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

Al-Haq

April 29, 2020

<http://www.alhaq.org/advocacy/16795.html>

Joint 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 IndividualsCall 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

Academics for Palestine

Adalah Justice Project

ADDAMEER Prisoner Support and Human Rights Association

Afri – Action From Ireland

Al-Haq – Law in the Service of Mankind

Al Mezan Center for Human Rights

Al Quds, Spain

Aldameer Association for Human Rights

Alwaleed Cherty Association

Amazigh Observatory of Rights and Freedoms

Amnesty International Kelowna – Group 161, Kelowna, British Columbia, Canada

Association des Universitaires pour le Respect du Droit International en Palestine (AURDIP)

Amnesty International-Moroccan Section

Arab Network for Tolerance (ANT)

Arab Organization for Human Rights

Association pour le Jumelage entre les camps de réfugiés Palestiniens et les villes Françaises (AJPF)

Asociación de Mujeres por la Paz – Islas Canarias

Asociación Solidaria con Palestina

Association Belgo-Palestinienne – Wallonie/Bruxelles

Association France Palestine Solidarité (AFPS)

Association of Palestinian Arabs

Atlantic Canada Palestinian Society

Australian Centre for International Justice

Bar Association of Morocco’s Lawyers

Broederlijk Delen

Cairo Institute for Human Rights Studies (CIHRS)

Canadian Arab Federation

Canadian Arab Forum of British Columbia

Canadian Arab Society of London, Ontario

Canadian Council for Justice and Peace

Canadian Friends of Sabeel

Canadian Lawyers for International Human Rights

Canadian Palestinian Association of Manitoba

Canadian Palestinian Council

Canadian Palestinian Foundation of Quebec

Canadian Peace Congress

Canadian Unitarians for Social Justice

Canadian Voice of Women for Peace

Canadians for Justice and Peace in the Middle East

CanPalNet

Catholics for Justice and Peace in the Holy Land

Center for Constitutional Rights

Citizens Initiatives Association

CNCD-11.11.11

Coalició Prou Complicitat Amb Israel (CPCI), including 17 members

Coalition for Accountability and Integrity – AMAN

Comité Palestine Israël Méditerranée du Pays de Châteaubriant

Comités pour le Développmenet et la Patrimoine (CDP)

Community Action Center (Al-Quds University)

Coordinadora Andalucía por Palestina

Cooperazione Per Lo Sviluppo Dei Paesi Emergenti (COSPE)

Defense for Children International – Palestine

Diensten en Onderzoek Centrum Palestina in the Netherlands

Dignity Forum for Human Rights

European Coordination of Committees and Associations for Palestine (ECCP)

Educators for Justice and Peace

Educators for Justice of Waterloo Catholic Board

European Legal Support Center (ELSC)

Euro-Med Coalition for Climate and Social Justice

Filastiniyat Organization

Freedom Flotilla Coalition

Friends of Kashmir Canada

Gaza Action Ireland

General Federation of Independent Trade Unions- Palestine

General Union for Palestinian Woman

General Union for Palestinian Writers

Global Legal Action Network

Global Rights Compliance LLP

Good Shepherd Collective, United States of America

Health Work Committee

Hebron Defense Committee

Habitat International Coalition – Housing and Land Rights Network

Human Rights & Democracy Media Center – SHAMS

Humans Without Borders

Hurryyat – Center for Defense of Liberties and Civil Rights

Israeli Committee Against House Demolitions (ICAHD) – Finland

Independent Jewish Voices Canada (IJV)/Voix Juives Indépendantes Canada (VJI)

International Federation for Human Rights (FIDH)

Interpueblos – Cantabria

Ireland-Palestine Solidarity Campaign

Irish Congress of Trade Unions

Irish Football Fans Against Israeli Apartheid

Jerusalem Legal Aid and Human Rights Center

Jewish Voice for Just Peace Ireland (JVJPI)

Jewish Voice for Peace Health Advisory Council, USA

Just Peace Advocates/Mouvement pour une Paix Juste

Justice for Palestinians, Calgary

Kotof Elkhair Association

Labour for Palestine

La Ligue des droits de l’Homme (LDH) – France

League for the Defence of Human Rights

Le Collectif Judéo Arabe et Citoyen pour la Palestine (CJACP)

Mouvement contre le Racisme et pour l'Amitié entre les Peuples (MRAP)

Medical Association for the Rehabilitation of Victims of Torture

Médecins du Monde France

Mid-Islanders for Justice and Peace in the Middle East

Moroccan Association for Human Rights

Moroccan Association of Defence of the Independence of Justice

Moroccan Body for Human Rights

Moroccan Center for Human rights

Moroccan Forum for Truth and Justice

Moroccan Justice Observatory

Moroccan Lawyers’ Union

Moroccan National body for Protection of Public assets

Moroccan Network for Defence of Public Assets

Moroccan Observatory for Public Liberties

Moroccan Observatory of Prisons

Mouvement de la Paix

Mouvement International de la Réconciliation (MIR/IFOR) Muwatin Institute for Democracy and Human Rights - Observer Member

Non-Violence International

Novact – International Institute for Nonviolent Action

Oakville Palestinian Rights Association (OPRA)

Organization for freedoms of information and expression-Hatim

Oyoun Foundation for Human Rights

Pal-Think for Strategic Studies

Palestina Solidariteit, Belgium

Palestina Toma la Calle

The Palestine Institute for Public Diplomacy (PIPD)

Palestine Legal

Palestine Link in The Netherlands

Palestinian and Jewish Unity/Palestiniens et Juifs Unis (PAJU), Montreal

Palestinian Association of Hamilton

Palestinian Bar Association

Palestinian Canadian Community Center - Palestine House

Palestinian Canadian Congress (PCC)

Palestinian Center for Development and Media Freedoms – MADA

Palestinian Centre for Human Rights (PCHR)

Palestinian Counseling Center

Palestinian Education Coalition

Palestinian General Federation for Trade Unions

Palestinian General Union of Persons with Disabilities

Palestinian General Union of Teachers

Palestinian Human Rights Organizations Council (PHROC), including 12 members

Palestinian Journalists’ Syndicate (PJS)

Palestinian Medical Relif Society (PMRS)

Palestinian National Institute for NGOs

Palestinian Non-Governmental Organizations Network (PNGO), including 136 members

Palestinian Non-Governmental Organizations against Domestic Violence against Women (Al Muntada), including 18 members

Palestinian Solidarity Working Group – Sudbury

Palestinian Working Women Society for Development

PalNetPacific Network of Pacific Mountain Region, British Columbia

Pax Christi

Paz con Dignidad

Plateforme des ONG françaises pour la Palestine, including 41 members

Plataforma Solidaria Palestina –Valladolid

Premiere Urgence International

Protection and Sumud Committee

Ramallah Center for Human Rights Studies (RCHRS)

Regina Peace Council

Rif Human Rights Association

Rumbo a Gaza

Social and Economic Policies Monitor – Al-Marsad

Socialist Project

SODePAZ Solidaridad Desarrollo

Solidarity with Palestine, St. John’s

Stand with Kashmir

Stars of hope Society for Women with Disability Empowerment

Syrian Center for Media and Freedom of Expression (SCM)

Teacher Creativity Center

The National Society for Democracy and Law (NSDL)

The Agricultural Development Association (PARC)

The Association of Palestinian Arab Canadian (APAC)

The Christian Palestinian Initiative – Kairos Palestine

The Civic Coalition for Palestinian Rights in Jerusalem

The Independent Commission for Human Rights (Ombudsman Office)

Moroccan Coalition for Human Rights Commissions, including 21 members

The National Association of Human Rights Defenders

The Palestinian Civil Women’s Coalition for the implementation of United Nations Security Council Resolution 1325

The Palestinian Coalition for Economic, Social and Caltural Rights – ADALAH, including over 60 members

The Palestinian Initiative for the Promotion of Global Dialogue and Democracy – Miftah

The Rights Forum, Netherlands

The United Church of Canada

Trade Union Friends of Palestine, Ireland

Transnational Institute (TNI), Netherlands

Transparency International

Trócaire

Union Juive Française pour la Paix (UJFP)

Union of Agricultural Work Committees

United Network for Justice and Peace in Palestine and Israel (UNJPPI)

Women’s Centre for Legal Aid and Counseling (WCLAC)

World Beyond Wars

World Kashmir Awareness Forum

Individuals

Mr. Mike Jennings, former General Secretary of the Irish Federation of University Teachers, Ireland

Mr. Roger Waters, musician, co-founder of Pink Floyd