



**Statement on behalf of the State of Palestine by H.E Dr. Riad Malki,**  
**Minister of Foreign Affairs and Expatriates**

**General Debate of the 19<sup>th</sup> Session of the Assembly of States Parties to the**  
**International Criminal Court**  
**14-16 December 2020**

Mr. President, Excellencies, Distinguished Delegates,

It is an honor to address the Assembly of States Parties of the ICC on behalf of the State of Palestine at this critical juncture. It is also a heavy responsibility to speak on behalf of a people that have endured and continue to endure dispossession, displacement, and denial of rights. For 70 years now, they have awaited justice, and explored every avenue to achieve accountability and redress. They hope that the Court will live up to its calling, without double standards or exceptions.

This year has proven to be challenging on various fronts, bearing complications both on global health, and the health of the court. The resilience and determination shown in the response to and handling of a *force majeure*, must also be adopted for the protection and strengthening of the Court. And that lies exclusively in our hands.

The State of Palestine commends the many statements that were issued in support of the Court in response to the threats targeting the institution, its staff, and its

representatives. Most worrying, the past year saw an unprecedented political and financial assault on the Prosecutor, her office, and Judges in a cynical campaign of political extortion that was unthinkable up until the outgoing American administration broke all international norms. It is appalling to see such actions that aim at deterring justice instead of deterring crimes. It is appalling to see the ICC Prosecutor and judges attacked and war criminals shielded.

We have a responsibility to take action that protects the Court and ensure that such tactics of political and financial extortion are rendered invalid and ineffective. This must never happen again.

This 19<sup>th</sup> session may very well prove to be pivotal for the Court. The State of Palestine believes there are three items on our agenda that have the potential to drastically advance and develop the efficiency, credibility, and effectiveness of this Court.

First, the election of 6 Judges. The State of Palestine is grateful for the work of the Advisory Committee on Nominations of Judges.

The judiciary is the pillar on which this Court, its jurisprudence, and its legacy, are founded. In this connection, the State of Palestine affirms our responsibility as States Parties to elect Judges who are not only knowledgeable and experienced, but who also conduct themselves with the required integrity and impartiality. We must cast our ballots based on merit, not political allegiances.

Second, the Assembly is also charged with electing the Prosecutor, the anchor of the institution: our legal compass in the battle against impunity, charged with

ensuring that this Court is credible, efficient, effective, and engaged in the pursuit of justice and ending impunity.

The State of Palestine believes that every effort should be made to reach a consensus candidate. This would present a much-needed unified front in the face of threats that confront the institution and lend strength to the credibility of the institution. It is for this reason that the State of Palestine made every effort to ensure that the process of electing the Prosecutor was fair, transparent, merit-based, and inclusive, including by supporting the innovative process of mandating a Committee on the Election of the Prosecutor and a panel of experts, to reach an objective and rigorous assessment of the most viable candidates.

The third issue is the review of the court. The assessment and implementation of the relevant recommendations by the Assembly and the Court should be conducted with the urgency they warrant.

In particular, we note that the expert's report stressed the lack of consistency in the way different Chambers deal with the same issues, the failure to apply agreed procedures, and delays in the delivery of decisions and judgments.

These findings raise particular concern for the State of Palestine. Almost one year ago, the Office of the Prosecutor submitted to the Pre-Trial Chamber a request for a ruling on jurisdiction under article 19(3) of the Rome Statute in the situation in Palestine and yet, no ruling has yet been handed down.

The Prosecution had conducted a preliminary examination into the situation in Palestine since 16 January 2015, and indicated that it stands prepared to open an investigation once the Court's jurisdictional scope is confirmed.

While the matter is under consideration by the Pre-Trial Chamber, the Prosecutor must still ensure that the process that it initiated is not left open indefinitely, as delayed justice is denied justice. As the situation in Palestine hangs in procedural limbo, Palestinian civilians have continued to be killed, maimed, forcibly transferred and persecuted in the context of a widespread and systematic attack on their very existence.

We must not lose sight of the dangerous message such delayed justice conveys to victims in Palestine and around the world, which is effectively that their suffering lacks urgency – thus undermining the founding idea of the Court. It also undermines the ability of the Court to prevent the recurrence of crimes. Only by making sure that time is on the side of the victims, not of the perpetrators of atrocity crimes, can the Court truly fulfill its sacred mandate.

Thank you for your kind attention