



October 15, 2023

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

### **Open Letter to the Prosecutor of the International Criminal Court Regarding Sending an Investigative Team to the Gaza Strip**

Dear Mr. Karim A. A. Khan KC,

I am writing to you on behalf of Democracy for the Arab World Now (DAWN) to ask you to urgently issue a public statement reminding the parties to the conflict of your ongoing investigation into violations of the Rome Statute in Palestine, and to send an investigative team to the Gaza Strip region of Palestine to document and investigate potential crimes under the Rome Statute committed since October 7, 2023. In addition, I write to request information about the work you and your team are undertaking to investigate the current conflict in Gaza.

As you know, on October 7, 2023, Palestinian gunmen raided Israeli towns near Gaza and [according to the UN](#) Office for the Coordination of Humanitarian Affairs (OCHA-OPT), killed at least 1,300 people, some 1,000 of whom were civilians, including women and children. Gaza-based gunmen captured and forcibly took as many as 150 Israelis, soldiers and civilians, some of whom are women and children, as well as some foreign nationals, into Gaza. While most of these crimes took place in the State of Israel, which has not acceded to the [Rome Statute](#), as clearly stated in Article 12(2)(b) of the Rome Statute, the Court may exercise its jurisdiction if the person accused of the crime is a national of a State Party to the Statute.

As of October 12, 2023 Israeli attacks on Gaza have killed more than 1,400 and injured over 6,000 Palestinians, displacing an estimated 423,000 people, according to the OCHA-OPT. In the early hours of October 12, 2023, the Israeli military ordered an estimated one million Palestinians to leave the northern portion of the Gaza Strip within 24 hours, which the UN [warned in a statement](#) was “impossible for such a movement to take place without devastating humanitarian consequences.” The order indicates that the Israeli military intends to heavily bombard the residential and other urban areas in the coming hours and days.

In addition to its indiscriminate bombing campaign, Israeli officials have also tightened the siege on Gaza. Combined with [declarations](#) by senior Israeli defense officials that no food, water, or fuel will be allowed

into Gaza City, rights groups have [warned](#) that this amounts to using starvation as a weapon. As you are no doubt aware, depriving civilians of objects indispensable to their survival, such as fuel, water, food, and electricity, are among the gravest violations of international humanitarian law.

On August 11, 2023, the Global Centre for the Responsibility to Protect (GCR2P) [issued an alert](#) on the situation in the Gaza Strip. The Atrocity Alert warned that there was a "serious risk of atrocities" in the Gaza Strip and called on the international community to take urgent action to prevent them. The Atrocity Alert is a significant warning to be heeded and picked up by bodies like the OTP, who have the tools and mandate to help prevent ongoing international crimes and atrocities.

Accordingly, I repeat our recommendations and request for information:

1. Issue a public preventative statement, reminding all parties of the ongoing ICC investigation and that you are closely monitoring the situation in Gaza. This would send a strong message that the ICC is committed to ensuring accountability for international crimes committed in Palestine.

It will be particularly important to note that the ICC has jurisdiction to prosecute not only nationals who are party to the conflict in Gaza, but government officials who are aiding and abetting the commission of crimes by providing weapons and other materials used in the commission of crimes.

Finally, such a public statement should encourage witnesses and victims to do their utmost to retain and share evidence with your offices to assist in your investigation.

2. Deploy an investigative team to Gaza: The urgent need for an ICC investigative team in the Gaza Strip is clear. The situation in the Gaza Strip is volatile, and there is a serious risk that further international crimes will be committed. The presence of an ICC investigative team would help to deter further crimes and send a strong message that those responsible for international crimes will be held accountable. It is admirable that the Office of the Prosecutor has responded so robustly and promptly to send an investigative team to the Ukraine; it would be disheartening and damaging to the court's credibility if there is no comparable robust and prompt deployment to Gaza.
3. Provide information about the work your office is currently undertaking to investigate and document crimes taking place in Gaza and Israel since October 7, 2023.

I look forward to your prompt attention to this urgent matter.

Sincerely,

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