

19 October 2023

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

**Urgent: Issue Arrest Warrants, Investigate Israeli Crimes and Intervene to Deter
Incitement to Commit Genocide in Gaza**

Dear Mr. Karim A. A. Khan KC,

We, the undersigned, civil society organisations (CSOs) and Genocide Scholars including Palestinian organisations monitoring and documenting violations of international humanitarian law against Palestinian civilians in the occupied Gaza Strip, urge your immediate intervention in relation to the latest Israeli large-scale military offensive on the Gaza Strip. Specifically, we are calling on you to urgently issue arrest warrants for the cases currently before your office; to investigate the crimes which have taken place and are being orchestrated across the occupied Palestinian territory since 7 October; to issue a preventive statement and visit Palestine before the end of 2023.

On 7 October 2023, Israel launched a large-scale retaliatory military offensive on Gaza aimed at [regime change](#), [annexation](#) and the reduction of the Gaza Strip to [rubble](#). The Israeli military forces have, since then, indiscriminately targeted the 2.3 million civilian population, infrastructure, residential and commercial buildings, mosques and hospitals as part of [total warfare](#) on the population. They have sealed off the territory, and employed other unlawful means and methods, that include collective punishment, [forcible transfer](#), [starvation](#), and the use of [white phosphorus in densely populated areas](#). As a result, and according to the Palestinian Ministry of Health as of 5:00 p.m. on 19 October 2023, the number of Palestinians killed in Gaza has reached at least 3,785, including at least 1,500 children, with approximately 12,000 injured since the start of the operation on 7 October 2023.

Among those killed in the first four days of the offensive alone are at least [12 health workers](#) and [seven journalists](#). In the occupied West Bank, including East Jerusalem, the Israeli military and settlers have killed 64 Palestinians and injured at least 1,300 others since 7 October 2023. According to our documentation up to 13 October 2023, it is clear that, *prima facie*, the Israeli authorities have committed a number of international crimes against the Palestinian people that fall under the jurisdiction of the Court, including that of wilful killing, intentionally directing attacks against the civilian population, civilian objects, humanitarian workers, ambulances, hospitals and places of worship, extensive destruction of property, persecution of the civilian population, and incitement to genocide.

Alarming, Israeli officials have been issuing statements that indicate a clear intent to commit war crimes, crimes against humanity and incitement to commit [genocide](#), using dehumanising language to describe Palestinians. Israeli Prime Minister Benjamin Netanyahu threatened to reduce Gaza to “[rubble](#)”, and told besieged Palestinians to [leave](#) Gaza. Israeli military spokesperson R. Adm. Daniel Hagari made the startling [admission](#) that “hundreds of tons of bombs” had already been dropped on the Gaza Strip, adding that “the emphasis is on damage and not on accuracy.” Israeli Defence Minister, Yoav Gallant, [stated](#): “We are imposing a complete siege on [Gaza]. No electricity, no food, no water, no fuel – everything is closed. We are fighting human animals, and we act accordingly”. The Coordinator of the Government in the Territories (COGAT), Maj. Gen. Ghassan Alian, [announced](#) that “Israel has imposed a total blockade on Gaza, no electricity, no water, just damage. You wanted hell, you will get hell”. Nissim Vaturi, member of the Knesset for Likud, [called](#) for “erasing the Gaza Strip from the face of the earth. Those who are unable will be replaced.” Another member of the Knesset for Likud, Ariel Kallner, [called](#) for another Nakba: “Right now, one goal: Nakba! A Nakba that will overshadow the Nakba of 48. Nakba in Gaza and Nakba to anyone who dares to join!” Israel’s Minister for Foreign Affairs, Eli Cohen, [promised](#) that “[a]t the end of this war, not only will Hamas no longer be in Gaza, the territory of Gaza will also decrease”.

The statements accompanied by military action in Gaza and the escalation of arrests and killing in the West Bank, promoted a joint warning from [UN Special Rapporteurs](#) that “there is also a risk of genocide against the Palestine people”. Our organisations are similarly alarmed by these statements, which warrant your urgent intervention to prevent the commission of the most heinous international crimes, elements of which are already materialising on the ground with every passing minute. Our organisations warn that the cutting off of water, electricity and internet in Gaza, in addition to the denial of entry of humanitarian convoys of food, medicine, and other supplies necessary for the survival of the population that would pass through the Rafah crossing, which the Israeli military has also repeatedly [bombed](#), are all evidence that Israel is taking steps to act on its inciteful genocidal statements.

On 13 October 2023 the Israeli military [ordered](#) 1.1 million Palestinians (half of Gaza’s population) in Gaza City and the Northern area to [evacuate](#) within 24 hours to the south of the Gaza Valley (Wadi Gaza). Not only was this order impossible and unfeasible to implement due to the narrow window of time allowed, the geographic scope of the order, and the circumstances surrounding its application, but the UN [warned](#) it “will only lead to unprecedented levels of misery and further push people in Gaza into the abyss”. Such an evacuation in the absence of imperative military necessity amounts to a [prohibited method of warfare](#), and may, if it becomes [permanent](#), amount to forcible transfer and displacement.

Reports from the ground indicate that a large number of civilians were unable to evacuate northern Gaza, particularly the wounded and sick, the elderly and those without means of transport. Ordering the evacuation and then following this with intensive shelling of civilian homes is tantamount to a [death sentence](#) for those who are vulnerable and unable to leave. According to the Gaza Ministry of Health, at least 70 Palestinians have already been killed, and 150 others injured by Israeli airstrikes on 13 October 2023. The attacks occurred during

the 24-hour window as people fled from the northern Gaza Strip through Salah Al-Din Road - one of the two 'safe routes' designated for the evacuation by the Israeli military. On 17 October 2023 the bombing of the [Al-Ahli Arab/Baptist Hospital](#) and a [school](#) run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in northern Gaza, where thousands of displaced Palestinians had sought refuge, resulted in the killing of at least 500 persons, including women and children. Israel's scorched earth policy in the Gaza Strip has resulted in the indiscriminate and disproportionate targeting of civilians, wiping out entire families, including women and children. According to the Palestinian Health Ministry, 50 families have been [eradicated](#), and 1,200 [bodies](#), among them around 500 children, are believed to be trapped under the rubble awaiting recovery.

We reiterate that it remains the Court's role to contribute to the prevention of crimes as enshrined in the preamble of the Rome Statute, a role which is most effectively assumed by the Prosecutor. The [practice](#) of the [former](#) Prosecutor of "issue[ing] public, preventive statements in order to deter the escalation of violence and the further commission of crimes, to put perpetrators on notice and to promote national proceedings," allowed the Prosecutor to react promptly to upsurges of violence and remain relevant to the victims' suffering and concerns, particularly given that legal investigations take time until proceedings are initiated. Such statements have indeed proven an effective deterrent effect, as was the case with the planned forced displacement of the [Khan al-Ahmar](#) Bedouin community in the West Bank, which the Israeli authorities did not pursue apparently to [avoid](#) an ICC investigation. In light of this, our organisations emphasise the invaluable persuasive effect of the Prosecutor's voice.

Gaza is on the brink of a complete humanitarian catastrophe, and cannot afford longer episodes of inaction, silence and lack of accountability, which only reinforces the impunity long accorded to Israel. Your statement should remind all states of their obligations under international law. **In light of Israeli official statements inciting genocide, we call on the Prosecutor to issue an official public statement to deter the commission of genocide and other international crimes against the Palestinian people.**

As of 13 October 2023, and for the first time, Al-Haq, Al Mezan Center for Human Rights and the Palestinian Centre for Human Rights have not been able to conduct field work, document the apparent horrific crimes being perpetrated on the ground or publish daily reporting from the Gaza Strip. Our work has been compromised and obstructed by the intensity of Israel's widespread and systematic bombing of Gaza. Our staff have been displaced from their homes, some of their homes have been [bombed](#) and destroyed, others have [lost](#) family members. They lack electricity, water and functioning internet, and it is too dangerous to move around the Gaza Strip. If the Israeli military continues to strike the Gaza Strip at such a scale and intensity, the entire 25-mile-Strip will be one big crime scene with no surviving witnesses to provide testimony, and no victims on the ground to participate in proceedings or to seek reparations. **In light of our inability to document international crimes and human rights violations, we call on you to visit Palestine, as you have pledged to do, before the end of 2023 and to include the unfolding crimes in your ongoing investigation.**

As the numbers of Palestinians killed and homes and hospitals destroyed are rapidly increasing by the minute, as more time passes without electricity and water, and with Israeli intention to commit genocide visibly materialising on the ground, your intervention is urgently required. Therefore, we call on you, the Prosecutor to:

1. Immediately issue arrest warrants for the cases of international crimes committed by Israeli authorities and military personnel, as identified by the submission of the Prosecutor to the Pre-Trial Chamber. International impunity from the prolonged delay in issuing the arrest warrants is fuelling more aggressive and unconstrained rounds of hostilities, with mounting civilian casualties;
2. Investigate and prosecute international crimes by the Israeli authorities and military since 7 October that have been orchestrated across the occupied Palestinian territory, as a matter of priority;
3. Issue an official preventive statement affirming that the crimes committed during Israel's military offensive on Gaza will be included in the investigation into the Situation of Palestine, including war crimes, crimes against humanity (including that of apartheid), and incitement to genocide, and to urgently expedite your ongoing investigation;
4. Visit Palestine, as you have pledged to do during the 2022 Assembly of States Parties, before the end of 2023;
5. Remind all states to align their positions on the current situation with their obligations in international law, particularly international humanitarian law;
6. Operating under Part 9 of the Rome Statute, call upon Jordan and Palestine, as States Parties to the Rome Statute, and other non-state parties, including Egypt, to cooperate with your Office in facilitating the opening of a county office in Palestine, and in arranging an urgent visit to Palestine, especially to Gaza, and
7. Take any appropriate action, within the confines of the exercise of your mandate under the Rome Statute, to prevent and deter Israeli apartheid officials and Israeli occupation forces from committing more atrocity crimes against the Palestinian people.

We remain at your disposal and stand ready to provide further information to assist the investigation.

Yours sincerely,

Organisations:

1. Al-Haq, Law in the Service of Man
2. Al Mezan Center for Human Rights
3. Palestinian Centre for Human Rights (PCHR)

4. Palestine Independent Commission for Human Rights (ICHR)
5. Addameer Prisoner Support and Human Rights Association
6. Palestinian NGO Network (PNGO)
7. Bisan Center for Research and Development
8. The Palestinian Initiative for the Promotion of Global Dialogue and Democracy - MIFTAH
9. The Civic Coalition for Palestinian Rights in Jerusalem (CCPRJ)
10. MUSAWA - The Palestinian Center for the Independence of the Judiciary and the Legal Profession
11. Palestinian Center for Development and Media Freedoms (MADA)
12. Women's Centre for Legal Aid and Counselling (WCLAC)
13. Women's Studies Centre (WSC)
14. Jerusalem Legal Aid and Human Rights Center (JLAC)
15. Center for Defence of Liberties and Civil Rights "Hurriyat"
16. Union of Agricultural Work Committees (UAWC)
17. The Community Action Center at Al-Quds University
18. Defense for Children International - Palestine
19. The Coalition for Accountability and Integrity - AMAN
20. European Legal Support Center (ELSC)
21. Arab Renaissance for Democracy and Development (ARDD)
22. FIDH - International Federation for Human Rights
23. EuroMed Rights
24. 11.11.11
25. Center for Constitutional Rights (CCR)
26. Women's Initiatives for Gender Justice
27. NOVACT Institute for Nonviolence
28. SOMO (Centre for Research on Multinational Corporations)
29. The Rights Forum
30. Law for Palestine
31. International Association of Democratic Lawyers (IADL)
32. Southern Africa Litigation Centre (SALC)
33. Comité pour une Paix Juste au Proche-Orient Luxembourg
34. Just Peace Advocates/Mouvement Pour Une Paix Juste
35. Afghanistan Human Rights and Democracy Organization
36. Arab Canadian Lawyers Association
37. Global Justice Association
38. Australian Centre for International Justice
39. Institut de les Desigualtats
40. International Media Support
41. Galway Palestine Solidarity Campaign
42. Filastiniyat
43. The Palestinian Youth Association for Leadership and Rights Activation (PYALARA)
44. Young Men's Christian Association Palestine (YMCA)
45. Palestinian Agricultural Relief Committees (PARC)

46. Lawyers for Justice in Libya
47. League for the Defence of Human Rights in Iran (LDDHI)
48. Syrian Center for Media and Freedom of Expression (SCM)
49. Democratic Lawyers Association of Bangladesh
50. Progressive and Professional Lawyers' Association, Nepal (PPLA, Nepal)
51. Canadian Foreign Policy Institute
52. Canadians for Justice and Peace in the Middle East
53. Jordan Bar Association
54. Adaleh Center for Human Rights Studies
55. Tamkeen for Legal Aid and Human Rights
56. Community Media Network
57. Center for Defending Freedom of Journalists (CDFJ)
58. Asociación Americana de Juristas
59. Italian Association of Democratic Lawyers (Giuristi Democratici)
60. Associació Hèlia
61. Associació de periodisme Fora de Quadre
62. Asociación Paz con Dignidad
63. Plataforma Unitaria contra les Violències de Gènere
64. The Southern Africa Human Rights Defenders Network
65. Tamer Institute for Community Education
66. Mercy Corps
67. Arab Women Organization of Jordan
68. Family Defence Society
69. QADER for Community Development
70. Mother's School Society
71. Najdeh Association
72. Teacher Creativity Center
73. Palestinian Counseling Center
74. Alrowwad Cultural and Arts Society
75. Danish Muslim Aid
76. United Network for Justice and Peace in Palestine and Israel
77. Independent Jewish Voices Canada
78. Oakville Palestinian Rights Association
79. Palestine Solidarity Alliance - South Africa
80. South African Jews for a Free Palestine
81. The South African BDS Coalition
82. Wits Palestine Solidarity Committee
83. India Palestine Solidarity Forum
84. Associação de Amizade e Solidariedade com a Palestina
85. U M Khan Educational and Welfare Trust
86. Kwa Zulu Natal Palestine Solidarity Forum
87. Palestine Solidarity Campaign UK
88. DocP - BDS NL
89. Free Gaza Australia

90. Veterans For Peace chapter 113 -Hawaii
91. US Boats to Gaza
92. CODEPINK- Women for Peace
93. Stichting Kifaia - The Netherlands
94. Greater Toronto for BDS (GT4BDS)
95. Canadian BDS
96. Middle East Working Group, The United Church of Canada
97. Canadian Boat to Gaza
98. People for Peace, London, Ontario
99. ISDE medici per l'ambiente
100. Palestine Solidarity St. John's NL

International Network of Genocide Scholars, Signing in Personal Capacity:

101. Dr. Raz Segal, Associate Professor of Holocaust and Genocide Studies and Endowed Professor in the Study of Modern Genocide, Stockton University
102. Professor Barry Trachtenberg, Rubin Presidential Chair of Jewish History, Wake Forest University
103. Robert McNeil, FAAPT(Hon). MBE., Anatomical Pathology Technologist (retired), International Forensic Team at the International Criminal Tribunal for the former Yugoslavia, Ambassador, Remembering Srebrenica UK, Patron of Bosnia and Herzegovina UK Network.
104. Professor Damien Short, Co-Director of the Human Rights Consortium (HRC) and a Professor of Human Rights and Environmental Justice at the School of Advanced Study, University of London
105. Taner Akçam, Armenian Genocide Research Program at UCLA
106. Victoria Sanford, PhD, Lehman College and the Graduate Center and an Affiliated Scholar at the Center for the Study of the Holocaust, Genocide, and Crimes Against Humanity, City University of New York