



## INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

CHAUSÉE DE HAECHT 55, 1210, BRUXELLES-BRUSSELS, BELGIQUE-BELGIUM

30 October 2023

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

*Urgent: Intervene to Prevent Israeli Atrocity Crimes in Gaza and Expedite ICC's Investigation into the Palestine Situation*

Dear Mr. Karim A. A. Khan KC,

The International Association of Democratic Lawyers (IADL), a worldwide NGO comprised of progressive jurists with consultative status at ECOSOC in the UN, strongly urges you to issue a preventative statement about Israel's ground offensive in the Gaza Strip. This offensive has resulted in an alarming increase in casualties among Palestinians and inflicted devastating destruction upon civilian objects and infrastructure.

You stated on 29 October at the Rafah Crossing that you are investigating crimes allegedly committed in Israel on 7 October, and also in Gaza and the West Bank, and you said that a "dire humanitarian situation is developing." Indeed, only a "trickle" of food and medicine has been allowed into Gaza, which has created a humanitarian disaster of epic proportions.

IADL is gratified that you said "[t]here should not be any impediment to humanitarian relief supplies going to children, to women and men, civilians, they are innocent, they have rights under international humanitarian law. These rights are part of the Geneva Conventions, and they give rise to even criminal responsibility when these rights are curtailed under the Rome Statute."

IADL is also gratified that you declared that Israel must make "discernable efforts without further delay to make sure civilians receive basic foods, medicine."

It is one of the Court's functions to prevent crimes as stated in the Preamble to the Rome Statute. The [practice](#) of the [former](#) Prosecutor of "issu[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" facilitated the Prosecutor's prompt reaction to increased violence and helped alleviate the suffering of the victims, particularly because investigations take



## INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

CHAUSÉE DE HAECHT 55, 1210, BRUXELLES-BRUSSELS, BELGIQUE-BELGIUM

time before prosecution and cases are initiated at the ICC. Such statements have proved an effective deterrent, such as in the case of the planned forced displacement of the [Khan al-Ahmar](#) Bedouin community in the West Bank, which Israeli authorities did not pursue further out of [concerns](#) of an ICC investigation and prosecution.

In retaliation against the Palestinians in Gaza for Hamas's October 7 killing of hundreds of Israelis, the leaders of Israel intensified their 16-year siege of Gaza to a "complete siege." Israel is slaughtering civilians, cutting off their food, water, electricity, and fuel. Israel ordered more than 1 million Gazans to leave their homes and then bombed their evacuation routes and trapped them with nowhere to escape.

So far, as of 29 October, the Israeli military has launched more than 7,000 airstrikes in the densely populated strip. As Israel began its ground offensive, it cut off Internet and phone service in Gaza so the world could not witness the devastation being visited on the Gazan people. Succumbing to international pressure, Israel has now restored power to Gaza.

IADL is extremely concerned that Israeli officials are committing genocide, war crimes and crimes against humanity. In your 29 October statement, you confirmed that the ICC has jurisdiction over crimes committed in the West Bank, Gaza, and East Jerusalem going back to 2014.

Israeli political and military leaders have already committed several international crimes against the Palestinian people that fall under the jurisdiction of the ICC. They include, *inter alia*, the war crimes of willful killing; intentionally directing attacks against the civilian population, civilian objects, humanitarian workers, ambulances, hospitals, and places of worship; the crimes against humanity of persecution of the civilian population, and apartheid; and the crime of genocide.

"The war currently being waged on Gaza is, in effect, against the civilians. They don't distinguish between combatants and civilians," Olfat al-Kurd, a field researcher for B'Tselem, a leading Israeli human rights organization, said, speaking from a tent encampment in the southern Gaza city of Khan Younis, after 70 of her relatives were killed by Israeli airstrikes.

Statements made by Israeli leaders are evidence of an "intent to destroy, in whole or in part" a "national group," which is the intent required for the crime of genocide. The Palestinians in Gaza comprise a substantial part of the Palestinian nation, and Israeli leaders are targeting them because they are Palestinian.

Israeli leaders have committed three of the acts required for genocide, including: (1) killing members of the group; (2) causing serious bodily or mental harm to members of the group; and



## INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

CHAUSÉE DE HAECHT 55, 1210, BRUXELLES-BRUSSELS, BELGIQUE-BELGIUM

(3) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

As of 29 October, 8,005 Palestinians have been killed, nearly half of them children, and approximately 20,242 people have been injured in Gaza. Forty-two percent of Palestinian housing units in Gaza have been destroyed and more than half the residents of Gaza have been displaced.

Israeli Prime Minister Benjamin Netanyahu [said](#) on October 16 “[t]his is a struggle between the children of light and the children of darkness, between humanity and the law of the jungle.” Defense Minister Gallant’s declaration, “we are fighting animals,” dehumanizes Palestinians to rationalize wiping them out. He [pledged](#) “Gaza won’t return to what it was before. We will eliminate everything.” Gallant [threatened](#) to “bomb those attempting to provide aid to the Gaza Strip.” Israeli Defense Forces Spokesperson Daniel Hagari [said](#) that “the emphasis is on damage and not on accuracy.” Israeli Major Gen. Ghasan Alian, head of the Coordinator of Government Activities in the Territories, [said](#) that Israel intended to destroy Palestinian life in Gaza: “Human animals must be treated as such. There will be no electricity and no water, there will only be destruction. You wanted hell, you will get hell.” Reservist Major Gen. Giora Eiland [wrote in an op-ed](#) in the Israeli newspaper *Yedioth Ahronoth*, that “[c]reating a severe humanitarian crisis in Gaza is a necessary means to achieve the goal,” adding that “Gaza will become a place where no human being can exist.”

In the face of Israel’s killing, starvation, and forced displacement of the Palestinians in Gaza, Netanyahu [said](#) this is “only the beginning.” He [warned](#) that Gazans would pay an “immense price,” and that Israel will reduce some of Gaza’s urban centers to “rubble.” Ariel Kallner, a member of the Israeli parliament for Netanyahu’s Likud party, [proclaimed](#), “Right now, one goal: Nakba! A Nakba that will overshadow the Nakba of 1948.” “Gaza will eventually turn into a city of tents. There will be no buildings,” an unnamed Israeli defense official was [quoted](#) as saying.

On 13 October, 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). This order was impossible for Gazans to follow and “will only lead to unprecedented levels of misery and further push people in Gaza into the abyss,” as [deemed](#) by the UNRWA. Such an evacuation in the absence of imperative military necessity amounts to a [prohibited method of warfare](#), and if it becomes [permanent](#), may amount to forcible transfer and displacement.

During the Israeli airstrikes on 13 October, at least 70 Palestinians were killed, and 150 others injured, the Gaza Ministry of Health reported. These strikes occurred during the 24-hour-



## INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

CHAUSÉE DE HAECHT 55, 1210, BRUXELLES-BRUSSELS, BELGIQUE-BELGIUM

window, as people fled from the northern Gaza Strip through Salah Al-Din street (one of the two “safe routes” designated for the evacuation by the Israeli military). There are 1,200 [unretrieved bodies](#), including about 500 children, who are believed to be trapped under the rubble.

*In light of official Israeli statements indicating an intent to commit genocide, we call on the Office of the Prosecutor to issue an official public statement to deter the commission of genocide and other atrocity crimes against the Palestinian people.*

As the number of Palestinians killed is rapidly escalating, and the destruction of civilian objects and infrastructure is increasing exponentially, and as Gazans continue to be deprived of electricity and water, and as Israeli leaders state their intent to commit genocide, which is materializing on the ground, your intervention is urgently required.

Therefore, IADL calls on the ICC Office of the Prosecutor to:

1. Immediately issue an official preventive statement publicly warning Israel that its unlawful conduct in the Gaza Strip, particularly its ground offensive, may constitute further atrocities and international crimes that fall within the jurisdiction of the Court.
2. Remind all parties involved to align their positions on the current situation with international law, particularly international humanitarian law, and stress that the laws of war, which are designed to protect civilians and other non-combatants from the dangers of armed conflict, apply to all parties in the hostilities.
3. Call on Israel to allow aid, food, fuel, and medicine and restore critical utilities like electricity and water into Gaza.
4. Expedite your investigation into the Situation in Palestine;
5. Operating under Part 9 of the Rome Statute, urge Palestine, Jordan, and Egypt, as States Parties to the Rome Statute, and other non-state parties, to cooperate with the Office of the Prosecutor in facilitating the opening of a country office in Palestine, and in arranging an urgent visit to Palestine, especially to Gaza; and
6. Take any action authorized by your mandate under the Rome Statute to prevent and deter Israeli officials and Israeli Occupying Forces from committing additional atrocity crimes against the Palestinian people.



## INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

---

CHAUSÉE DE HAECHT 55, 1210, BRUXELLES-BRUSSELS, BELGIQUE-BELGIUM

Yours very truly,

Jeanne Mirer

President, International Association of Democratic Lawyers