

**Question: How is it even possible that the International Criminal Court can open an investigation into Israel? Is it taken seriously? Who abides by it?**

The International Criminal Court (ICC) decided in February 2021 that it has the *jurisdiction* to investigate and prosecute Israeli and Palestinian leaders for war crimes and crimes against humanity committed on the “territory of Palestine”.

This decision is the result of a decades-long campaign to have UN General Assembly resolutions adopted recognizing a “State of Palestine” that does not exist in reality. This campaign has succeeded because States that do not even recognize Palestine as a State have not voted in the UN against such resolutions. ICC States Parties also failed to object to Palestine’s acceptance into the ICC Assembly of States Parties. All these states therefore share responsibility for this outcome.

This is just the start of what will be a long process. Many substantive and evidentiary legal problems, as well as political hurdles, will need to be overcome before any individuals will be actually indicted with – let alone convicted of – crimes. In the meantime, this decision is likely to have significant political repercussions and impact the standing of the ICC in the international community. A number of ICC State Parties have immediately criticized the decision of the Court, that was already under heightened scrutiny for its poor performance and lack of results in its 19-years existence.

See further:

- [The ICC’s controversial ruling on “Palestine” – pushing the boundaries of law](#)
- [Amicus Curiae observations re. the “situation in Palestine”](#)

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ISRAEL *and* INTERNATIONAL LAW