



News Release
For Immediate Release

Contact:
Paige Brownlow
Institute for Palestine Studies
paigeb@palestine-studies.org
Tel: 202-342-3990 ex.13

The Implications of Palestine Joining the ICC
In-depth report published in the *Journal of Palestine Studies*

January 8, 2015 – In the newest issue of the *Journal of Palestine Studies*, [The Implications of Palestine Joining the International Criminal Court after Operation Protective Edge](#) are examined by leading scholar of international law and the Arab-Israeli conflict, Victor Kattan, a fellow at the Law Faculty of the National University of Singapore and previously a legal adviser to the Palestinian Negotiations Support Unit. Kattan details the potential obstacles that await the Palestinians should they mount a case against Israel for war crimes in the ICC.

The devastating Israeli assault on Gaza this past summer that left more than 2,200 Palestinians dead, led to increased popular calls for Palestine to join the ICC. Palestinian factions across the spectrum gave their support for the move. The Palestinian delegation submitted its application to join on January 2, 2015 and UN Secretary-General Ban Ki-moon announced on January 7th that “*the statute will enter into force for the State of Palestine on April 1, 2015.*”

In this timely and in-depth analysis published by the *Journal of Palestine Studies*, Kattan outlines why Palestine was unable to join the ICC in 2009 when they first applied, and why this time is different. Palestine was granted observer-state status at the UN in November of 2012, allowing the ICC to accept their application. “**The ability to sign, ratify and accede to treaties is important because it is considered to be one of the essential attributes of statehood,**” states Kattan.

Kattan is also careful to outline the many obstacles Palestine faces simply by joining the ICC. As he relates, joining the ICC could have dire financial costs for the Palestinian Authority (PA) and a Palestinian economy dependent on financial aid. The United States has already threatened to pull necessary funding from the PA in response to its move to join the ICC. Additionally as Kattan anticipated his report, Israel is planning to withhold tax-revenue that it collects on behalf of the PA to punish the Palestinian people for their attempt to use pursue legal redress.

Israeli officials have warned President Abbas against joining the ICC, citing potential war crime charges that Israel could bring against Palestinians in response. Kattan describes how Abbas could avoid such a possibility by not backdating his application to 2012, and allowing the ICC to only have jurisdiction after Palestine joins. It is not yet evident if Palestine will be able to charge Israel for crimes it committed during the most recent assault on Gaza, although Palestinian officials have called for it.

Kattan expertly outlines the international law concerns that Palestinians face as new members of the ICC. **The ICC is a young institution with little case history and is dependent on the**

cooperation and financial support of its members. The United Nations Security Council reserves the right to suspend any ICC prosecution through the passage of a resolution. Palestine would have to ensure that if such a resolution were supported by a majority on the 15-member Council, one of the five veto-wielding powers (U.S., Great Britain, France, Russia, and China) would veto the resolution on Palestine's behalf. Such possibilities, along with jurisdictional and temporal concerns and whether pursuing action through the International Court of Justice (ICJ) would offer a more propitious path, are addressed cogently by Kattan.

Full text of the article is available online at www.palestine-studies.org. Contact Paige Brownlow at 202-342-3990 ext. 13 or paigeb@palestine-studies.org to obtain a copy of the entire Journal or to schedule an interview with the author, Victor Kattan.

About the Author

Victor Kattan is a postdoctoral fellow at the Law Faculty of the National University of Singapore (NUS). He was previously a legal adviser to the Palestinian Negotiations Support Unit in Ramallah, on secondment from the United Nations Development Program (UNDP). Kattan is the author of *From Coexistence to Conquest: International Law and the Origins of the Arab-Israeli Conflict 1891-1949* (London: Pluto Press, 2009) and is editor of *The Palestine Question in International Law* (London: The British Institute of International and Comparative Law, 2008). This paper was written for a presentation that took place at the NUS Middle East Institute on 10 September 2014.

About the *Journal of Palestine Studies*

The [Journal of Palestine Studies](http://www.palestine-studies.org) is the oldest and most respected English language journal devoted exclusively to Palestinian affairs and the Arab-Israeli conflict. It brings you timely and comprehensive information on the region's political, religious, and cultural concerns. With an emphasis on peaceful resolution of conflict, the journal unites sound research and analysis with a variety of well-informed perspectives by academics, policy makers, and diplomats. Published quarterly, the *Journal of Palestine Studies* is a vital resource for anyone interested in the Palestine Question. It is published by the University of California Press for the Institute for Palestine Studies. The Institute for Palestine Studies USA is a non-profit organization dedicated to research on Palestine. (<http://www.palestine-studies.org>)

The Institute for Palestine Studies is committed to accurate research and documentation of Palestinian history and affairs. Please [subscribe](#) to the *Journal of Palestine Studies* for more in-depth, relevant and exclusive reports and articles.

"We believe that the cause of peace and justice in Palestine – as well as all over the world – is best served by adhering to the facts and their unbiased analysis." – Hisham Sharabi, the first Editor of the Journal of Palestine Studies, 1973