

Palestine joining the ICC - a step towards justice and peace in the Middle East.

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Palestine has proclaimed by the Declaration of the PLO and its then President Yasser Arafat to the state in November 1988th Since then, 131 States have recognized Palestine as a state. Legally this is irrelevant, because the quality of an area as a state depends only on three elements: There must be a citizen and a territory to be present and a state authority, organize the people and territory and may also represent outward. Despite the Israeli occupation and the ongoing land grab Palestinian territory good two-thirds of the UN member states have no doubt about the state of Palestine quality, especially since occupation and theft of land are illegal under international law.

Although the application of the successor of Arafat, Mahmoud Abbas, to full membership of Palestine in the UN failed in September 2011. But a year later voted 138 of the total of 193 members of the UN General Assembly for the recognition of Palestine as an observer state. Only seven countries voted in the wake of the US and Israel on the other hand, 41 states, unfortunately, Germany and Great Britain, abstained. Thus the simple observer status of Palestine (observer entity) to an observed non-Member State (non-member observer state) was counted on - the immediate precursor to full member state in the UN. This has an immediate effect. For now Palestine has the right to nominate their own candidates for the institutions and organizations of the United Nations. It gets right to speak in the General Assembly when it can not even vote with also. However, it has now the opportunity to even approach the Security Council and his attention to disputes in which it is to be involved - so all questions of occupation and permanent violent attacks by Israeli settlers and army. Especially since Palestine can be a full member of the UN agencies.

This possibility, the PLO has made consistent use. On December 31, 2014, the President of the Palestinian National Authority (PNA) Mahmoud Abbas has signed the Rome Statute of the International Criminal Court (ICC). Since April 1, 2015 Palestine is now a full member. In January 2009, Palestine had submitted to the jurisdiction of the ICC to bring the crime before the court, which had taken place in Palestinian territory since 1 July of 2002. At that time, however, was the prosecution of the ICC considers that they themselves can not decide whether Palestine is already a state which could join the jurisdiction alone. This decision has now been taken by the General Assembly and the

Secretary-General Ban Ki-moon. Since Palestine is finally in the position to independently report war crimes and crimes against humanity in Palestinian territory of Generalanklägerin Fatou Bensouda.

But this can also be self-employed and may conduct investigations to verify whether the conditions for initiating a formal procedure are given. Since January 2015 this should have such a preliminary investigation of the situation in Palestine already taken. It is clear that such preliminary investigations do not relate only to acts of the Israelis, but also to acts of the Palestinians. Since the PLO issued its declaration of accession to the Rome Statute retroactively on 13 June 2014 the youngest Gaza war will form the focus of the investigation. Also, the extensive complex of settlements with its violent expropriations, destruction and displacement and the mass detention of civilians, politicians and parliamentarians, women and children must be part of the investigation, but only since June, 2014.

This step is of utmost political importance. He pulls the organizations of the United Nations even more in the far unsolvable appearing conflict in and asks its commitment to enforcing its own principles as codified in the UN Charter. Israel has managed to avoid this always in association with the United States. It has aggressively made against the UN and behave as if the Charter and international law for Israel not apply. The threats and the furious reaction against the accession of Palestine to the Rome Statute, the refusal to duties and taxes that belong to the Palestinians, to pay to the PNA, are not new. They only document the increasing isolation of Israel in the UN. It succeeds Israel indeed repeatedly to block the work of the UN, if this deals with the illegal occupation policies and crimes of war. Israel has never agreed to work with the UN together when it comes to Palestine. It has already announced not to cooperate with the ICC. All the more important it is that the UN finally makes its contribution to the solution of the conflict is. This corresponds to their job and their importance for peace in the world. The UN must no longer be prevent by Israel in this contract.

But let's be careful. Even if the Generalanklägerin Bensouda wants to start due to their preliminary investigations official investigations under Art. 53 Rome Statute, it requires a resolution of a chamber of the ICC in The Hague. This can not only take a long time, but builds further hurdles. The court will examine whether Israel itself has a corresponding jurisdiction and is willing to establish the alleged crime itself and track. If it comes to the conclusion that Israel is prepared to carry out the law itself, (10 Art. U. 17 para. I, par. A Rome Statute) is the opening of proceedings in The Hague refuse. A highly political decision, is determined to influence the Israel.

Also, the locus, that is, the State Quality Palestine, be denied repeatedly in a process and therefore play a role. Joins the Court of the majority of UN member states and accepts the accession of Palestine to its jurisdiction, he can decide whether he first allegations by Israel against the warfare of the Palestinians in the last Gaza war examined or even the accusations of Palestinians who the Gaza war, the settlement policy and the political prisoners include. Decides to Israel to participate in the clarification of the rocket fire from Gaza into Israeli territory, the Court could decide to handle this much clearer facts first. There are plenty of ways to retard the process or even stop.

A survey of the achievements of the ICC in the 13 years of its activity, it has just three rulings - all against African perpetrators. Not only is the evidence of war crimes and crimes against humanity-consuming and difficult, it also encounters strong reservations of sovereignty and state immunity, which have built up especially the old colonial powers on. We must not forget that this process would be the first high-ranking perpetrators of a state that belongs to the circle of the Atlantic States, whose crimes have so far been bypassed and spared from the ICC. With such a method, a hitherto unspoken taboo would be broken, which the major Western countries has protected from prosecution.

The prosecution has the violation of international humanitarian law, specifically bring the "Fourth Geneva Convention of 1949 on the protection of victims of international armed conflicts" by the mass arrest and partial deportation of political prisoners in the occupied territories to the Court. Although Israel denies the application of the Geneva Convention on their occupied territory, is consistent with this opinion but alone. The UN General Assembly has repeatedly held that the IV. Geneva Convention was applicable to the occupied territories. This has confirmed in its opinion of July 2004 on the legality of the Wall of the International Court of Justice (ICJ). Occupation is foreign domination. Therefore, the protection of human rights through the IV. Geneva Convention, the First Additional Protocol of 1977 and the international law of human rights has such a central importance for the public. The area, or just parts of it, may not be annexed. His people are not (Art. 49), remand prisoners and convicts to be deported must be inhaftiert in prisons in the occupied territory (Art. 76). However, many prisoners have been placed in local prisons to Israel. Widespread isolation of prisoners, the so-called. Incommunicado detention is only possible in exceptional cases, such as espionage, sabotage or other reasons that threaten the security of the occupying power suspicion. But such reasons can be constructed easily. Only compelling reasons of military security or the internal order of the occupied territories must people a forced residence imposed

(Art. 78). but you must have the opportunity to earn their own living. Only in exceptional cases, they may be interned in camps. Always these measures must be preceded by a fair trial with legal means.

And this is probably the central point. The arbitrariness of the Israeli occupation administration and the army is not curb by the courts. They are not the necessary corrective to guarantee the rights guaranteed in the Geneva Convention and the international Menschenrechtskodifikationen rights of the population against the occupation. On the contrary, they are an active part of foreign domination, arbitrariness and violence only intensified. The whole system of illegal occupation is especially clear in the practice of arbitrary mass detention of children, women, civilians and politicians, without due process of law, which prescribes the Geneva Convention (Art. 72 ff.).

Art. 147 IV. Geneva Convention explains some violations of international law of occupation as a serious breach of the Agreement. This includes inter alia the "willfully causing great suffering or serious injury to body or health, unlawful deportation or transfer, unlawful detention, ... depriving them of their rights of fair and impartial, the provisions of this Agreement appropriate legal proceedings". This includes the establishment of its own population into the occupied territories, which is prohibited (Art. 49.6, Protocol I Art. 85.4.a) or carry-over of part of the population of the occupied territories. These are all under the Rome Statute war crimes falling within the jurisdiction of the ICC (Art. 8.2.a, b), where they belong.

The political prisoners are an essential part of the injustice of the occupation, but a long time little attention to the conflict. It is therefore important that Palestine injustice to the political prisoners special attention in its display. This will require considerable work and much fortitude of the politicians, the lawyers in Palestine. Since Israel is itself not be able to all historical experience out way back to a policy within the framework of the UN Charter and international law, the influence from the outside is necessary. This has recently emphasized Avi Primor, former Israeli ambassador to Germany in a speech in Bremen and Germany and asked the US to help Israel in ending the occupation. Israel was apparent from its own resources to unable. Israel has blocked all international efforts to resolve the conflict and blocked with the accusation of anti-Semitism. It has ignored the advisory opinion of the ICJ on the international illegality of the wall and the barrier fence on Palestinian territory and declared binding. Israel, however, can not ask for eternity outside of the general legal system, and the USA and the EU countries are the permanent violation of international law and the constant humiliation and attacks on another people can not protect.

I call on the German government and all parties in the Bundestag, to actively introduce themselves to the side of the law and the Palestinian people in its struggle for justice and a decent standard of living to recognize Palestinian statehood and to support the initiatives of Palestine in the UN. This endangers not peace but helps the collapsed peace process back on its feet.

Hamburg, 26. 05. 2015