

Joint Open Letter to the Office of the Prosecutor of the International Criminal Court: Time to Investigate Crimes in Palestine, Time for Justice

Open Letter to the Office of the Prosecutor of the International Criminal Court

Re: Over 180 Palestinian, Regional, and International Human Rights Coalitions, Organisations, and Individuals Call on the International Criminal Court: Time to Investigate Crimes in Palestine, Time for Justice

29 April 2020

Your Excellency Fatou Bensouda,

On 20 December 2019, following almost five years of preliminary examination, the Prosecutor of the International Criminal Court submitted to the Pre-Trial Chamber a [request](#) for a ruling on the Court's territorial jurisdiction in Palestine indicating that "war crimes have been or are being committed in the West Bank, including East Jerusalem, and the Gaza Strip" and that she had "identified potential cases arising from the situation which would be admissible." Further, the Prosecutor was satisfied that the Court's territorial jurisdiction extended to the "Palestinian territory occupied by Israel" since June 1967, "namely the West Bank, including East Jerusalem, and Gaza."

The undersigned 180 Palestinian, regional, and international coalitions, organisations, and individuals, led by and including Palestinian coalitions representing over 200 Palestinian civil society organisations, overwhelmingly support the Prosecutor's findings submitted to the Pre-Trial Chamber. We urge that in light of the pervasive climate of [impunity](#), which has prevailed for over five decades in the occupied Palestinian territory, that perpetrators of war crimes and crimes against humanity committed in Palestine must be held accountable at the International Criminal Court.

On 28 January 2020, the Pre-Trial Chamber invited *amicus curiae* submissions on the question of territorial jurisdiction to be submitted to the Court. This led to the submission of 43 *amicus curiae* briefs, comprising eight submissions from States parties, including the State of Palestine, and a further two from intergovernmental organisations. Of these, the [League of Arab States](#), representing 22 States, and the [Organization of Islamic Cooperation](#), representing some 57 States, all of which recognise the State of Palestine and its exclusive sovereignty, submitted in support of the Prosecutor's findings. These States represent only a fraction of the [137](#) States that bilaterally recognise the State of Palestine.

Academics, bar associations, including the Palestinian Bar Association, and non-governmental organisations filed compelling *amicus curiae* submissions in support of the Prosecutor's findings. Palestinian Professors Asem Khalil and Halla Shoaibi of Birzeit University in Palestine outlined how "sovereignty remains with the occupied State" and that any reliance on the Oslo Accords should be dismissed as a violation of the right of the Palestinian people to self-determination. Because the Oslo process "did not deal with the issue of international crimes, the Accords cannot be interpreted as having intended to prevent the State of Palestine from delegating jurisdiction over such crimes to an international court".

Additionally, Palestinian lawyer and refugee, Mr. Ismail Ziada, of International-Lawyers.org, whose family home in the Al-Bureij refugee camp in the Gaza Strip was targeted in an Israeli military airstrike in 2014, killing six members of his family, supported the Prosecutor's contention that the Oslo Accords

cannot override the right to self-determination of the Palestinian people. Further, nine substantial submissions filed by Palestinian and international lawyers representing Palestinian victims, with many files representing hundreds of victims from the occupied West Bank, including East Jerusalem, the Gaza Strip, and the Palestinian diaspora, outlined how the State of Palestine has territorial jurisdiction over crimes, including the crime of persecution in the occupied Palestinian territory.

Palestinian human rights organisations Al-Haq, Al Dameer Association for Human Rights, the Palestinian Centre for Human Rights (PCHR), and Al Mezan Center for Human Rights, meanwhile, have urged an immediate and comprehensive criminal investigation to bring an end to the pervasive climate of impunity enjoyed by Israeli perpetrators of war crimes and crimes against humanity, and that an investigation by the International Criminal Court encompass all parts of the occupied Palestinian territory. Palestine has maintained its rightful sovereignty since the British Mandate period over territory beyond the Green Line and, therefore, any criminal investigation mounted by the Prosecutor must encompass at a minimum, the West Bank, including East Jerusalem, and the Gaza Strip, including its territorial waters and exclusive economic zone.

While the above described *amici* filings demonstrate concrete and emphatic support for the Prosecutor's findings, we are cognizant of the fact that there is even broader and more widespread support from within Palestine, regionally, and internationally for an investigation by the International Criminal Court into war crimes and crimes against humanity committed in the occupied Palestinian territory, including crimes committed against civilian health workers, journalists, and children. Moreover, we are concerned that the *amici* input from European States in opposition to the Prosecutor, fails to represent the positions of civil society organisations from those countries, who have long supported the work of Palestinian civil society organisations in their pursuit of human rights, justice, the rule of law, and accountability at the International Criminal Court. Accordingly, we submit this letter for your consideration ahead of your 30 April 2020 filing to the Pre-Trial Chamber.

Together, the undersigned organisations, coalitions, and individuals, emphatically support the Prosecutor's finding that there is a reasonable basis to believe that war crimes and crimes against humanity have been and are being committed in the occupied Palestinian territory, that the International Criminal Court can properly exercise its jurisdiction over the entire territory of the State of Palestine, and fully support without any further undue delay, the opening by the International Criminal Court of a full and thorough investigation into international crimes committed in the West Bank, including East Jerusalem, and the Gaza Strip. For the Palestinian people, the International Criminal Court is truly a "court of last resort." It is time for justice. It is time for an investigation.

Yours Sincerely,

Civil society organisations and coalitions

1. Academics for Palestine
2. Adalah Justice Project
3. ADDAMEER Prisoner Support and Human Rights Association
4. Afri – Action From Ireland
5. Al-Haq – Law in the Service of Mankind

6. Al Mezan Center for Human Rights
7. Al Quds, Spain
8. Aldameer Association for Human Rights
9. Alwaleed Cherty Association
10. Amazigh Observatory of Rights and Freedoms
11. Amnesty International Kelowna – Group 161, Kelowna, British Columbia, Canada
12. Association des Universitaires pour le Respect du Droit International en Palestine (AURDIP)
13. Amnesty International-Moroccan Section
14. Arab Network for Tolerance (ANT)
15. Arab Organization for Human Rights
16. Association pour le Jumelage entre les camps de réfugiés Palestiniens et les villes Françaises (AJPF)
17. Asociación de Mujeres por la Paz – Islas Canarias
18. Asociación Solidaria con Palestina
19. Association Belgo-Palestinienne – Wallonie/Bruxelles
20. Association France Palestine Solidarité (AFPS)
21. Association of Palestinian Arabs
22. Atlantic Canada Palestinian Society
23. Australian Centre for International Justice
24. Bar Association of Morocco's Lawyers
25. Broederlijk Delen
26. Cairo Institute for Human Rights Studies (CIHRS)
27. Canadian Arab Federation
28. Canadian Arab Forum of British Columbia
29. Canadian Arab Society of London, Ontario
30. Canadian Council for Justice and Peace
31. Canadian Friends of Sabeel
32. Canadian Lawyers for International Human Rights
33. Canadian Palestinian Association of Manitoba

34. Canadian Palestinian Council
35. Canadian Palestinian Foundation of Quebec
36. Canadian Peace Congress
37. Canadian Unitarians for Social Justice
38. Canadian *Voice of Women* for Peace
39. Canadians for Justice and Peace in the Middle East
40. CanPalNet
41. Catholics for Justice and Peace in the Holy Land
42. Center for Constitutional Rights
43. Citizens Initiatives Association
44. CNCD-11.11.11
45. Coalició Prou Complicitat Amb Israel (CPCI), including 17 members
46. Coalition for Accountability and Integrity – AMAN
47. Comité Palestine Israël Méditerranée du Pays de Châteaubriant
48. Comités pour le Développement et la Patrimoine (CDP)
49. Community Action Center (Al-Quds University)
50. Coordinadora Andalusía por Palestina
51. Cooperazione Per Lo Sviluppo Dei Paesi Emergenti (COSPE)
52. Defense for Children International – Palestine
53. Diensten en Onderzoek Centrum Palestina in the Netherlands
54. Dignity Forum for Human Rights
55. European Coordination of Committees and Associations for Palestine (ECCP)
56. Educators for Justice and Peace
57. Educators for Justice of Waterloo Catholic Board
58. European Legal Support Center (ELSC)
59. Euro-Med Coalition for Climate and Social Justice
60. Filastiniyat Organization
61. Freedom Flotilla Coalition
62. Friends of Kashmir Canada

63. Gaza Action Ireland
64. General Federation of Independent Trade Unions- Palestine
65. General Union for Palestinian Woman
66. General Union for Palestinian Writers
67. Global Legal Action Network
68. Global Rights Compliance LLP
69. Good Shepherd Collective, United States of America
70. Health Work Committee
71. Hebron Defense Committee
72. Habitat International Coalition – Housing and Land Rights Network
73. Human Rights & Democracy Media Center – SHAMS
74. Humans Without Borders
75. Hurryyat – Center for Defense of Liberties and Civil Rights
76. Israeli Committee Against House Demolitions (ICAHD) – Finland
77. Independent Jewish Voices Canada (IJV)/Voix Juives Indépendantes Canada (VJI)
78. International Federation for Human Rights (FIDH)
79. Interpueblos – Cantabria
80. Ireland-Palestine Solidarity Campaign
81. Irish Congress of Trade Unions
82. Irish Football Fans Against Israeli Apartheid
83. Jerusalem Legal Aid and Human Rights Center
84. Jewish Voice for Just Peace Ireland (JVJPI)
85. Jewish Voice for Peace Health Advisory Council, USA
86. Just Peace Advocates/Mouvement pour une Paix Juste
87. Justice for Palestinians, Calgary
88. Kotof Elkhair Association
89. Labour for Palestine
90. La Ligue des droits de l'Homme (LDH) – France
91. League for the Defence of Human Rights

92. Le Collectif Judéo Arabe et Citoyen pour la Palestine (CJACP)
93. Mouvement contre le Racisme et pour l'Amitié entre les Peuples (MRAP)
94. Medical Association for the Rehabilitation of Victims of Torture
95. Médecins du Monde France
96. Mid-Islanders for Justice and Peace in the Middle East
97. Moroccan Association for Human Rights
98. Moroccan Association of Defence of the Independence of Justice
99. Moroccan Body for Human Rights
100. Moroccan Center for Human rights
101. Moroccan Forum for Truth and Justice
102. Moroccan Justice Observatory
103. Moroccan Lawyers' Union
104. Moroccan National body for Protection of Public assets
105. Moroccan Network for Defence of Public Assets
106. Moroccan Observatory for Public Liberties
107. Moroccan Observatory of Prisons
108. Mouvement de la Paix
109. Mouvement International de la Réconciliation (MIR/IFOR) Muwatin Institute for Democracy and Human Rights - Observer Member
110. Non-Violence International
111. Novact – International Institute for Nonviolent Action
112. Oakville Palestinian Rights Association (OPRA)
113. Organization for freedoms of information and expression-Hatim
114. Oyoun Foundation for Human Rights
115. Pal-Think for Strategic Studies
116. Palestina Solidariteit, Belgium
117. Palestina Toma la Calle
118. The Palestine Institute for Public Diplomacy (PIPD)
119. Palestine Legal

120. Palestine Link in The Netherlands
121. Palestinian and Jewish Unity/Palestiniens et Juifs Unis (PAJU), Montreal
122. Palestinian Association of Hamilton
123. Palestinian Bar Association
124. Palestinian Canadian Community Center - Palestine House
125. Palestinian Canadian Congress (PCC)
126. Palestinian Center for Development and Media Freedoms – MADA
127. Palestinian Centre for Human Rights (PCHR)
128. Palestinian Counseling Center
129. Palestinian Education Coalition
130. Palestinian General Federation for Trade Unions
131. Palestinian General Union of Persons with Disabilities
132. Palestinian General Union of Teachers
133. Palestinian Human Rights Organizations Council (PHROC), including 12 members
134. Palestinian Journalists' Syndicate (PJS)
135. Palestinian Medical Relief Society (PMRS)
136. Palestinian National Institute for NGOs
137. Palestinian Non-Governmental Organizations Network (PNGO), including 136 members
138. Palestinian Non-Governmental Organizations against Domestic Violence against Women (Al Muntada), including 18 members
139. Palestinian Solidarity Working Group – Sudbury
140. Palestinian Working Women Society for Development
141. PalNetPacific Network of Pacific Mountain Region, British Columbia
142. Pax Christi
143. Paz con Dignidad
144. Plateforme des ONG françaises pour la Palestine, including 41 members
145. Plataforma Solidaria Palestina –Valladolid
146. Premiere Urgence International
147. Protection and Sumud Committee

148. Ramallah Center for Human Rights Studies (RCHRS)
149. Regina Peace Council
150. Rif Human Rights Association
151. Rumbo a Gaza
152. Social and Economic Policies Monitor – Al-Marsad
153. Socialist Project
154. SODEPAZ Solidaridad Desarrollo
155. Solidarity with Palestine, St. John's
156. Stand with Kashmir
157. Stars of hope Society for Women with Disability Empowerment
158. Syrian Center for Media and Freedom of Expression (SCM)
159. Teacher Creativity Center
160. The National Society for Democracy and Law (NSDL)
161. The Agricultural Development Association (PARC)
162. The Association of Palestinian Arab Canadian (APAC)
163. The Christian Palestinian Initiative – Kairos Palestine
164. The Civic Coalition for Palestinian Rights in Jerusalem
165. The Independent Commission for Human Rights (Ombudsman Office)
166. Moroccan Coalition for Human Rights Commissions, including 21 members
167. The National Association of Human Rights Defenders
168. The Palestinian Civil Women's Coalition for the implementation of United Nations Security Council Resolution 1325
169. The Palestinian Coalition for Economic, Social and Cultural Rights – ADALAH, including over 60 members
170. The Palestinian Initiative for the Promotion of Global Dialogue and Democracy – Miftah
171. The Rights Forum, Netherlands
172. The United Church of Canada
173. Trade Union Friends of Palestine, Ireland
174. Transnational Institute (TNI), Netherlands

- 175. Transparency International
- 176. Trócaire
- 177. Union Juive Française pour la Paix (UJFP)
- 178. Union of Agricultural Work Committees
- 179. United Network for Justice and Peace in Palestine and Israel (UNJPPI)
- 180. Women's Centre for Legal Aid and Counseling (WCLAC)
- 181. World Beyond Wars
- 182. World Kashmir Awareness Forum

Individuals

- 183. Mr. Mike Jennings, former General Secretary of the Irish Federation of University Teachers, Ireland
- 184. Mr. Roger Waters, musician, co-founder of Pink Floyd