

ICC: Israel Did Not Commit War Crimes in Gaza

Israel did not commit war crimes in a conflict in Gaza in 2009. So says a report issued on Tuesday by the Office of the Prosecutor of the International Criminal Court (ICC).

The decision represents a significant defeat for organizations and countries that attempted to demonize Israel by using international law.

Indeed, **Jay Sekulow**, chief counsel of the American Center for Law and Justice and European Centre for Law and Justice, who presented arguments before Office of the Prosecutor in support of Israel, called it a major victory for Israel in the international arena and a sound defeat for the unfounded “lawfare” attack leveled against the nation.

“What’s clear is that this legal assault against Israel not only lacked jurisdiction, but amounted to nothing more than an international campaign to discredit and demonize Israel,” Sekulow says. “We applaud the findings of the Office of the Prosecutor, which paralleled our arguments in defense of Israel. This decision closes the case, removes it from the court’s docket, and brings finality to this issue ending a flawed attempt to use the international legal system in an effort to wrongly punish Israel before the international community.”

In January 2009, the Palestinian Authority attempted to accede to the jurisdiction of the ICC by lodging a declaration accepting the jurisdiction of the ICC for “acts committed on the territory of Palestine since 1 July 2002.” Since only “states” may accede to ICC jurisdiction, the question immediately arose concerning whether Palestine was a “state.” For the past three years, the ICC prosecutor has been

examining that question. In a decision released today, the prosecutor finally determined that there was no firm evidence that Palestine is a state, thereby precluding ICC jurisdiction.

The ECLJ filed numerous legal memoranda and other documents with the ICC arguing that Palestine did not meet the international criteria for statehood, and Sekulow and other ECLJ attorneys twice met with the ICC prosecutor to argue against Palestinian accession to the ICC jurisdiction.

The ICC Prosecutor's language reflects the arguments in our documents filed with the ICC.

"The Rome Statute provides no authority for the Office of the Prosecutor to adopt a method to define the term 'State' under article 12(3)." Instead, the ICC Prosecutor recognized that "it is for the relevant bodies at the United Nations" to determine whether Palestine qualifies to be a state. The Prosecutor also concluded: "[T]he current status granted to Palestine by the United Nations General Assembly is that of 'observer', not as 'Non-member State' ... [This] informs the current legal status of Palestine for the interpretation and application of article 12 [which limits accession to States]."