

23 November 2022

Ms Silvia Fernández de Gurmendi
President of the Assembly of States Parties
International Criminal Court
Oude Waalsdorperweg 10
The Hague, The Netherlands

Open Letter to the President of the Assembly of States Parties to the Rome Statute: Palestinian Organisations Call on President, to Take Action Against Israel’s Designations

Dear Madam President,

We, the undersigned, are Palestinian, regional and international civil society organizations (CSOs), including the Palestinian CSOs, outlawed by Israel for our accountability work, monitoring and documenting violations of international law, including war crimes and crimes against humanity against Palestinian victims.

The presidency of the Assembly of States Parties (ASP) to the Rome Statute of the International Criminal Court (ICC) plays a crucial role in supporting the Court. As [affirmed](#) by the ASP presidency in the past, this support extends to the “Court and its staff as well as **those cooperating with it** in implementing its judicial mandate.” In the ‘Omnibus Resolution’ ([Resolution ICC-ASP/20/Res.5](#)) on “Strengthening the ICC and the ASP”) adopted in December 2021, the ASP expressed again, *inter alia*, its appreciation of the “invaluable assistance that has been provided by civil society to the Court,” and voiced its concerns “by the recent **reports of threats and intimidation directed at some civil society organizations cooperating with the Court.**” In addition, the ASP reaffirmed “the importance of supporting **all those cooperating with the Court** [...] in order to secure the ability of the Court to fulfil its critical mandate of holding accountable perpetrators of the most serious crimes of concern to the international community and delivering justice to victims.”

On 22 October 2021, Israel’s Defence Minister designated six prominent Palestinian civil society organisations as “terrorist organisations”. The designations have been internationally condemned by the [European Union](#), [several State Parties](#), and [UN Experts](#) including the [UN Special Rapporteur on Counter Terrorism](#), and the [UN High Commissioner on Human Rights](#), amongst *others*. Three of these organisations, namely Al-Haq, Addameer, and Defense for Children International – Palestine, have been providing the Office of the Prosecutor with information regarding alleged Israeli crimes within the jurisdiction of the Court.

On 18 August 2022, Israeli forces raided the headquarters of the six organisations; Al-Haq, Addameer, Defence for Children International – Palestine, the Bisan Center for Research and Development, the Union of Palestinian Women’s Committees and the Union of Agricultural Work Committees, along with the Union of Health Work Committees. The Israeli military confiscated computers and equipment, sealed entrance doors and formally closed the organisations under military orders. Such acts by the Israeli military of “tampering with or interfering with the collection of evidence”, when at the investigation or trial stage, for example, may amount to “offences against the administration of justice” as stipulated by Article 70 of the Rome Statute.

Israel’s unsubstantiated designations and its latest outrageous raid of Palestinian civil society offices appear to be an attempt by its apartheid authorities to conceal its crimes and to prevent the ICC from acquiring the information that has been collected by those organisations. The Israeli decision to designate and close the Palestinian CSOs is the culmination of [a years-long orchestrated campaign](#) that aims at [silencing Palestinian human rights defenders](#). This is apparently in large part because of their long-lasting constructive engagement with the Court and the ASP. Authoritarian and repressive

regimes have always implemented such tactics of intimidation and harassment of human rights defenders to obstruct their work and this is no exception.

Since Palestine joined the ICC, Israel has been attempting to undermine the Court and its efforts to fight impunity and provide accountability for war crimes and crimes against humanity, allegedly committed in Palestine. In its [2016 report on preliminary examination activities](#), the Office of the Prosecutor (OTP) acknowledged, without attributing the threats to a particular source, that “staff members of certain [Palestinian] organisations that have gathered information of relevance to the Office of the Prosecutor’s preliminary examination, such as Al-Haq and Al Mezan, have been subjected to threats and other apparent acts of intimidation and interference.” Furthermore, when the Pre-Trial Chamber ruled that its jurisdiction extends to the occupied Palestinian territory in its entirety, Israel viciously attacked the Court and called its decision “[pure anti-Semitism](#)”.

Last year, Israel attended the ASP’s 20th session as an observer state, despite its continuing efforts to undermine the work of the Court and attack Palestinian CSOs cooperating with it. During that session’s general debate, Palestinian CSOs delivered a [statement](#) and appealed to the ASP to condemn these designations, but no concrete actions or any statement have been issued by the ASP, in support of the Palestinian CSOs. The statement warned of further repressive steps by Israeli authorities.

The statute gives the ASP a mandate to respond to non-cooperation by States Parties, and ICC States Parties may also lose their right to vote when in arrears. The right of participation of observer states in the Assembly promotes a key goal of universality, but this participation should be understood as carrying with it responsibilities to act in a manner that respects the court’s mandate. Israel’s unsubstantiated and [unlawful](#) designations of Palestinian CSOs, apparently at least in part due to their advocacy for justice before the court, is not compatible with support to the ICC’s mission.

As you are well aware, Israel systematically [denies](#) many international organisations access to the occupied Palestinian territory, including to the UN Special Rapporteurs and Commissions of Inquiries. As a result, one of the only ways the international community and the relevant investigative bodies, including the ICC, have access to the victims and communities in Palestine, is through Palestinian CSOs organisations. Although it is clear that Israel’s targeting of these organisations hinders the work of the ICC and other justice efforts, there has been no reaction by the ASP. The [European Union](#), [several State Parties](#), [UN High Commissioner for Human Rights](#), [UN experts](#), and [CSOs around the world](#) rejected and condemned Israel’s designations, the ASP should join in rejecting and condemning Israel’s unsubstantiated designations.

Madam President, the ASP [proposal](#) for the implementation of recommendation 169 of the Independent Expert Review reaffirmed its commitment to “uphold and defend the principles and values enshrined in the Rome Statute and to preserve its integrity undeterred by any threats or measures against the Court, its officials and **those cooperating with it**, and renews its resolve to stand united against impunity.” Moreover, the proposal reiterates that the Presidency of the ASP, “**bears the main responsibility for coordinating an appropriate response from the Assembly** to any threat or attack against the Court, its officials and **those cooperating with it**, which has the potential to undermine the integrity, effectiveness or impartiality of the Court.” The proposal listed concrete steps that the ASP can take to ensure an immediate response to such attacks, including, **issuing a statement, convening an urgent meeting of the Bureau, and proposing additional measures to be adopted by the Bureau**, which could include **individual or joint statements and other forms of communication and outreach, and other private or public diplomacy initiatives**.

We recall that when the Court and its staff were threatened and sanctioned, by the Trump administration under US Executive Order 13928, civil society and human rights defenders from across the world, including ourselves, stood up for the Court and called on the threats to stop and sanctions to be rescinded. Palestinian CSOs have played a vital role in the defence of justice and human rights and played a pivotal role in achieving the State of Palestine’s accession to the Rome Statute. We now call on your support and ask you to respond to Israel’s latest attacks on Palestinian CSOs and defend human rights defenders who cooperate with the Court. The duty to defend and promote Palestinian victims’ rights to access justice is a shared one. To that end, we will continue to be active stakeholders

of the Rome Statute system, continue our cooperation with the Court and support its investigation into the Situation in the State of Palestine.

In conclusion, **we call on you to:**

1. Send a letter to the Israeli authorities to condemn their attacks on Palestinian CSOs and demand their [unlawful](#) designations be rescinded;
2. Publicly condemn Israel's designations of and threats against Palestinian CSOs and defend the human rights defenders and CSOs cooperating with the ICC;
3. Inform the ASP Bureau and ICC States Parties of the threats and sanctions against Palestinian CSOs and encourage them to express their support and condemn measures;
4. Implement the [ASP Presidency's proposal](#) for implementation of recommendation 169 of the Independent Expert Review adopted by the bureau on 29 July 2022.

We remain at your disposal and stand ready to provide further information to assist you.

Yours sincerely,

1. Al-Haq, Law in the Service of Mankind (Al-Haq)
2. Al Mezan Center For Human Rights
3. Addameer Prisoner Support and Human Rights Association (Addameer)
4. Defense for Children International – Palestine (DCI-P)
5. Bisan Center for Research and Development (Bisan Center)
6. The Union of Agricultural Work Committees (UAWC)
7. The Union of Palestinian Women Committees (UPWC)
8. Health Work Committees (HWC)
9. Abdel - Shafi Community Health Association (ACHA)
10. Act for Conflict Resolution
11. Afaq Jadeeda Association
12. Afkar Foundation for Educational and Cultural Development
13. Agricultural Guiding and Awareness Society
14. Aisha Association for Woman & Child Protection
15. Al Awda Health and Community Association
16. Al Foukhary Association for Development and Culture
17. Al Mada Foundation for Community Development through the Arts

18. Al Najda Social Association
19. Al Sattar Garbee Association for Developing Countryside and Farmer
20. Alahleya Society for Development of Palm and Dates
21. Alanqaa Association for Community Development
22. Al-Atta Charitable Society
23. Al-Awda Center for Childhood and the Youth Rehabilitation
24. Al-Dameer Association for Human Rights –Gaza
25. Al-Ghad al-Jadid Center for Palestinian Democratic Youth
26. AL-Karmel Cultural and Social Development Association
27. Almanal Society for Developing the Rural Women
28. Almontada Cultural Center in Beit Annan
29. Alrowwad for cultural and arts society
30. Al-Taghreed Society for Culture and Art
31. American Friends Service Committee (AFSC)
32. Amnesty International
33. Applied Research Institute/ ARIJ
34. Arab Agricultural Engineers Association.
35. Arab Center for Agricultural Development
36. Arab Centre for Agricultural Development (ACAD) /Ramallah – Gaza
37. Arab Women's Union Soccity
38. Asociación Americana de Juristas/ American Association of Jurists (AAJ)
39. Asociación Venezolana de Juristas, Venezuela.
40. Association des Universitaires pour le Respect du Droit International en Palestine (AURDIP)
41. Association France Palestine Solidarité (AFPS)
42. Association Switzerland Palestine
43. Atfaluna Society for Deaf Children
44. BADIL - Palestinian Resource Center for Residency and Refugee Rights
45. Bait Al Mostaqbal Association
46. Basma Society for Culture and Arts
47. BDS Netherlands
48. Belgian Campaign for Academic and Cultural Boycott of Israel (BACBI), Belgium.
49. Boycott Israel Network (UK)
50. Burj Alluqluq Social Center Society

51. Cairo Institute for Human Rights Studies.
52. Canadian BDS Coalition
53. Canadians for Peace and Justice in Kashmir (CPJK)
54. CAPJPO-EuroPalestine (France)
55. Care for Children with Special Needs Society- Nablus

56. Care Project Association

57. Center for Defense of Liberties and Civil Rights

58. Center for Laboural Studies

59. Central Blood Bank Society

60. Centre for Constitutional Rights (CCR)

61. Centre for Research on Multinational Corporations (SOMO)

62. Child Care and Mother Guidance Association

63. Crystal Palace Friends of Palestine
64. Deir El Balah Social & Cultural Center

65. Democracy and Workers' Rights Center

66. Democracy for the Arab World Now (DAWN)

67. Dr Haider Abdel Shafi Center for Culture and Development

68. ECCP - European Coordination of Committees and Associations for Palestine
69. Economic and Social Development Center of Palestine

70. El Amal Rehabilitation Society--Rafah

71. El- Maghazi Cultural Center

72. El Wafaa Charitable Society

73. El Wedad Society for Community Rehabilitation

74. Elia Youth Foundation

75. European Legal Support Center (ELSC)
76. Family Planning and Protection Association

77. Football against Apartheid
78. Future Builders Forum

79. Future Youth Foundation

80. Gaza Community Mental Health Program

81. Gaza Culture & Development Group

82. General Federation of Palestinian Handicapped

83. Ghassan Kanafani Development
84. Giuristi Democratici
85. Good Shepherd Collective
86. Hadaf Center For Human Rights
87. Hanan for Culture and Social Development Association
88. Hawwa' Center for Culture and Arts
89. Health, Development, Information and Policy Institute
90. Human Rights and Democracy Media Center "Shams"
91. Human Rights Watch
92. Indian Association of Lawyers
93. International Association of Democratic Lawyers
94. International Centre of Justice for Palestinians
95. International Commission of Jurists, the Norwegian section (ICJ Norway)
96. International Federation for Human Rights (FIDH)
97. Ireland-Palestine Solidarity Campaign
98. Jabalia Rehabilitation Society
99. Jerusalem Legal Aid Center
100. Jewish Network for Palestine (UK)
101. Jewish Voice for Peace
102. Jewish Voice for Peace Health Advisory Council
103. Just Peace Advocates/Mouvement Pour Une Paix Juste
104. Kairos Sabeel Foundation Netherlands
105. Khalil Sakakini Cultural Center
106. Khuza'a Permaculture Center Association
107. Labor Resources Center
108. Land Research Center
109. Leeds Palestine Solidarity Campaign
110. Liverpool Friends of Palestine
111. Ma'an Development Center/Gaza
112. Ma'an Development Center/Ramallah
113. Medical Relief Association
114. Mothers' School Society
115. MRAP (*Mouvement contre le Racisme et pour l'Amitié entre les Peuples*)
116. Muwatin Institute for Democracy and Human Rights
117. National Lawyers Guild International (U.S.)
118. National Society for Rehabilitation

- 119.Nawa for Culture and Arts Association
- 120.Nederlands Palestina Komitee
- 121.New Weapons Research Group. Odiv, Italy
- 122.Norwegian Confederation of Trade Unions (LO-Norway)
- 123.Norwegian Union of Municipal and General Employees
- 124.Novact (Spain)
- 125.Organización Sures
- 126.Palestine Committee of Norway
- 127.Palestine Solidarity Campaign (PSC)
- 128.Palestinian Agricultural Development Association

- 129.Palestinian Association for Development and Construction (PADR)

- 130.Palestinian Businesswomen's Association

- 131.Palestinian Center for Development and Media Freedoms (MADA)

- 132.Palestinian Center for Growth and Human Development

- 133.Palestinian Center of Organic Agriculture

- 134.Palestinian Centre for Human Rights
- 135.Palestinian Counselling Center

- 136.Palestinian Developmental Women Studies Association

- 137.Palestinian Farmers Union

- 138.Palestinian Hydrology Group

- 139.Palestinian Society of Hemophilia Diseases

- 140.Palestinian Woman's Union

- 141.Palestinian Working Women Society for Development

- 142.Palestinian Youth Union

- 143.PAX Organisation for Peace (PAX)
- 144.Perdana Global Peace Foundation.
- 145.PNGO Coalition
- 146.Popular Art Centre

- 147.Protecting Palestinian Families (UK)
- 148.Public Aid Society

- 149.Right to Live Society

- 150.Rural Women's Development Society

- 151.Sadaka-the Ireland Palestine Alliance
- 152.Sareyyet Ramallah-First Ramallah Group

- 153.Sawa Foundation "All women are together today and tomorrow"

- 154.Science & Culture Center
- 155.SE London and Lewisham Friends of Palestine
- 156.Sheffield Palestine Solidarity Campaign (UK)
- 157.Siwar for Culture and Arts Society
- 158.Society for the Care of Disabled Families
- 159.Society of Remedial Education Centre
- 160.Suds – Associació Internacional de Solidaritat i Cooperacció (Spain)
- 161.Tamer Institute for Community Education / Gaza
- 162.Teacher Creativity Center
- 163.Thalassemia Patients Friends' Society
- 164.The Assembly Benevolent of Operation
- 165.The Culture and Free Thought Association
- 166.The Democracy and Workers' Rights Centre/Gaza
- 167.The Eastern Association for Agriculture
- 168.The European Coordination of Committees and Associations for Palestine (ECCP)
- 169.The National Commission for the Independence of the Judiciary and the Rule of Law "Istiqlal"
- 170.The National Society for Democracy and Law
- 171.The Norwegian Initiative Defend International Law
- 172.The Palestinian Academic Society for the Study of International Affairs
- 173.The Palestinian Center for Peace and Democracy
- 174.The Palestinian Center for the Independence of the Judiciary and the Legal Profession
- 175.The Palestinian Hydrology Group/Gaza
- 176.The Palestinian Institute for Communication and Development
- 177.The Palestinian Women's Development Center
- 178.The Palestinian Working Women Society
- 179.The Rights Forum
- 180.The Society for Care of the Handicapped
- 181.The Society of St. Yves
- 182.The Society of Women Graduates in Gaza Strip
- 183.Treatment and Rehabilitation Center for Victims of Torture

- 184.Trocaire
- 185.UJFP (Union juive française pour la paix)
- 186.Union of Health Care Committees
- 187.Union of Palestinian Medical Relief Committees - Gaza.
- 188.Wassel Center for Youth Development
- 189.Women and Family Affairs Center
- 190.Women for Life Association
- 191.Women in Black Vienna, Austria
- 192.Women's Studies Centre
- 193.Women's Affairs Center /Gaza
- 194.Women's Affairs Technical Committee
- 195.Women's Center for Legal Aid and Counselling
- 196.Young Women's Christian Association
- 197.Youth Development Foundation
- 198.Youth Development Society