



**State of Palestine
Ministry of Foreign Affairs**

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Statement by H.E. Dr. Riad Malki, Minister of Foreign Affairs of the State of Palestine, before the fifteenth session of the Assembly of States parties of the ICC, The Hague, 16 November 2016.

Thank you Mr. President,

Each state present here today, is one of the crucial cogs, which collectively enable the wheel of justice to turn. We all have a part to play on the frontlines of the fight against impunity, despite the many challenges. We have a choice. We either work together to combat impunity and deter the commission of heinous crimes or surrender to a reality where crimes go unpunished and victims remain voiceless and without recourse to justice. That is why, I have made it a priority to be personally present today for the opening of the 15th session of the Assembly of State Parties.

I am here today to declare unequivocally that Palestine remains unwavering in its commitment to see justice prevail and to support the work of the ICC and its general mechanism in ensuring the implementation of the Rome Statute. For Palestine, supporting this institution is a matter of principle that reflects our deep commitment to justice and the rule of law.

At the same time, we understand that there are frustrations and we share some of them. In this regard, we voice our frustration with the slow pace of the preliminary examination into the situation in Palestine. Additionally, I must point to our dissatisfaction and objections to the so-called context provided by the OTP on the preliminary examination into the situation in Palestine. OTP must not attempt to redraw the already clear context of the situation in Palestine – legally and politically. There are clear and authoritative international references in this regard and we expect them to be the reference for any credible contextualization of the situation, which would also ensure that justice is not miscarried by fragmentation and misrepresentation or politicization of the role of the Court. Finally in this respect, we reiterate our firm opposition to the cynical attempts by few member states, who try to force their discriminatory and biased policies against the State of Palestine on the work of Assembly.

Mr.President,

We must impress that the efficiency of an international criminal system lies in the universality of the response to the call for justice. Should any disagreement arise on the manner of such a response, let us be reminded that we may only mend a divide by bridging gaps through discussion and not abandonment. In this regard, we urge our friends and fellow State Parties not to lose faith in the system but rather to work with us on ensuring that it is strengthened and constantly improved to ensure that the ICC better reflects our aspirations. For conflicts can only lead to momentary victories, while international law is a vehicle for permanent peace.

Mr.President,

Palestine will continue to lobby for the implementation and respect of universal values as enshrined in international norms, and will seek all peaceful and available avenues in the pursuit of justice for our people. Wishing to play its part in strengthening the rule of law, Palestine acceded to the Kampala amendments on the crime of aggression. As the thirtieth State to do so, Palestine's accession provided one of the trigger mechanisms to the activation of the amendments and we are proud to have been part of this historic achievement. The Assembly of States Parties, which expressed its resolve to activate the crime of aggression as soon as possible, must now assume its own responsibilities in this regard.

We also have a collective responsibility to protect those whose work is indispensable for justice, civil society organizations and human rights defenders who have dedicated not only their careers to the giving a voice to the voiceless but also their lives to the advancement of human rights. In this regard, allow me to commend the admirable courage and dedication of human rights defenders around the world; they remind us, everyday, that we must do what is right, not what is easy. In this regard, the threats and intimidation targeting Palestinian NGOs cooperating with the Court, notably Al Haq, cannot be tolerated.

Mr.President,

The only way to eradicate the horrific crimes the Court was established to address is to timely address the underlying cause for their recurrence, namely impunity . In this regard, the deterring role of the ICC cannot be over emphasized. The preventative role of the Rome Statute is directly related to the promptness of the Court's reaction. Deferring any action renders time an accomplice to crimes, impunity, and the mounting tolls of victims. It must not happen as justice delayed is justice denied.

The need for being expeditious cannot be more apparent than in places like Palestine where crimes are ongoing, systematic and widespread. As I speak, our people continue to be subjugated to grave crimes at the hands of Israel, an illegal occupying power,

enduring on a daily basis the suffering instilled over the course of half a century through a set of colonial policies, racism, and forced displacement. The aim of these policies is to forcibly displace and replace the Palestinian people. Colonialism and apartheid figure prominently among the policies, practices and crimes most condemned by international law. They comprise violations of the UN Charter, grave breaches under the Geneva Conventions and the commission of war crimes and crimes against humanity under the Rome Statute. The fact that these two horrific phenomena overlap in Palestine calls for urgent, determined and decisive action by the Prosecutor and the Court.

It is therefore my duty to repeat my urgent call for the prompt opening of investigations into crimes that continue to be committed by Israeli occupation. Any further delay would be a dis-service to justice. It would also belie the overwhelming, convincing, and thoroughly documented evidence of ongoing crimes. Even worse, it will send a message to our children and future generations, that criminals can get away with their crimes, no matter how heinous, because they live in a world where might is right.

Mr. President,

While the role of the Court is of great importance to bring perpetrators of crimes to justice, states bare the duty for upholding their own role and obligations to respect and ensure respect for international law. They must ensure that their actions do not make them complicit to the continued commission of crimes by providing direct or indirect support to the commission of crimes and their perpetrators or to normalizing the consequences of such crimes.

We must remain conscious, as stated by the preamble to the Rome Statute, that we are all united by common bonds. To put it in the words of Martin Luther King Junior: "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."

Therefore I conclude with this: Palestine will remain the most important test for these universal values that the Court was established to advance. A test the world cannot afford to fail.

We will continue, tirelessly, our efforts in support of the universal application of these values and principles until they are upheld in Palestine and beyond. Although our people have been denied justice for so long, we will knock on every door and pursue every avenue to provide justice they so much deserve. And we are certain that in the end justice shall prevail.

Thank you