Joint statement by the Israel Ministry of Foreign Affairs and Ministry of Justice regarding the International Criminal Court Prosecutor's decision

December 21, 2019

Israel Ministry of Foreign Affairs

<https://mfa.gov.il/MFA/PressRoom/2019/Pages/Joint-statement-by-Israel-MFA-and-MOJ-regarding-ICC-Prosecutor-s-decision-21-Dec-2019.aspx>

The [decision of the Prosecutor of the International Criminal Court ​](https://mfa.gov.il/MFA/PressRoom/2019/Pages/ICCs-lack-of-jurisdiction-over-so-called-situation-in-Palestine-20-Dec-2019.aspx)not to dismiss the Palestinian case that calls for a criminal investigation of Israelis is unfounded and outrageous. It has turned the ICC into a political weapon waging political war against the Jewish state.

The Court has jurisdiction only in cases brought before it by sovereign States. The simple truth is that there is no Palestinian state and there never has been such a state. Accordingly, the Court has no jurisdiction in this case and claiming otherwise is a distorted act of legal acrobatics.

It is indisputable that Israel, the State of the Jewish people, has indelible historical and legal rights in our homeland. The parties agreed that the end of the conflict between them would be reached through direct negotiations. The Palestinians keep avoiding negotiations and consistently and systematically violate their commitments, including by this appeal to the Court.

Israel's Attorney General published earlier today Israel's detailed legal position regarding the Court's lack of jurisdiction. The paper has been in the making for the past year, with the knowledge of the Prosecutor. By any standard of justice and fairness, it is inconceivable that the Prosecutor would make a decision on this issue before studying seriously and thoroughly Israel's written position.

The Prosecutor has been influenced by Palestinian manipulation, which aims to weaponize the Court. The attempt to turn a political issue into a legal one places a serious obstacle in the way of resolving the conflict. The Prosecutor's decision far from serves the cause of justice and peace and in fact undermines these values.

Jurisdiction is not a mere formal or procedural matter; it is what distinguishes a legal body from a political one. When the Office of the Prosecutor ignores the rules of jurisdiction of the Court, this encourages political exploitation of the Court and undermines the juridical integrity of this institution.

Israel, a State founded after the horrors of the Holocaust, was among the first states to support the idea of establishing an international criminal court. Nevertheless, Israel, like other states, did not join the Rome Statute due to concerns that the court would be exploited as a political tool rather than fulfilling its original purpose. Today, the Office of the Prosecutor has proven that these concerns were justified.