Law: International Criminal Law

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Palestine and the International Criminal Court

- Maximises the reader’s insight into the Israeli-Palestine conflict
- Reinforces the principle that establishing justice and ending impunity are crucial for sustainable peace
- Examines alleged crimes unique to the Palestine situation and shows how the ICC could deal with them

This book deals with the possible investigation and prosecution by the International Criminal Court (ICC) of crimes allegedly committed in the Israeli-Palestinian conflict. In light of the Rome Statute and the Practice of the Office of the Prosecutor of the Court, among others, it examines the route, possible outcomes, and challenges that may arise were the Palestine situation to be brought before the ICC. The subject matter is approached using the route the Prosecutor of the Court would generally employ to deal with situations. The publication offers a step-by-step procedure by which to conduct the preliminary examination and investigation of the situation in Palestine and deals with matters of jurisdiction, followed by a discussion of the fundamental concepts of complementarity and gravity to determine the admissibility before the ICC. Alleged crimes particularly unique to the Israeli-Palestinian conflict, such as the construction of settlements, forced displacement, house demolitions, the expropriation of land, the crime of apartheid and the blockade of Gaza, are dealt with in light of the Rome Statute and international law. On the basis of the established theories of transitional justice, the possible impacts of an ICC investigation and prosecution on the conflict are analysed and a number of insights are shared with regard to the impacts of the ICC on combatting impunity, fostering Palestine’s statehood, peace negotiations and the stability of the region. Due to the politicisation of the conflict and the various interests at stake, the impact of the ICC’s involvement on the credibility of the ICC itself is also reviewed.

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