19th March 2021

Item 7 General Debate
On behalf of Defence for Children International (DCI) - Palestine

On February 5, the Pre-Trial Chamber I of the International Criminal Court (ICC) decided that the Court's territorial jurisdiction in the Situation in Palestine, extends to the Occupied Palestinian Territory (OPT), the West Bank, including East Jerusalem, and the Gaza Strip. On March 2, ICC Prosecutor, Fatou Bensouda, confirmed that the Office of the Prosecutor has initiated an investigation covering crimes committed in the OPT since June 13, 2014.

Defense for Children International – Palestine has documented over 700 Palestinian children who have been killed by Israeli forces and settlers since then. 150 Palestinian children were killed by live ammunition or crowd-control weapons, including 34 children who were killed in Gaza while participating in the Great March of Return. At least 535 children were directly killed by Israeli attacks during the 2014 Israeli military offensive, Operation Protective Edge.

Norms of international law only permit the intentional use of live ammunition when an imminent mortal threat or threat of serious injury exists. However, in the overwhelming majority of cases, DCIP found that Palestinian children killed by Israeli forces with live ammunition did not pose any threat to justify the use of lethal force.

Only one Israeli soldier has been indicted for a crime related to a child killing that falls within the Court's jurisdiction. The unnamed soldier was convicted of disobeying orders not the unlawful killing of a 15-year-old who was killed while participating in Great March of Return protests in Gaza.

Israeli investigations are rarely independent or impartial. The near-complete lack of accountability and systemic impunity for crimes against Palestinian children has directly fostered a context where children overwhelmingly become targets. Defense for Children International – Palestine welcomes the ICC's investigation into crimes committed in the OPT.

We strongly urge all member states to:

- Fully support the ICC's exercise of jurisdiction over the Occupied Palestinian Territory, and oppose and refrain from taking any punitive measures against the State of Palestine for engaging with the ICC;
- Call on Israel to accede to the Rome Statute of the International Criminal Court; and
- Call on the United States to rescind Executive Order 13928 sanctioning ICC personnel.

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