

17 May 2024

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

Subject: Intervene to Prevent Genocidal Massacre in Rafah, Issue Arrest Warrants for All Members of Israeli War Cabinet

Dear Mr. Karim A. A. Khan KC,

We, the General Directors of the Palestinian human rights organizations—Al Mezan Center for Human Rights, Al-Haq, and the Palestinian Centre for Human Rights—write to you to address the grave situation unfolding in the occupied Gaza Strip. The beginning of Israel’s ground invasion of Rafah underscores the imperative for your immediate intervention and decisive action to prevent further atrocities and international crimes from taking place.

Firstly, we commend you, Mr. Prosecutor, for your staunch position amidst the threats and pressure directed towards the Court and your Office in attempts to deter you from pursuing ongoing investigations into the Situation in Palestine or other situations, confirming your duty to “[stand up for justice, to stand up for victims](#)” and rejecting any interference in the work of the Court, and attempts to shield perpetrators from accountability.

We have closely followed the attacks aimed at you, your Office, the Court, its personnel, and family members, including threats of retaliation, with deep concern. We are dismayed and vehemently condemn any attempt to undermine the independence of the Court and its crucial ability to fulfill its mandate. These attacks are intended to perpetuate Israel’s decades-long enjoyed impunity for the most serious international crimes in Palestine, as Israel entrenches its settler colonial apartheid regime, and annexes more territory.

Despite the challenges posed by these attacks, it is crucial that justice is upheld and that the Rome Statute’s assertion that “the most serious crimes of concern to the international community as a whole must not go unpunished” is honored. We will continue to support and engage with the Court and your Office and will continue to urge states parties to the Rome Statute to abide by their obligations to cooperate fully with the Court, respect and ensure respect for its integrity and independence, and publicly reject and condemn acts or threats committed against the administration of justice.

As you are undoubtedly aware, 2.3 million Palestinians in Gaza—half of whom are children—have endured relentless genocidal attacks and atrocities at the hands of the Israeli military and authorities for more than seven months. The events that unfolded on [6 and 7 May 2024](#) marked a significant turning point: within less than 24 hours, the Israeli military issued a [new evacuation order](#) to areas in eastern Rafah. Families were given no time to evacuate before the

Israeli war cabinet [unanimously decided](#) to proceed with the ground invasion of eastern Rafah. In execution of this directive, Israeli forces invaded the territory and seized control of the Rafah border crossing, which serves as a vital humanitarian aid lifeline for all of Gaza, thereby completely halting its operations. Parallel to this, on [9 May](#), Israeli forces launched a ground invasion in the Al-Zaytoun neighborhood, south of Gaza City, following intense bombardment over the area.

On 10 May, the Israeli war cabinet [approved](#) the expansion of the operational zone for Israeli forces in Rafah. As a result, on 11 May, the Israeli army [ordered](#) the evacuation of further areas in Rafah, including the Al-Shabura refugee camp, foretelling significant expansion of the ground invasion. On the same day, the Israeli military once again ordered the evacuation of the Jabaliya area, in northern Gaza. Between [11 and 13 May](#), Israeli ground forces invaded Jabaliya, coinciding with Israeli airstrikes targeting the area. The onslaught killed dozens of Palestinians in horrifying massacres.

Our organizations welcomed your statement made on [12 February 2024](#) regarding the impending expansion of the Rafah ground offensive by Israeli forces and the bombardments of the area. Nearly three months later, our shared fears have tragically become reality, and the gravity of the situation on the ground cannot be overstated. Given that Israeli forces and authorities were allowed to conduct seven months of genocidal acts unchecked, we harbor no doubt that they will [resort](#) to tactics reminiscent of past atrocious ones employed since the beginning of the ongoing genocide. This may include raiding and besieging hospitals, schools, and shelters, forcibly disappearing countless civilians, including medical and humanitarian personnel, systematically subjecting them to [ill-treatment and torture](#), turning hospitals into mass graves, and carpet bombing densely populated areas.

As we write, as a result of the ground invasion, the Rafah border crossing has been shut down by the Israeli army. This means that nothing and no one is [allowed](#) to enter or exit Gaza, leaving over one million Palestinians in Rafah without access to vital humanitarian assistance such as food, water, fuel, and medication. For several days, UN OCHA has consistently [reported](#) that crossings into Gaza are either closed, unsafe for access, or deemed logistically non-viable. Consequently, the distribution of aid has become practically impossible. The situation exacerbates the concrete risk of a [full-blown famine](#) in southern Gaza, mirroring the dire conditions already experienced for months in the northern areas. Additionally, Abu Youssef Al-Najjar Hospital, the primary medical facility in the entire Rafah Governorate, has been [shut down](#), with all its staff and patients forced to evacuate. As a result, Palestinians in Rafah have [access](#) to only one hospital with a capacity of 16 beds, a field hospital serving solely as a trauma stabilization point, and one hospital offering maternity care. The lives of millions of Palestinians hang in the balance. Immediate action is imperative to prevent further bloodshed.

If left unchecked, Israeli attacks on Rafah carry the looming risk of an unprecedented bloodbath due to the area's high population density. The Rafah Governorate, usually inhabited by 275,000 Palestinians, was turned by the Israeli military into an area housing roughly three-quarters of Gaza's total population. Palestinians have received repeated orders to evacuate to Rafah, where Israel unilaterally declared three areas—Al-Shaboura, Tal Al-Sultan, and Al-Zohour—as 'safe

zones.’ However, the reality on the ground contradicts these assertions, with Israel continuously [bombarding](#) Rafah. In the past week, Israel directed residents and displaced persons who had sought shelter in Rafah to flee once more to the purported ‘expanded humanitarian area’ of Al-Mawasi, which itself is subject to [recurrent attacks](#). With previous strikes hitting supposed ‘safe zones’ and [threats](#) of using imprecise weaponry looming, we warn that Palestinians will not be spared attacks and will persistently endure Israel's [abuse](#) of international law.

Israel’s [persistence](#) to proceed with a ground invasion also heightens the imminent risk of mass expulsion of Palestinians into Egypt. Reports are emerging that the Israeli military has purchased thousands of [tents](#) to accommodate persons who will be displaced as a result of the ground invasion of Rafah. This is extremely alarming given the declared intentions of many Israeli officials to [re-settle](#) the Gaza Strip. Israel’s genocidal campaign has been serving as a process to empty Gaza of its predominantly refugee population and destroy Palestinian life therein. Despite [statements](#) to the contrary, the facts on the ground speak loudly of a plan to repeat the events of the *Nakba* against which the international community, including the Court, must intervene.

Israel’s actions evidence a blatant [disregard](#) for international law and human rights principles, as exemplified by its deliberate refusal to abide by United Nations (UN) Security Council, UN General Assembly, and UN Human Rights Council resolutions, as well as the provisional measures orders issued by the International Court of Justice (ICJ). The Israeli war cabinet’s unanimous decision to proceed with the Rafah ground invasion demands one unequivocal response: the immediate issuance of arrest warrants for all its members, particularly those with decision-making powers—Prime Minister Benjamin Netanyahu, Defense Minister Yoav Gallant, and Minister and former Chief of Staff Benny Gantz. We note that all three of them are also implicated in international crimes preceding the ongoing genocide, for which arrest warrants could and should have been issued long ago.

Arrest warrants should also be issued for commanders and soldiers from the [Israeli military units currently participating in the Rafah ground invasion](#), including those affiliated with the 162nd Division, particularly the 401st Armored Brigade, which had taken operational control of the Palestinian side of the Rafah border crossing, and the 215th Artillery Brigade. This action is imperative to hold accountable those involved in ordering and perpetrating acts that constitute international crimes under the Rome Statute, including the crimes against humanity of extermination and forcible transfer, and the crime of genocide.

We remain steadfast in our commitment to continue supporting and engaging with the Court and your Office.

Yours sincerely,
Issam Younis
Shawan Jabarin
Raji Sourani