Palestinian civilians urge International Court to speed up ‘war crimes’ probe

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Palestinian lawyers and civil society groups on Wednesday urged the International Criminal Court to speed up inquiries and open a full investigation into alleged war crimes in the Gaza Strip, East Jerusalem and the West Bank.

“For two years Palestine is under preliminary examination,” said lawyer Gilles Devers, adding “in Gaza, we think two years is too long.”

The Palestinian Authority has formally asked the ICC to investigate Israel, which is not a party to the Rome Statute that governs the court, for alleged war crimes.

It has presented the court with a dossier alleging abuses during the 2014 summer Gaza war, and for the Israeli presence and settlements in the West Bank.

In January 2015, the tribunal opened a preliminary examination into alleged abuses by all sides in the conflict. And an ICC delegation visited Israel and the West Bank in late 2016.

But Palestinian activists told reporters Wednesday the investigation has stalled, calling for both the ICC and the Palestinian Authority to speed up efforts.

Lawyers representing 448 named alleged victims, and more than 50 Palestinian trade unions and organizations, handed over Wednesday a thick dossier to the ICC prosecutor’s office which they said showed “clearly that crimes within the jurisdiction of the court have been committed.”

Israel’s 50-day summer 2014 campaign against Hamas in Gaza originally began as a predominantly aerial campaign in response to repeated rocket attacks from the Strip, similar to the 2012 Operation Pillar of Defense. But after Hamas made use of its cross-border tunnel network to carry out attacks inside Israel, the focus shifted to tackling the subterranean threat.

A total of 74 people — 68 IDF soldiers, 11 of whom were killed in cross-border tunnel attacks; and 6 civilians — died on the Israeli side of the conflict. In Gaza, more than 2,000 people were killed, with Israel putting the percentage of civilians killed at approximately 50 percent, the rest being combatants. Additionally, Gaza itself was left badly damage by the fighting.

Rights groups have also accused Hamas of war crimes. Amnesty International in 2015 said Hamas used its 2014 Gaza war with Israel to “settle scores” with rival Palestinians, executing at least 23 in possible war crimes.

Israel has also accused Hamas of war crimes, including via its indiscriminate firing of thousands of rockets into Israel during the conflict.

While rejecting allegations of war crimes against it, Israel has in the past also argued that the ICC has no authority to hear the Palestinian allegations since Palestine is not a country, and because the Israeli judicial system is independent and can itself handle war crimes allegations.

Devers, speaking in English, said the IDF campaign, dubbed Operation Protective Edge, was “a war crime” and the “ICC was competent” to handle it.

Chief Prosecutor Fatou Bensouda had “an obligation” to move beyond a preliminary examination to a full investigation, he told reporters before meeting with representatives from her office.

The dossier has been drafted by more than 30 lawyers in the Palestinian territories, and it is the first time that Palestinian civil groups, including doctors, farmers, fishermen and teachers, have appealed directly to the ICC.

The group said it has taken the action because of “the lack of political will on behalf of the Palestinian Authority” which it said had not made an official complaint as a state member of the ICC.

Devers said the group was also hoping to persuade the ICC to open a full investigation “as a matter of urgency” into the situation in East Jerusalem.

Protests and scuffles between demonstrators and Israeli police have erupted in recent days outside the Temple Mount compound, after three Arab-Israelis killed two Israeli policemen and injured a third in a shooting attack that was launched from within the compound. The three attackers were killed on the Temple Mount by pursuing police.

The site is venerated by Jews as the most sacred site in Judaism and by Muslims as the third holiest site in Islam.

Israel closed the ultra-sensitive compound on Friday and Saturday after the attack and has triggered Palestinian fury by installing metal detectors at its entrances since it was reopened on Sunday. Police say the detectors are needed to prevent a further incident of weapons being smuggled into the compound.