Following UNSC Resolution, PLO Wants ICC to Open Full Investigation Into Settlements

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<http://m.jpost.com/Arab-Israeli-Conflict/Palestinian-Official-PLO-wants-ICC-to-open-full-investigation-into-settlements-476755#article=6017N0EzQjdCN0ZFRjQxNzc0MEU4QTdCMjExMzI2M0ZDRkQ>=

The International Criminal Court Prosecutor should move swiftly in opening a full investigation into the legality of settlements, a senior Palestine Liberation Organization official said on Wednesday.

“The Executive Committee wants the ICC Prosecutor to expedite her initial examination into settlements and subsequently proceed to opening a full investigation now that the Security Council has established that they are illegal,” Wasel Abu Yousif, a PLO Executive Committee member, told The Jerusalem Post.

[UN Security Council resolution 2334](http://www.jpost.com/Israel-News/UN-Security-Council-passes-anti-settlement-resolution-US-abstains-476360), which was approved on Friday, said settlements “have no legal validity” and constitute an obstacle to peace.

At the same time, the resolution called them a “flagrant violation” of international law, not a “grave violation.” The motion was passed under the less-binding UN Charter Chapter 6, not the most-binding Chapter 7, leaving an unclear picture of whether the ICC will view the settlements as a mere non-prosecutable violation or a prosecutable war crime.

The ICC Prosecution opened a preliminary examination of alleged war crimes connected to the 2014 Gaza war and to the settlement enterprise in January 2015.

Jerusalem disputes the ICC’s jurisdiction since Israel is not a member of the intergovernmental organization. Israel also says that there is no “State of Palestine” to request ICC intervention and argues that internal legal institutions within Israel, which have opened over 500 examinations and over 30 criminal investigations, make any ICC intervention superfluous.

The Palestinians argue that Israeli investigations are not sufficiently impartial and are used to shield senior officers from being charged.

The ICC Prosecution must decide to accept or reject Israel’s arguments before deciding whether to proceed to a full criminal investigation.

A full criminal investigation could be years off and Israel could appeal the ICC Prosecutor’s decision to a pretrial panel of judges of the ICC themselves.

Abu Yousif added that the PLO plans to turn to a number of other international bodies in addition to the ICC to hold Israel accountable for its settlement construction.

“We are going to ask the parties of Geneva Accords and the UN Human Rights Council to discuss and take a position on the issue of illegal settlements,” Abu Yousif remarked.