



## **STATE OF PALESTINE**

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

### **General Debate of the 20<sup>th</sup> Session of the Assembly of States Parties to the International Criminal Court**

**6-11 December 2021**

Madam President, Excellencies, Distinguished Delegates,

Allow me at the outset to say I would have liked to address the Assembly in person, as planned. However, the recent surge in Covid cases requires us to adjust and adapt to ensure that we put health and safety first.

Regardless the format, the State of Palestine is present to reiterate in the strongest terms its unwavering support to the International Criminal Court and unconditional commitment to defend the independence, legitimacy and integrity of the Rome Statute system.

This principled position goes hand in hand with our commitment to improving the efficiency and effectiveness of the System. We find ourselves yet again at the end of a particularly challenging year. While progress continues on many fronts, including the Review Mechanism, there is still much work to be done.

We see the need to focus on strengthening the Court in three areas:

First, the protection and defense of the Court, its officials, and personnel. While we were pleased to see the sanctions lifted against targeted ICC officials, personnel as well as persons associated with the Court, the danger is not over yet.

We need to continue our work, as States Parties, to oppose efforts to undermine the Court's work and independence. It is crucial that as States Parties to the ASP, we develop a strategy to respond to and confront unsubstantiated and biased attacks on the Court by non-States Parties. We must ensure that any measures made against the

ICC, its officials, or those cooperating with the Court, are met with strong condemnation and confronted with effective measures.

Indeed, civil society organizations and human rights defenders play an indispensable role in the pursuit of justice for victims around the world and working with the Court, especially in instances where the OTP is unable to access situation countries. The Court needs this assistance and these partners to fulfil its mandate properly and in a timely fashion. We must ensure that they are able to continue their efforts in a protected and supported environment. But many of these partners are facing increased dangers and threats and they require our protection. Only a Month ago, Israel, the occupying power, unlawfully criminalized the work of six Palestinian civil society organizations, which are some of the few experts on the work of the Court in our region.

It is blatantly clear that the intention, and effect, of such a declaration is to prevent Palestinian human rights defenders from assisting the OTP in its investigation and impede access to international justice and accountability.

Israel's criminalization of Palestinian NGOs is an attack on international justice; and if allowed to proceed without consequences, this Israeli assault on human rights defenders will embolden other States to follow suit and have a chilling effect on the work of NGOs worldwide.

Naturally, this assault has been denounced by hundreds of organizations, experts, and States. I urge all States Parties and the Prosecutor to take concrete steps to defend these civil society organizations against such persecution and in so doing, defend the values and principles of the Rome Statute as well as the work and mandate of the Court.

The second area of focus is the effectiveness and impact of the Court. Today, the need for, and importance of the Court could not have been made more apparent. Chronic and relentless commission of war crimes and crimes against humanity continue unabated. We want to see the Court maintaining the very highest legal standards, and conducting efficient, timely and effective investigations and prosecutions.

This year, the investigation of the Situation in Palestine was finally opened. However, we note with concern that despite spending 6 years under Preliminary Examination, the investigation is only in the "planning phase". Of equal concern is the considerable discrepancy in the allocated resources between investigations undertaken by the

Court. This does not seem to align with the goal of expeditiousness and it must be addressed.

Third, we would like to stress the centrality of victims in the Rome Statute System, including their meaningful participation at all the stages of the proceedings. It is often difficult for victims in situations countries to understand why it takes so long to come to preliminary findings. Court proceedings are subjected to procedural requirements, but there is no manual that sets a guideline or a timeframe for grief and suffering. This needs to change.

Allow me to conclude by saying that, if we are to fulfill the objective of the Rome Statute, our commitment to accountability must be demonstrable and unwavering. The escalating encroachment on civil society, including in Palestine, presents us with a test we cannot and must not fail.

We have an obligation to work together to ensure that both the Court and those cooperating with it, including officials, are protected from intimidation, harassment, incitement, and state-sponsored spywares that threaten personal security and lives as well as international justice.

Thank you for your kind attention.