

H.E. Mr Karim Khan
Prosecutor
International Criminal Court
The Hague

27 December 2022

Your Excellency,

Re: ICC investigation of the Situation in Palestine

We warmly welcome your statement earlier this month (December 5, ASP speech), that one of your objectives for 2023 would be to go to Palestine.

As human rights organizations based in Israel and engaged in fighting human rights violations in Israel and the occupied Palestinian territory, we are – to quote from your recent ASP remarks – “close to the people that are impacted by crimes.” It is our position that crimes, indeed, have been and are being committed; that the Court has jurisdiction to investigate and prosecute; and, we are all committed to assisting your office in advancing the ongoing investigation of the Situation in Palestine.

On this occasion we want to also join your prioritizing of a “more nimble, more agile” ICC. As you know, the March 2021 opening of the investigation of the Situation in Palestine followed (to quote your predecessor) “a painstaking preliminary examination ... that lasted close to five years” as well as an extra year before the Pre-Trial Chamber. We are now more than seven years since the beginning point of this process. To paraphrase on a familiar legal maxim, justice delayed is justice diminished; and while one waits for the long arc of the moral universe to finally bend towards that delayed justice, crimes continue to take place, emboldened by the prevailing impunity. Thus, a nimbler court is, indeed, key.

Israel has a record of preventing international access to the oPt: U.N. Commissions of Inquiry, Special Rapporteurs, OHCHR staff, international scholars and human rights advocates have all been, over the years, barred entry by Israel – or forced to leave. This context makes your visit – and the granting of access to your office – ever more important. With this in mind, allow us to reiterate our commitment to assisting your office’s investigation to the best of our abilities.

Most respectfully,

Adalah - The Legal Center for Arab Minority Rights in Israel
B’Tselem
Combatants for Peace
HaMoked: Center for the Defence of the Individual
Human Rights Defenders Fund
Parents against Child Detention
Physicians for Human Rights Israel
The Public Committee Against Torture in Israel
Torat Tzedek - Torah Of Justice
Yesh Din - Volunteers for Human Rights