In victory for Israel, ICC says call for 'Palestinian victims' not binding

August 20, 2018

By Ariel Kahana, Yoni Hersch and Israel Hayom Staff

Israel Hayom

<http://www.israelhayom.com/2018/08/20/in-victory-for-israel-icc-says-palestinian-victim-decision-not-binding/>

In response to Israel's objections, the management of the International Criminal Court in The Hague has taken a step back from its unprecedented anti-Israel decision a month ago to [actively seek out Palestinian victims of alleged Israeli war crimes.](http://www.israelhayom.com/2018/08/15/officials-fume-as-international-criminal-court-%e2%80%8eseeks-palestinian-victims-of-israeli-%e2%80%8ecrimes%e2%80%8e/)

In a press release issued in July, three ICC judges ‎‎– Peter Kovacs, Marc Perrin de Brichambaut, and ‎Reine Adelaide Sophie Alapini-Gansou – urged alleged ‎victims to step forward by Dec. 14.‎

The three judges, members of the ‎pretrial chamber dealing with Palestinian allegations of Israeli war crimes, ordered the ICC's ‎Registry "to establish, as soon as practicable, a ‎system of public information and outreach activities ‎for the benefit of the victims and affected ‎communities in the situation in Palestine." ‎

Israel voiced strong objections to the one-sided initiative.

In response to an Israel Hayom inquiry, the court confirmed in a statement Sunday that "representatives of the court recently received representatives of the Israeli Ministry of Foreign Affairs at the latter's request."

The statement said the Israeli representatives conveyed their views on the July 13 decision on outreach to the victims, but "no document was filed with the court in relation to that matter."

The statement, signed by the court's Public Affairs Unit, stressed that Chief Prosecutor Fatou Bensouda was not in any way bound by the decision.

"The above-referenced decision does not reflect any prejudgment on the independent decision that will be taken by the ICC prosecutor when she concludes her preliminary examination of the situation in Palestine," the statement said.

It also said, "The court, as a judicial institution, cannot comment on the decision of its judges."

The statement appears to indicate that the court has realized that Israel will not sit idly by and allow it to act on one-sided decisions against it.

Israel asserts that the court does not have the jurisdiction to investigate events within Israeli territory, since, like the U.S. and other countries, Israel is not a member of the institution and takes no part in its legal proceedings.

Israel is not a signatory to the Rome Statute, from ‎which the ICC derives its power. The ‎Palestinian Authority, which [joined the ICC in April ‎‎2015](http://www.israelhayom.com/2017/07/20/palestinian-authority-officially-joins-international-criminal-court/), has not been recognized by the United Nations as a state, meaning that the ICC cannot ‎exercise its jurisdiction over the regional conflict.

The ICC is not the only international entity advocating a "mechanism of protection" for the Palestinians. In a new report circulated Friday, United Nations Secretary General Antonio Guterres said that [options to protect Palestinian civilians under the so-called Israeli occupation](http://www.israelhayom.com/2018/08/19/un-chief-proposes-armed-force-to-protect-palestinians-from-israel/) range from establishing an armed military or police force to deploying civilian observers or beefing up the U.N. presence on the ground.

Guterres stressed that every option would require the cooperation of Israelis and Palestinians, "a sustained cessation of hostilities, and additional resources."

Guterres was responding to a request in a Palestinian-backed resolution adopted by the General Assembly in June that blamed Israel for violence in Gaza and deplored its "excessive use of force."

The resolution asked for proposals to protect Palestinian civilians and recommendations "regarding an international protection mechanism."