



Visit of the Palestinian National Authority Minister of Foreign Affairs, Mr. Riad al-Malki, and Minister of Justice, Mr. Ali Khashan, to the Prosecutor of the ICC (13 February 2009)



Prosecutor Luis Moreno-Ocampo and Ministers Ali Khashan and Riad al-Malki

HIGHLIGHTS

- On 13 February 2009, Prosecutor Luis Moreno-Ocampo met with Palestinian Minister for Foreign Affairs, Mr. Riad al-Malki, and Minister of Justice, Mr. Ali Khashan, as well as with the Palestinian National Authority Ambassador to The Netherlands, Mrs. Somaia Albarghouti, in the ICC headquarters in The Hague.
- During the meeting, the Ministers submitted information and documents to the Prosecutor.

BACKGROUND

• In accordance with the Rome Statute of the ICC (Statute), the Court's jurisdiction extends to war crimes, crimes against humanity and genocide committed on the territory of a State Party, or by a national of a State Party. In addition, alleged crimes can come under investigation and prosecution before the ICC if a relevant non-State Party or Parties voluntarily accept(s) the jurisdiction of the Court on an *ad hoc* basis

(Article 12(3) of the Statute) or if the Security Council refers the situation to the Prosecutor (Article 13(b)).

- On 22 January 2009, the Prosecutor received Dr. Ali Khashan, Minister of Justice of the Palestinian National Authority, who briefed the Prosecutor on the current situation. The same day, Dr. Khashan, on behalf of the Palestinian National Authority, lodged a [declaration pursuant to Article 12\(3\) of the Statute with the Registrar of the Court](#), and the Registrar acknowledged [receipt of the declaration](#).

- Since 27 December 2008, the OTP has also received 326 communications under Article 15 by individuals and NGOs, related to the situation context of Israel and the Palestinian Territories; some of them were made public by the senders. As per normal practice, the Office is considering all information, including open sources.

- The Office will carefully examine all relevant issues related to the jurisdiction of the Court, including whether the declaration by the Palestinian National Authority accepting the exercise of jurisdiction by the ICC meets statutory requirements; whether the alleged crimes fall within the category of crimes defined in the Statute, and whether there are national proceedings in relation to those crimes.

- This is a process the Office follows for each situation, as was done for the Central African Republic, Venezuela, and Iraq, and as is

underway for Georgia, Colombia, Afghanistan and Côte D'Ivoire. Even when the Office received a referral from the UN Security Council concerning Darfur, issues of jurisdiction had to be independently assessed in order to determine whether or not to open an investigation.

- These are complex legal issues to assess. This independent judicial process is guided by the Rome Statute; the Prosecutor applies the same standard to all situations.

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