

## Statement by Light & Salt gUG

### **ICC Prosecutor Announces Formal Investigation of Israeli "War Crimes" on 03.03.2021!**

#### **Hundreds of Israelis could be put at risk by court decision.**

The ICC (International Criminal Court) was created by the Rome Statute of the International Criminal Court on July 17, 1998 at the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court. Some 128 countries have signed up to be members of the ICC, which meets in The Hague in the Netherlands.

The court has jurisdiction to prosecute individuals for genocide, crimes against humanity, war crimes, and "elements of crime." Following Operation Cast Lead, the three-week IDF operation in Gaza that began in late December 2008 and ended in January 2009 in response to a prolonged period of terrorist attacks and rocket attacks on Israeli cities, the Palestinian Authority turned to the ICC, accusing Israel of targeting civilians in the operation. Additionally, they claimed that Israel's construction of homes in communities in Judea and Samaria violated the Geneva Convention and constituted a war crime.

Luis Moreno Ocampo, the ICC's chief prosecutor at the time, reiterated that the PA could not bring its case before the court because it was not considered a state. The issue was debated for another three years, and in 2012 the United Nations upgraded the PA to an observer state. In 2015, the Palestinian Authority signed the Rome Treaty and was unlawfully admitted as a member of the ICC, because it was not an independent state under the ICC Statute.

In 2019, as a result, the court's chief prosecutor, Ms. Fatou Bensouda, opened investigations against Israel for alleged war crimes in Operation Cast Lead in December 2008, even though Israel is not an ICC member and has its own independent judicial system. According to the 03.03.'21 announcement, the investigation is expected to cover the 2014 Gaza war, the 2018 Gaza border crisis, and the Israeli settlement enterprise, as well as Hamas rocket attacks on Israeli civilians.

Since Israel is not a member country of the ICC and the Palestinian Authority is not a representative of a state recognized under international law, the ICC lacks any legal basis to open a war crimes investigation against Israel. In complete ignorance of this legally binding fact, the true motivation of the illegal request of Chief Prosecutor Bensouda appears to be of an anti-Semitic, political nature, as Prime Minister Benjamin Netanyahu also announced in the press these days.

We as **Light & Salt gUG** brand this obviously anti-semitic, politically motivated action as an international bending of the law of the "Rome Statutes of the International Criminal Court" and urge the Chief Prosecutor Ms. Fatou Bensouda to abandon her illegal plan and return to the legal content of the Statutes of the "International Criminal Court".