Questions and Answers: Palestine’s First Communication of Information to the International Criminal Court Regarding Violations of International Humanitarian and Human Rights Law

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 http://www.nad.ps/en/publication-resources/faqs/qa-palestine%E2%80%99s-first-communication-information-international-criminal

On June 25th, 2015, the State of Palestine will officially present an initial batch of information to the International Criminal Court in order to assist with its preliminary examination into crimes committed on the territory of the occupied State, including East Jerusalem, since 13 June 13 2014. The delivery of this information is considered a fundamental step in the process of ending Israeli impunity and bringing justice to the Palestinian people.

**Is this communication** **a referral?**

No. The communication focuses on providing information to the ICC Prosecutor so as to supplement a preliminary examination in advance of an official investigation.  If the Prosecutor finds that the information reaches the threshold required for an investigation, she will proceed with the investigation.  Palestine is simply contributing information to facilitate the preliminary examination initiated 16 of January 2015

**Will Palestine make specific referrals to the ICC?**

As a State Party to the Rome Statute, the State of Palestine may make referrals to the Court and may choose to do so at a later stage if it deems necessary. This will depend upon how the preliminary investigation progresses.

**What does this communication reflect?**

The communication reflects the strong consensus amongst the Palestinian people that we seek accountability and the prevention of crimes of concern to the international community as a whole. Palestine’s accession to the Rome Statute was the outcome of a long process of internal discussion between the PLO, political parties, civil society and other actors within Palestinian society, reaching the consensus that Palestine should be a State Party to the ICC. In effect, this submission reflects the State and its institutions’ willingness to assist the Office of the Prosecutor by providing information relevant to her preliminary examination of the crimes committed in our territory.

**What will this communication include?**

The files to be presented to the court refer to war crimes and crimes committed by individuals of the Israeli leadership. It will focus primarily on providing the context within which a pattern of systematic interrelated crimes have been committed within and throughout the Palestinian state, including through the Israeli settlement regime, and the blockade and attacks against the Gaza Strip and civilian population.

The information contained in thecommunication aims to demonstrate that there are practices and policies which either triggered the commission of these crimes, or which are criminal in and of themselves, or both. The files include statistics on settlements, prisoners, as well as statistics on Israel's aggression and attack on Gaza 2014

The communication will highlight the context within which a widespread and systematic attack by Israeli leaders and agents is continually being perpetrated against the Palestinian people. As a whole, the communication confirms that the absence of accountability has lead to the recurrence of violations and crimes and will continue to do so if gone unchecked.

**What territory and which period of time does the communication include?**

The State of Palestine, as recognized by the United Nations, includes all of the West Bank, including East Jerusalem, and the Gaza governorates.

The communication is in line with the declaration lodged by the State of Palestine on 1 January 2015 under article 12(3) of the Rome Statute in which Palestine accepted the jurisdiction of the ICC.  Consistent with the Rome Statute, the communication outlines   crimes committed in the occupied State of Palestine, including East Jerusalem, since 13 June 2014.

**Who prepared the files to be submitted?**

The Higher National Committee prepared the communication file for the ICC.  This committee includes members of the PLO Executive Committee, ministers and relevant ministerial bodies, and representatives of all political parties, security forces and professional unions.

By joining the court, Palestine seeks accountability for the widespread and blatant criminality which persists against it in hopes that this will provide a measure of protection by deterring future crime. “It is time to put an end to the Palestinian tragedy by ensuring the rights of Palestinians under international law”, H.E President Mahmoud Abbas, May 2015.