



## [The International Criminal Court Rules It Has the Jurisdiction to Investigate War Crimes Committed by Israel](#)

This past week, the International Criminal Court (ICC) ruled that it has the jurisdiction to investigate war crimes and atrocities committed by Israel in the illegally-occupied Palestinian territories. The Palestinians formally joined the ICC in 2015 and have asked the court to examine Israel's actions during its 2014 assault on the besieged Gaza Strip as well as their continued illegal settlement expansion in the occupied West Bank. Back in 2019, the ICC's chief prosecutor Fatou Bensouda said that there was a basis to open a probe into Israeli military actions and settlement activity, but had asked the court to determine whether there was territorial jurisdiction before proceeding. The international community widely views the Israeli settlements as illegal and a major obstacle to the peace process. Global rights groups welcomed the landmark decision, with Human Rights Watch (HRW) expressing that it "finally offers victims of serious crimes some real hope for justice after a half century of impunity." Meanwhile, embattled Israeli Prime Minister Benjamin Netanyahu – who is also currently facing a serious criminal corruption trial – controversially stated that he intends to ask dozens of allies to "discreetly" pressure Bensouda against opening the potential war crimes investigation.

In the court's 2-1 ruling, a pre-trial chamber of the ICC determined that the international tribunal does have the necessary jurisdiction to open a probe into the aforementioned matter. While the ICC's chief prosecutor Bensouda had expressed all along that she believed the court did indeed possess that, she had asked for a definitive ruling from the pre-trial chamber because of the contentious nature of the case. To do so, the ICC also invited member states and independent experts to weigh in as well. Now that the court has issued a ruling on jurisdiction, Bensouda must figure out whether to proceed with an investigation or leave that up to her successor – as her term ends in June of this year. The ICC's decision comes slightly over a year after Bensouda stated in December 2019 that a preliminary examination had gathered enough information to meet all the required criteria for opening an official investigation.

If a formal probe is initiated and leads to war crime convictions, the affected parties could be subject to international arrest warrants upon travel abroad. As such, reports indicate that Israeli government officials are concerned about the potential for an investigation. To that end, Israeli Prime Minister Netanyahu has already instructed ambassadors to ask foreign ministers and government heads in the countries where they are posted to issue public statements of opposition to the ICC's ruling. He has also encouraged governments to "discreetly" put political pressure on the ICC's chief prosecutor.

Ultimately, independent human rights experts have argued that the ICC's ruling is a significant step towards justice and accountability for the grave atrocities and war crimes perpetrated against the Palestinians. They contend that the judgement is a major move forward in the decades-long social justice efforts to end impunity regarding Israel's actions in its illegal occupation of the Palestinian territories. Overall, it would allow the ICC to investigate several credible past allegations including war crimes committed by Israel during the 2014 assault against the Gaza Strip, the killing and wounding of thousands of largely unarmed demonstrators during the Great March of Return in 2018 and 2019, and Israel's continued illegal settlement expansion in the West Bank.