



FACTSHEET

SADAKA صدقة

The Ireland Palestine Alliance ♦ www.sadaka.ie

Israeli Settlements: Colonies and War Crimes

- When a state, which is occupying territory not its own, builds settlements on that territory and transfers its own citizens into them, that process is a war crime.
- Article 8.2(b)(viii) of the Rome Statute of the International Criminal Court (ICC) defines “the transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies” to be a war crime.
- Israel took over the West Bank (including East Jerusalem) by force in 1967 and has held it under military occupation ever since. Since then, it has transferred well over half a million of its own citizens into that territory – and this process of colonisation continues relentlessly today.
- There is little doubt that Israel’s colonisation programme has involved the commission of war crimes as defined in the Rome Statute.

Can the ICC prosecute?

- Yes – Palestine became a party to the Rome Statute on 1 April 2015 and the ICC now has jurisdiction in the West Bank (including East Jerusalem) and Gaza.

Who could the ICC prosecute for war crimes?

- Individuals responsible for the Israeli colonisation programme, including the present Prime Minister of Israel.
- Perhaps, individuals (chiefly Americans) who fund the colonisation for aiding and abetting war crimes.

Could the ICC prosecute individuals for past colonisation?

- Probably, not. The ICC can only prosecute individuals for crimes committed after a state has become a party to the ICC (see Article 11(2) of the Rome Statute).
- Prosecution by the ICC, or the threat thereof, is likely to serve as restraint on future colonisation, not a punishment for past colonisation.

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September 2015