responsibilities towards protecting and safeguarding the cornerstone of peace worldwide: justice. And justice cannot be achieved without accountability. As States Parties, we hold interconnected individual and collective mandates that require our constant cooperation and commitment.

As a State Party to the Rome Statute, the State of Palestine has made every effort to ensure that it supports and empowers the Court. Preserving the Court's integrity and independence is of utmost importance. This core value and goal has never had more meaning and significance than today.

As one state threatens the Court, its staff, and honorable judges with sanctions and punishment if they did not submit to its agenda, we have a responsibility to shield this institution from intimidation, bullying, and coercion. Instead of cowering from real or potential threats or sanctions, we must ensure that the Court assumes its responsibilities with the integrity and strength expected; with the bravery required of the Court to do right by the victims who have a right to expect nothing less than transparency and the right to justice and redress without exception.

It is our common duty to take a unified stance to face the challenges and obstacles that threaten to prevent the Rome Statute from fulfilling its duties. States Parties must step

up to the plate to tackle, head on, any misconceptions and be vocal about the egregiousness of external interference.

This does not mean however that the ICC is immune from criticism. This august institution and we, the State Parties, must also own up to the shortcomings. Addressing them will only enhance the Court's ability and credibility.

With regards to the preliminary examination of the Court into the situation in Palestine, my government continues to cooperate with the Office of the prosecutor by providing information on a regular basis on the ongoing crimes being committed.

Under the Rome Statute, the Office of the Prosecutor has the prerogative to decide whether to open an investigation in any given situation. However, it is also a duty to do so in a reasonable timeframe and while respecting the principle that justice delayed is justice denied.

Yet, 4 years have now passed since the Office of the Prosecutor has opened a Preliminary examination into the situation in Palestine. In that time, Israel, the Occupying power, has persevered undeterred in its criminal conduct. Yet, no decision to open an investigation has been taken.

My people and the community of international law advocates have legitimate questions: How many more victims must suffer at the hands of the Israeli occupation? How much longer must Palestinians suffer without recourse? How many homes must be destroyed, families displaced, prisoners tortured, or children killed and detained before the Court believes they are worthy of attaining justice?

Time is a luxury this Court cannot afford when the cost is the lives of those it is meant to protect. Delaying a decision to open an investigation erodes the credibility of the Court. Victims of these atrocious crimes in Palestine have waited for far too long for justice to finally be served.

Today more than before, and because of the threats and bullying, Palestine will be the test of the system's true impartiality as well as the State Parties' commitment to ensure it. We owe them strength. We owe them clarity. We must not let them down.

Thank you Mr. President.