

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

23 February 2023

Re: Urgent need to expedite investigation and issue a preventive statement in light of the serious high rise of Israel's killings and punitive measures against the Palestinian people

Your Excellency,

We, the undersigned Palestinian civil society organisations, including those [outlawed by Israel](#) for our accountability work, call on you to investigate the most recent attacks committed by the Israeli Occupying Forces (IOF) in Jenin and Aqbet Jaber refugee camps, Nablus, and elsewhere in the occupied Palestinian territory (OPT).¹ We further call on you to issue a preventive statement to deter the commission of more crimes by the Israeli authorities against Palestinians, in light of the high rise of killings and the adoption and imposition of punitive measures across Palestine.

We welcome your announcement during the 21st session of the Assembly of States Parties (ASP) to visit the OPT as one of your objectives for 2023. We stress that this visit is highly important and urgently needed to reflect and maintain the Court's commitment to ending the cycle of impunity and delivering justice to Palestinian victims who have been suffering under Israel's settler-colonial and apartheid regime.

Since the beginning of this year, and as of 23 February 2023, 10:00 am, 63 Palestinians have been killed throughout the OPT, including amidst three vicious military attacks in the occupied West Bank.² While the year 2022, infamously known to be the deadliest year for Palestinians in the West Bank since 2005, witnessed the killing of 192 Palestinians, including 44 children and seven women by the IOF and Israeli settlers, the scale of crimes committed since the beginning of this year alarms that it is on track to be even worse. In light of this, we call on you to take immediate and meaningful action as so permitted by your mandate under the Rome Statute to prosecute and prevent further escalation.

On Thursday, 26 January 2023, the IOF carried out a brutal military attack on Jenin city, including Jenin Refugee Camp, which [resulted](#) in the killing of ten Palestinians, including two children, and one woman, and the injury of another 20 Palestinians, few of whom remain in critical condition. In one of these killings, whereby the IOF shot a Palestinian child, a military vehicle ran over his body, severing his ear and maiming his face. The aforementioned military attack also led to the destruction of two buildings and part of a community centre amidst the densely populated area. Access of medical units

¹ As violence escalates and events unfold at very high speed in the OPT, yesterday, 22 February 2023, the IOF launched a military attack against Nablus city, killing 10 Palestinians, according to Al-Haq's initial documentation, and injuring over 100 others, 6 of whom, at least, are in critical condition, according to the Palestinian Ministry of Health. Al-Haq remains seized of the matter, and will publish its findings relating to the military attack.

² The exact number of Palestinians killed by the IOF and Israeli settlers since the beginning of 2023 cannot be asserted conclusively, owing to the Israeli authorities' policy of withholding Palestinian bodies and illegally transferring those injured to Israeli hospitals within the Green Line upon arresting them. This is the case of those killed and injured as part of the Israeli military attack against Aqbet Jaber refugee camp on 6 February 2023. See fn. 3.

to the Camp was also hampered. Notably, as of time of writing, 22 Palestinians have been killed from Jenin Governorate alone, since the start of the year.

The IOF carried out yet another military attack against Aqbet Jaber Refugee Camp amidst the siege of Jericho city for ten consecutive days, imposed on 28 January 2023, after a Palestinian allegedly fired one bullet at “Almog” junction, to the south of Jericho. The IOF raided and shelled Palestinian houses, fired live ammunition at Palestinians, leading to the killing of five youths and the injury of several others – some of whom were arrested and detained.³ The bodies of those killed have been withheld by the Israeli occupying authorities to this day. The siege of Jericho city constituted a prohibited act of collective punishment, affecting the daily lives of Palestinians through restricting their right to movement, in addition to significant economic consequences for Palestinians, given the touristic importance of the city this time of year. Although the Rome Statute does not include collective punishment among the list of prosecutable and punishable crimes, this practice forms part of Israel’s settler-colonial and apartheid regime to oppress and maintain domination over the Palestinian people, amounting to the crime against humanity of apartheid.

Israel’s excessive use of force policy and the ensuing high rise in Palestinians killed by the IOF and Israeli settlers are part and parcel of its institutionalised regime of systematic oppression and domination, and require yet more action in light of the newly-formed 37th Israeli government. In continuation of long-established Israeli policies, the newly-formed government has been determined to put into practice the [guiding principles and coalition agreements](#), which make explicit their intent to, *inter alia*, *de jure* annex the occupied West Bank in violation of international law, further entrenching Jewish-Israeli supremacy on both sides of the Green Line and denying the Palestinian people the exercise of their inalienable rights to self-determination and return.

Alarmingly, this government has also decided to advance punitive measures against Palestinians. On 28 January 2023, the Israeli ‘Security Cabinet’ [decided](#) on a number of punitive measures, including the expedition of firearm licensing for Israelis, including settlers, and several other measures against the families of Palestinian Jerusalemites who allegedly carried out attacks, such as arrests, deportation, revocation of social security benefits and permanent residency status. These policies are added to the existing systematically enforced collective punishment practices, including, *inter alia*, Israel’s 15-year long closure and blockade of the Gaza Strip, destruction of property that is not justified by military necessity, withholding the bodies of Palestinians killed, as well as the closure of Palestinian villages and areas in the West Bank.

In light of the vicious attacks against the Jenin and Aqbat Jaber refugee camps, and Nablus city, the high rise in the number of Palestinians killed, and the imposition of retributive collective punishment policies and practices, we strongly urge you to immediately and meaningfully intervene to contribute to the deterrence and prevention of further deprivation of lives, and commission of more crimes by the Israeli authorities.

As repeatedly stressed in [previous communications](#), the Prosecutor of the world’s permanent International Criminal Court (ICC), a court of last resort for victims of the most serious crimes, has the competence to not only investigate international crimes but also to monitor the situation investigated by your Office and to perform an early warning function and issue deterrent [preventive statements](#) “in order to deter the escalation of violence and the further commission of crimes, to put

³ While the Israeli authorities announced the killing of five Palestinians and the arrest of three others during their military attack against Aqbet Jaber refugee camp on 6 February 2023, the actual fate of those Palestinians remains unknown, as Israel continues to withhold the bodies of those killed, alongside others injured, arrested, and illegally transferred into the Green Line. Al-Haq remains seized of the matter, and will issue a focus paper of its findings relating to this military attack.

perpetrators on notice". The OTP's previous practice of issuing preventive statements on Palestine, including on the [May 2021 escalation of violence](#) in the OPT, and regarding the worsening situation in Gaza during the mass demonstrations of the [Great March of Return in April 2018](#), has proven its effectiveness in providing sufficient deterrence, as with the case concerning the preventive statement regarding the planned [forced displacement and transfer of the Bedouin community of Khan al-Ahmar](#) in the West Bank, pursuant to which then Israeli Foreign Minister [confirmed](#) that Israel did not evict Khan al-Ahmar out of concerns of an ICC investigation.

As highlighted in a [letter](#) sent to you by 198 Palestinian, regional and international organisations ahead of the 21st session of the ASP, there have been many important missed opportunities for preventive statements in the past year. The latest Israeli military attacks against Jenin and Aqbet Jaber refugee camps and Nablus city and the escalation in retaliatory collective punishment measures entail yet more dire violations and crimes that require your serious intervention. Though mindful of the Court's limited resources and budgetary complications, as well as the workload and challenges your Office faces, we are compelled to stress that Palestinian victims deserve justice and require equal attention as in other situations. We note that 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 Palestine.

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

1. Publicly affirm that the alleged crimes committed during Israel's military attacks on Jenin and Aqbat Jaber refugee camps and Nablus will be scrutinised as part of your investigation into the Situation in Palestine;
2. Issue preventive statements to deter Israeli practices that may amount to crimes against humanity and war crimes, entailing that all Israeli alleged crimes committed in the OPT, including wilful killing and crimes committed against [children](#), will be examined by your Office and included in its current investigation;
3. Include Palestinian refugee camps, including Jenin and Aqbat Jaber refugee camps, in the list of places to visit during your forthcoming visit to the OPT, and hear, first-hand, from victims;
4. Urgently expedite your investigation into the Situation in Palestine, including the crimes against humanity of apartheid and persecution, and the war crime of civilian population transfer in;
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 the OPT, and in arranging an urgent visit to the OPT; and
6. Take appropriate action, within the confines of your mandate under the Rome Statute, to prevent and deter 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.

Most respectfully,

Palestinian Human Rights Organizations Council (PHROC), which includes:

1. Addameer Prisoner Support and Human Rights Association
2. Al Mezan Center for Human Rights
3. Aldameer Association for Human Rights
4. Al-Haq, Law in the Service of Man
5. Center for Defense of Liberties and Civil Rights "Hurriyat"
6. Defense for Children International – Palestine
7. Jerusalem Legal Aid and Human Rights Center
8. Muwatin Institute for Democracy and Human Rights (Observer Member)

9. Palestinian Centre for Human Rights; and
10. The Independent Commission for Human Rights (Ombudsman Office) (Observer Member)

11. Al Awda Health and Community Association
12. Al Satar Al Garbee Association For Developing Countryside and Farmer
13. Al-Fokhari Association for Rural Development
14. Applied Research Institute – Jerusalem Society (ARIJ)
15. Arab Center for Agricultural Development (ACAD)
16. BASMA Society for Culture and Arts
17. Bisan Center for Research and Development
18. Gaza Urban Agriculture Platform
19. Human Rights & Democracy Media Center “SHAMS”
20. MA’AN Development Center
21. Palestinian Women’s Union in Sweden
22. Palestinska vänförening i Falkenberg- Sverige
23. Remedial Education Center
24. The Assembly Benevolent of Operation
25. The Civic Coalition for Palestinian Rights in Jerusalem
26. The Community Action Center at Al-Quds University
27. The National Society for Rehabilitation
28. The Palestinian Cultural Association in Malmö
29. The Palestinian Initiative for the Promotion of Global Dialogue and Democracy – MIFTAH
30. The Palestinian NGOs Network (PNGO)
31. The Women’s Center for Legal Aid and Counselling (WCLAC)
32. Union of Agricultural Work Committees
33. Union of Health Care Committees
34. Union of Palestinian Women Committees (UPWC)
35. Wefaq Society For Woman and Child Care