



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. Addameer Prisoner Support and Human Rights Association (Addameer)
3. Defense for Children International – Palestine (DCI-P)
4. Bisan Center for Research and Development (Bisan Center)
5. The Union of Agricultural Work Committees (UAWC)
6. The Union of Palestinian Women Committees (UPWC)
7. Health Work Committees (HWC)
8. Abdel - Shafi Community Health Association (ACHA)
9. Act for Conflict Resolution
10. Afaq Jadeeda Association
11. Afkar Foundation for Educational and Cultural Development
12. Agricultural Guiding and Awareness Society
13. Aisha Association for Woman & Child Protection
14. Al Awda Health and Community Association
15. Al Foukhary Association for Development and Culture
16. Al Mada Foundation for Community Development through the Arts
17. Al Najda Social Association
18. Al Sattar Garbee Association for Developing Countryside and Farmer
19. Alahleya Society for Development of Palm and Dates
20. Alanqaa Association for Community Development
21. Al-Atta Charitable Society
22. Al-Awda Center for Childhood and the Youth Rehabilitation
23. Al-Dameer Association for Human Rights –Gaza
24. Al-Ghad al-Jadid Center for Palestinian Democratic Youth
25. AL-Karmel Cultural and Social Development Association
26. Almanal Society for Developing the Rural Women
27. Almontada Cultural Center in Beit Annan
28. Alrowwad for cultural and arts society
29. Al-Taghreed Society for Culture and Art



30. American Friends Service Committee (AFSC)
31. Amnesty International
32. Applied Research Institute/ ARIJ
33. Arab Agricultural Engineers Association.
34. Arab Center for Agricultural Development
35. Arab Centre for Agricultural Development (ACAD) /Ramallah – Gaza
36. Arab Women's Union Society
37. Asociación Americana de Juristas/ American Association of Jurists (AAJ)
38. Asociación Venezolana de Juristas, Venezuela.
39. Association des Universitaires pour le Respect du Droit International en Palestine (AURDIP)
40. Association France Palestine Solidarité (AFPS)
41. Association Switzerland Palestine
42. Atfaluna Society for Deaf Children
43. BADIL - Palestinian Resource Center for Residency and Refugee Rights
44. Bait Al Mostaqbal Association
45. Basma Society for Culture and Arts
46. BDS Netherlands
47. Belgian Campaign for Academic and Cultural Boycott of Israel (BACBI), Belgium.
48. Boycott Israel Network (UK)
49. Burj Alluqluq Social Center Society
50. Cairo Institute for Human Rights Studies.
51. Canadian BDS Coalition
52. Canadians for Peace and Justice in Kashmir (CPJK)
53. CAPJPO-EuroPalestine (France)
54. Care for Children with Special Needs Society- Nablus
55. Care Project Association
56. Center for Defense of Liberties and Civil Rights
57. Center for Laboural Studies
58. Central Blood Bank Society
59. Centre for Constitutional Rights (CCR)
60. Centre for Research on Multinational Corporations (SOMO)
61. Child Care and Mother Guidance Association
62. Crystal Palace Friends of Palestine
63. Deir El Balah Social & Cultural Center
64. Democracy and Workers' Rights Center
65. Democracy for the Arab World Now (DAWN)
66. Dr Haider Abdel Shafi Center for Culture and Development
67. ECCP - European Coordination of Committees and Associations for Palestine
68. Economic and Social Development Center of Palestine
69. El Amal Rehabilitation Society--Rafah
70. El- Maghazi Cultural Center
71. El Wafaa Charitable Society
72. El Wedad Society for Community Rehabilitation
73. Elia Youth Foundation
74. European Legal Support Center (ELSC)
75. Family Planning and Protection Association
76. Football against Apartheid
77. Future Builders Forum
78. Future Youth Foundation



79. Gaza Community Mental Health Program
80. Gaza Culture & Development Group
81. General Federation of Palestinian Handicapped
82. Ghassan Kanafani Development
83. Giuristi Democratici
84. Good Shepherd Collective
85. Hadaf Center For Human Rights
86. Hanan for Culture and Social Development Association
87. Hawwa' Center for Culture and Arts
88. Health, Development, Information and Policy Institute
89. Human Rights and Democracy Media Center "Shams"
90. Human Rights Watch
91. Indian Association of Lawyers
92. International Association of Democratic Lawyers
93. International Centre of Justice for Palestinians
94. International Commission of Jurists, the Norwegian section (ICJ Norway)
95. International Federation for Human Rights (FIDH)
96. Ireland-Palestine Solidarity Campaign
97. Jabalia Rehabilitation Society
98. Jerusalem Legal Aid Center
99. Jewish Network for Palestine (UK)
100. Jewish Voice for Peace
101. Jewish Voice for Peace Health Advisory Council
102. Just Peace Advocates/Mouvement Pour Une Paix Juste
103. Kairos Sabeel Foundation Netherlands
104. Khalil Sakakini Cultural Center
105. Khuza'a Permaculture Center Association
106. Labor Resources Center
107. Land Research Center
108. Leeds Palestine Solidarity Campaign
109. Liverpool Friends of Palestine
110. Ma'an Development Center/Gaza
111. Ma'an Development Center/Ramallah
112. Medical Relief Association
113. Mothers' School Society
114. MRAP (*Mouvement contre le Racisme et pour l'Amitié entre les Peuples*)
115. Muwatin Institute for Democracy and Human Rights
116. National Lawyers Guild International (U.S.)
117. National Society for Rehabilitation
118. Nawa for Culture and Arts Association
119. Nederlands Palestina Komitee
120. New Weapons Research Group. Odv, Italy
121. Norwegian Confederation of Trade Unions (LO-Norway)
122. Norwegian Union of Municipal and General Employees
123. Novact (Spain)
124. Organización Sures
125. Palestine Committee of Norway
126. Palestine Solidarity Campaign (PSC)
127. Palestinian Agricultural Development Association



128. Palestinian Association for Development and Construction (PADR)
129. Palestinian Businesswomen's Association
130. Palestinian Center for Development and Media Freedoms (MADA)
131. Palestinian Center for Growth and Human Development
132. Palestinian Center of Organic Agriculture
133. Palestinian Centre for Human Rights
134. Palestinian Counselling Center
135. Palestinian Developmental Women Studies Association
136. Palestinian Farmers Union
137. Palestinian Hydrology Group
138. Palestinian Society of Hemophilia Diseases
139. Palestinian Woman's Union
140. Palestinian Working Women Society for Development
141. Palestinian Youth Union
142. PAX Organisation for Peace (PAX)
143. Perdana Global Peace Foundation.
144. PNGO Coalition
145. Popular Art Centre
146. Protecting Palestinian Families (UK)
147. Public Aid Society
148. Right to Live Society
149. Rural Women's Development Society
150. Sadaka-the Ireland Palestine Alliance
151. Sareyyet Ramallah-First Ramallah Group
152. Sawa Foundation "All women are together today and tomorrow"
153. Science & Culture Center
154. SE London and Lewisham Friends of Palestine
155. Sheffield Palestine Solidarity Campaign (UK)
156. Siwar for Culture and Arts Society
157. Society for the Care of Disabled Families
158. Society of Remedial Education Centre
159. Suds – Associació Internacional de Solidaritat i Cooperació (Spain)
160. Tamer Institute for Community Education / Gaza
161. Teacher Creativity Center
162. Thalassaemia Patients Friends' Society
163. The Assembly Benevolent of Operation
164. The Culture and Free Thought Association
165. The Democracy and Workers' Rights Centre/Gaza
166. The Eastern Association for Agriculture
167. The European Coordination of Committees and Associations for Palestine (ECCP)
168. The National Commission for the Independence of the Judiciary and the Rule of Law "Istiqlal"
169. The National Society for Democracy and Law
170. The Norwegian Initiative Defend International Law
171. The Palestinian Academic Society for the Study of International Affairs
172. The Palestinian Center for Peace and Democracy
173. The Palestinian Center for the Independence of the Judiciary and the Legal Profession
174. The Palestinian Hydrology Group/Gaza
175. The Palestinian Institute for Communication and Development
176. The Palestinian Women's Development Center



177. The Palestinian Working Women Society
178. The Rights Forum
179. The Society for Care of the Handicapped
180. The Society of St. Yves
181. The Society of Women Graduates in Gaza Strip
182. Treatment and Rehabilitation Center for Victims of Torture
183. Trocaire
184. UJFP (Union juive française pour la paix)
185. Union of Health Care Committees
186. Union of Palestinian Medical Relief Committees - Gaza.
187. Wassel Center for Youth Development
188. Women and Family Affairs Center
189. Women for Life Association
190. Women in Black Vienna, Austria
191. Women's Studies Centre
192. Women's Affairs Center /Gaza
193. Women's Affairs Technical Committee
194. Women's Center for Legal Aid and Counselling
195. Young Women's Christian Association
196. Youth Development Foundation
197. Youth Development Society