Israel rejects the ICC's decision regarding the scope of its territorial jurisdiction on the Israeli-Palestinian conflict

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Israel Ministry of Foreign Affairs

<https://mfa.gov.il/MFA/PressRoom/2021/Pages/Israel-rejects-the-ICC-s-decision-regarding-the-scope-of-its-territorial-jurisdiction-on-the-Israeli-Palestinian-conflict-7.aspx>

On Friday 5 February 2021, the Pre-Trial Chamber I of the International Criminal Court (ICC) issued a decision regarding the scope of the ICC’s territorial jurisdiction over issues pertaining to the Israeli-Palestinian conflict.

[As previously published](https://mfa.gov.il/MFA/PressRoom/2019/Pages/ICCs-lack-of-jurisdiction-over-so-called-situation-in-Palestine-20-Dec-2019.aspx), Israel's position is that the ICC lacks any jurisdiction on this matter given, among other reasons, that no sovereign Palestinian state exists nor does any territory belonging to such an entity.

**Ministry of Foreign Affairs statement on the ICC decision**

(Communicated by the MFA Spokesperson)

Israel rejects the decision of the International Criminal Court (ICC) on jurisdiction in the Palestinian case.

Israel is not a Party to the ICC and has not consented to its jurisdiction. Only sovereign States can delegate jurisdiction to the Court, and there is not, nor has there ever been, a Palestinian state.

The Court in The Hague was established to confront mass atrocities that deeply shock the conscience of humanity; not to pursue democratic states with independent and effective legal systems. By this decision, the Court has unfortunately succumbed to politicization, violated its mandate and allowed itself to be dragged into a political conflict, making misguided determinations on issues over which it has no authority, and which the parties themselves have agreed must be resolved by direct negotiations.

With this decision, the Court has not only gravely harmed its legitimacy, it has inevitably contributed to the polarization between the parties, distancing them further from the very dialogue that is so necessary to resolve the conflict between them. This, at a rare moment of opportunity for progress that has been created by the recent historic normalization agreements in the region, and the renewal of Israeli-Palestinian coordination. This unwarranted intervention by a foreign court effectively rewards the Palestinian refusal to return to negotiations, plays into the hands of extremists, and turns the Court into a tool of anti-Israel propaganda.

The State of Israel is a democracy committed to the rule of law and international justice. Israel will take all necessary measures to protect its citizens and soldiers from this illegitimate decision by a Court which has proved itself today to be a political body, not a judicial institution.

We call on all States who value the international legal system, and seek to protect it from politicization, to oppose this decision and not cooperate with it.

**Statement by Minister of Foreign Affairs Gabi Ashkenazi**

(Communicated by the MFA Spokesperson)

Today's decision by the ICC distorts international law and turns this institution into a political tool of anti-Israeli propaganda.

The ICC has no jurisdiction to deliberate the Palestinian case.

The State of Israel is a robust democracy with an independent and effective legal system that is deeply respected all over the world.

The judges’ decision rewards Palestinian terrorism, as well as the refusal of the Palestinian Authority to return to direct negotiations with Israel, and will further polarize both sides.

We call upon all nations that value the international legal system, and object to its political exploitation, to respect the sovereign rights of states not to be subjected to the Court’s jurisdiction.

The State of Israel will take every necessary measure to protect its citizens.

**Statement by PM Benjamin Netanyahu**

(Communicated by the Prime Minister's Media Adviser)

"When the International Criminal Court (ICC) investigates Israel for fake war crimes – this is pure antisemitism.

“The court established to prevent atrocities like the Nazi Holocaust against the Jewish people is now targeting the one state of the Jewish people.

“First, it outrageously claims that when Jews live in our homeland, this is a war crime.

“Second, it claims that when democratic Israel defends itself against terrorists who murder our children and rocket our cities - we are committing another war crime.

“Yet the ICC refuses to investigate brutal dictatorships like Iran and Syria, who commit horrific atrocities almost daily.

“As Prime Minister of Israel, I can assure you this:

“We will fight this perversion of justice with all our might!"

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**Statement by Attorney General Avichai Mandelblit**

(Communicated by the Ministry of Justice Spokesperson Department)

Yesterday (Friday, 5 February 2021), Pre-Trial Chamber I of the International Criminal Court (ICC) issued a decision regarding the scope of the ICC’s territorial jurisdiction over issues pertaining to the Israeli-Palestinian conflict. As previously published, the Attorney General’s position is that the ICC lacks any jurisdiction on this matter given, among other reasons, that no sovereign Palestinian state exists nor does any territory belonging to such an entity; and moreover, that the Palestinian Authority has no jurisdiction over Israeli citizens (for more information, see the Memorandum of the Attorney General dated 20.12.2019). This legal position has garnered the support of leading nations and world-renowned legal experts, yet the Court’s majority opinion disregarded many of the substantial legal arguments made in this context.

The State of Israel is a law-abiding democracy with an independent legal system. Israel is committed to the fundamental values of international law, and is fully capable of examining alleged violations of the law on its own. For this reason as well, there is absolutely no place for the ICC’s intervention in matters that are under the jurisdiction of the State of Israel.

The relevant political and legal authorities in Israel have been closely following for some time the attempts to draw the ICC into the Israeli-Palestinian conflict, and are fully prepared to deal with any possible developments in the ICC arena. The Attorney General and his team will continue to assist the Israeli Government and Israel’s citizens in addressing any situation arising out of the ICC.