

23 November 2022

Mr Karim A. A. Khan KC
Office of the Prosecutor
International Criminal Court
Oude Waalsdorperweg 10
The Hague, The Netherlands

**Open Letter to the Prosecutor of the International Criminal Court:
Civil Society Organisations Call on Prosecutor to
Investigate and Deter Crimes in Palestine**

Dear Mr Prosecutor,

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

As the Prosecutor of the world's permanent International Criminal Court (ICC), a court of last resort for victims of the most serious crimes, your mandate provides the opportunity, not only to investigate international crimes but also to monitor the situation investigated by your office and to perform an early warning function. In particular, the Office of the Prosecutor (OTP) [policy paper](#) provides for deterrent preventive statements that “will allow the Office to react promptly to upsurges of violence by reinforcing early interaction with States, international organisations and non-governmental organisations in order to verify information on alleged crimes, to encourage genuine national proceedings and to prevent reoccurrence of crimes.”

The OTP has issued multiple preventive statements on the situation in Palestine, including on the [May 2021 escalation of violence](#) in the Gaza Strip, and the West Bank, including East Jerusalem, and regarding the worsening situation in Gaza during the mass demonstrations of the [Great March of Return in April 2018](#). The effectiveness of such statements in providing sufficient deterrence has been proven on several occasions, for example, when former Prosecutor Bensouda issued a [preventive statement](#) regarding the planned [forced evictions of the Bedouin community of Khan al-Ahmar](#) in the West Bank, the then-Israeli Foreign Minister [confirmed](#) that Israel did not evict Khan al-Ahmar out of concerns of an ICC investigation. This unequivocally shows that such preventive statements can provide sufficient deterrence.

There have been important missed opportunities for preventive statements in the past year. For example, no preventative statement was issued during the latest 3-day Israeli military offensive on the Gaza Strip between 5-7 August 2022, launched without clear provocation and which resulted in 49 casualties, including 35 civilians, of whom, 17 were children and 4 were women. Similarly, no such statements were issued when the Israeli military raided and assaulted worshipers at Al-Aqsa Mosque and Al-Haram Al-Sharif compound in occupied East Jerusalem, the third holiest religious site for Muslims. The incursions took place during Ramadan, the holiest month of the Muslim calendar, in an escalation that gravely threatened

regional peace and security. Notably, a statement from the Prosecutor –that the OTP is monitoring the situation and that any serious crimes committed may be included in your office’s investigation– can provide the required deterrence and help reduce Palestinian victims’ suffering.

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 OTP with information regarding alleged serious crimes committed by Israeli nationals within the jurisdiction of the Court.

The designation of the leading Palestinian civil society organisations is the latest in [an orchestrated campaign](#) of repression against the organisations, apparently in large part because of their constructive engagement with your office. In its [2016 report on preliminary examination activities](#), your office 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”. We note that the Apartheid Convention, which should be used a guide in interpreting this definition, specifically lists as an “inhuman act” of apartheid, the “persecution of organizations and persons by depriving them of fundamental rights and freedoms, because they oppose apartheid”.

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 trial stage, for example, may amount to “offences against the administration of justice” as stipulated by Article 70 of the Rome Statute.

As you are well aware, Israel systematically [denies](#) many international organisations access to the occupied Palestinian territory, including 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. Although Israel’s targeting of these organisations could hinder the work of the ICC, there has been no public reaction by your office. 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 been submitting vital communications to your office and played a pivotal role in advocating for the State of Palestine's accession to the Rome Statute. Palestinian organizations will continue to support the ICC in its efforts to end impunity. Though mindful of the Court's limited resources and budgetary complications, as well as your office workload and challenges, we are compelled to stress that Palestinian victims deserve justice and require equal attention as in other situations. Thus, we, including signatories who are representatives of Palestinian victims, urgently invite you to conduct a visit with your team to the occupied Palestine territory, *i.e.*, the West Bank including East Jerusalem and the Gaza Strip. The duty to defend and promote Palestinian victims' rights to access justice is a shared one. To that end, we will continue our cooperation with your office and our support of your investigation into the Situation in the State of Palestine.

In conclusion, as part of your ongoing investigation, **we call on your Office to:**

1. Publicly condemn and call for the rescinding of Israel's designations of Palestinian CSOs;
2. Publicly affirm that the alleged crimes committed during Israel's unprovoked military offensive on Gaza in August 2022 will be scrutinized as part of your investigation into the Situation in Palestine
3. Urgently expedite your investigation into the Situation of Palestine, including the crimes against humanity of apartheid and persecution;
4. Issue preventive statements to deter Israeli practices that may contribute to ongoing crimes against humanity and war crimes, entailing that all alleged crimes committed in Palestine, including the persecution of Palestinian organisations as an inhumane act of the crime against humanity of apartheid, will be examined by your office and included in its current investigation.
5. Operating under Part 9 of the Rome Statute, call upon Jordan and Palestine, as ICC States Parties, and other non-state parties, including Egypt, to cooperate with your Office in facilitating the opening of a country office in Palestine, and in arranging an urgent visit to Palestine, especially to Gaza; and
6. Take appropriate action, within the confines of the exercise of your mandate under the Rome Statute, with a view towards preventing and deterring the commission of war crimes and crimes against humanity in the situation in Palestine.

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

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. Almntada 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 Society
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. Ody, 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 Cooperació (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