The Rights Forum calls for broad protest against passive ICC

November 27, 2019

The Rights Forum

<https://rightsforum.org/nieuws/the-rights-forum-calls-for-broad-protest-against-passive-icc/>

The International Criminal Court must open an investigation into possible war crimes in the Occupied Palestinian Territories without further delay. This demand will be hand-delivered to the ICC on December 10th on behalf of a coalition of organizations.

December 10th is Human Rights Day. It is also the date on which former Dutch prime minister Dries van Agt [founded The Rights Forum](https://rightsforum.org/about-us/), exactly a decade ago this year. Building on this tradition, this year on December 10th The Rights Forum will present a letter, which can be found at the bottom of this article, to Ms. Fatou Bensouda, chief prosecutor of the ICC. Our letter has a clear message: **Ms. Bensouda, open an official and full-scale investigation into the ‘situation in Palestine’ without further delay.**

## **Add your name!**

The Rights Forum calls on human rights organizations, solidarity groups, trade unions, academic groups and faculties, religious institutions, political factions and other organizations to endorse and co-sign this urgent message. They can do so by getting in touch with us via e-mail, after which we will add their names as signatories to the letter to Ms. Bensouda.

Furthermore, on Friday November 29th – the [International Day of Solidarity with the Palestinian People](https://www.un.org/en/events/palestinianday/index.shtml) – a coalition of [sixty organizations](https://www.facebook.com/events/566074624136629/) from 14 countries will hold demonstrations near the ICC offices in The Hague. Starting at 2 p.m., they will protest the passivity of the ICC in their investigation of Israeli crimes. Organizations and citizens wishing to endorse or join the protest can do so by contacting the coalition (France, other countries).

## **Background**

The ICC has been engaged in a [preliminary investigation into the situation in Palestine](https://www.icc-cpi.int/palestine?ln=en) for almost five years, aiming to establish if criteria are met for an official, full-scale investigation into possible war crimes and crimes against humanity, committed in the Occupied Palestinian Territories. The investigation should have led to a conclusion long ago.

The delay is not only inexplicable, it is also irresponsible. Absent an official investigation, Israel has been allowed to continue carrying out crimes with impunity. Most recently, on November 14th, over thirty Palestinians were killed in Gaza, many of them as a result of indiscriminate Israeli bombings. Among those killed were nine members of the same family, including five children. No wonder that – by stalling an official investigation – the ICC is in breach with its own mission, which it [describes](https://www.icc-cpi.int/about) as follows:

The Court is participating in a global fight to end impunity, and through international criminal justice, the Court aims to hold those responsible accountable for their crimes and to help prevent these crimes from happening again.

The stalling of the ICC-investigation fits into a wider practice of inexplicable delays. A database of companies involved in Israel’s illegal colonization was mandated by the UN in March 2016, [but has not been published to date](https://mondoweiss.net/2019/11/un-publishes-database-of-companies-profiting-off-human-rights-abuses-not-on-israel-but-myanmar/). A similar database of companies involved with the Myanmar military regime was completed within a year and issued last September.

It seems obvious that holding Israel accountable for its crimes against the Palestinians requires a loud voice. Over the last years many organizations have called on the ICC to take action, notably in September 2018, when a coalition of 25 organizations urged Ms. Bensouda to finalize the preliminary investigation. None of these calls bore fruit. That is why The Rights Forum has now taken the initiative to build a coalition that cannot be ignored.

**APPEAL FOR ACTION**

International Criminal Court

To the attention of Ms. Fatou Bensouda, chief prosecutor

Oude Waalsdorperweg 10, The Hague, The Netherlands

Amsterdam, December 10th, 2019

Dear Ms. Bensouda,

**Today, on Human Rights Day, the signatories of this letter call on you to open an official, full-scale investigation into the ‘situation in Palestine’ without further delay.**

Since January 2015 the International Criminal Court (ICC) has been engaged in a preliminary investigation into the ‘situation in Palestine’, focusing on possible war crimes and crimes against humanity committed in the Occupied Palestinian Territories. Unfortunately, almost five years into the investigation, you have yet to reach a conclusion. This delay is inexplicable.

It is also irresponsible. As the preliminary investigation drags on, the crimes continue. The Israeli colonization of occupied lands – a war crime under the Rome Statute – comes with the systemic violation and abuse of the human rights of millions of Palestinians. The Israeli occupation continues to take Palestinian lives.

Concerning Gaza, you yourself have stated that the Israeli violence against Palestinian civilians could amount to war crimes, as could be the case for the violent activities of Palestinian groups. Nevertheless, we still witness Palestinian civilians being killed or wounded on a weekly basis.

The absence of an official investigation, this much is clear, has fueled the already existing culture of impunity. But it also affects the integrity and credibility of the ICC, and thereby the confidence of the public in a functioning legal order.

Over the last years, many have called on you to finalize the preliminary investigation. Among them human rights organizations, a broad civil delegation from Palestine, and Palestinian Foreign Minister Riad Malki. In September 2018, 25 international organizations urged you to act. You did not respond.

That is why we repeat their call today, on Human Rights Day: **Ms. Bensouda, open an official and full-scale investigation into the ‘situation in Palestine’ without further delay.**

On behalf of the signatory organizations,

Yours sincerely,

THE RIGHTS FORUM (NL)
BIP – BÜNDNIS FÜR GERECHTIGKEIT ZWISCHEN ISRAELIS UND PALÄSTINENSER (DE)
BRYN MAWR PEACE COALITION (USA)
CAPJPO EUROPALESTINE (FR)
CDA MEMBERSHIP COUNCIL MIDDLE-EAST (NL)
EEN ANDER JOODS GELUID (NL)
GREEN MOUNTAIN SOLIDARITY WITH PALESTINE (USA)
HAAGS VREDESPLATFORM (NL)
JLAC – JERUSALEM LEGAL AID AND HUMAN RIGHTS CENTER (PAL)
NEDERLANDS PALESTINA KOMITEE (NL)
PALESTINE LINK (NL)
PALESTINIAN ASSOCIATIONS OF FARMERS UNION (PAL)
SCOTTISH FRIENDS OF PALESTINE (UK)
STICHTING GRONINGEN-JABALYA (NL)
STICHTING HUMANISTISCH VREDESBERAAD (NL)
STOP DE BEZETTING (NL)
STUDENTS FOR JUSTICE IN PALESTINE AT ARIZONA STATE UNIVERSITY (USA)
VD AMOK (NL)
WESPAC FOUNDATION (USA)