



Al Mezan Center for Human Rights, Al-Haq, and the Palestinian Centre for Human Rights express deep concern over the prolonged delay in the International Criminal Court (ICC) Prosecutor's direct engagement with Palestinian victims, especially in Gaza, despite persistent calls since the assumption of his office. While acknowledging Prosecutor Khan's upcoming meetings with Palestinian officials in Ramallah during his first-ever visit to the State of Palestine, the crucial need for direct interaction with victims remains unaddressed.

On 30 November 2023, the ICC [announced](#) that Prosecutor Khan was visiting Israel “at the request and invitation of survivors [and] the families of victims of the 7 October attacks.” This move comes after it was [announced](#) last week that the Prosecutor had met with Israeli victims in The Hague. Notably, the Prosecutor has not been available to meet with Palestinian victims and their legal representatives despite numerous requests since Prosecutor Khan took office in June 2021.

Our organizations and Palestinian victims have continuously requested the Prosecutor to visit Palestine, emphasizing the necessity for firsthand engagement. The absence of such interaction raises serious concerns about the perceived disparity, impartiality and lack of transparency in the Prosecutor's engagements. Recognizing the Prosecutor's responsibility for fair and comprehensive investigations, it is paramount to prioritize direct engagement with those affected by the alleged crimes. There is an evident double standard in the swift pace and remarkable availability of the Prosecutor to meet with Israeli victims, both in the Hague and with prompt travel to Israel, while reneging on the consistent calls of Palestinian victims and their representatives.

Triestino Mariniello, a legal representative of Palestinian victims before the ICC, commented:

“So far, Prosecutor Khan always failed to meet with victim representatives or victims themselves. Since he took office, his mandate has been characterized by double standards in relation to the situation in Palestine. The Prosecutor has not put in place any effective investigation, and allocated very minimal and largely insufficient funding to the investigation since it opened. While meeting with Israeli victims is part of the Prosecutor's mandate, the Court's statement lacks any mention to Palestinian victims, who Prosecutor Khan could meet while visiting the West Bank, including East Jerusalem—both areas under the Court's jurisdiction. While there, the Prosecutor should meet with victims of settler violence and forcible transfer, among other crimes, and with the families of the hundreds of Palestinians killed by Israeli settlers or forces over the past 11 months.”

As Israel exponentially accelerated its killings of Palestinians over the last two years, the [requests](#) of 35 Palestinian organizations this past February to intervene to take immediate and effective action, were left unresponded. The previous November, as 198 Palestinian, regional and international organizations [warned](#) of grave upsurges in violence and urged the Prosecutor to intervene with statements of deterrence, the recommendations were similarly unheeded by the Prosecutor.

We warn that the Prosecutor's State visit to Palestine steered by Israel and limited to the confines of government buildings, in no way substitutes for meeting directly with victims accompanied by their legal representatives on the ground. Nor does it substitute in any way for the need to conduct an actual investigation and visit to examine the manifestly illegal settlements and other crime scenes across the occupied Palestinian territory, including land appropriations, house demolitions, natural resource pillage, and the Palestinian victims who have been arrested without charge, injured and killed.

In 2021, the Pre-Trial Chamber [found](#) that the Court had criminal jurisdiction over the territory of the West Bank, including East Jerusalem, and the Gaza Strip as the territory of the State of Palestine. Despite the clear international recognition that the occupied Palestinian territory includes occupied East Jerusalem, the [photograph](#) of Prosecutor Khan poised both in and overlooking occupied East Jerusalem, including the Old City, and standing merely meters away from illegal Israeli settlements, under the [caption](#) that he is “visiting Israel”, is remarkable. We remind Prosecutor Khan that [UN Security Council Resolution 478](#), censures in the strongest terms the legislative and administrative measures taken by Israel in purportedly annexing East Jerusalem as “null and void and must be rescinded forthwith”.

We urgently call on Prosecutor Khan to extend his visit to Gaza, acknowledging the critical importance of understanding the context and meeting with victims there. The situation in Gaza, where we [warned](#) about the unfolding genocide and crimes against humanity of forced displacement against the Palestinian population therein, demands specific attention, and direct engagement is instrumental in comprehending the impact of alleged crimes on the ground.

In addition to urging direct engagement, we underscore the critical role of the ICC in issuing arrest warrants. The power of the ICC lies not only in its capacity to prosecute but also in its deterrent effect. By holding individuals accountable for alleged crimes, the ICC plays a crucial role in preventing future atrocities. When [commenting](#) on the news of the prosecutor's visit to the Rafah crossing on 29 October 2023, our organizations explicitly called on the Office of the Prosecutor (OTP) to immediately issue arrest warrants for Israeli authorities and military personnel responsible for perpetrating international crimes. Our organizations believe that the OPT has sufficient evidence submitted by various UN investigative bodies and civil society organizations to proceed on cases pertaining to the 2014 war on Gaza, the Great March of Return and extensive files on settlements that such proceedings will serve to deter Israeli forces and authorities from the commission of further atrocity crimes in Gaza.

As advocates for justice and accountability, we emphasize that timely action is imperative. The credibility and effectiveness of the ICC hinges on fair and balanced engagement with all parties involved. Meeting with Palestinian victims, extending the visit to Gaza, and employing the full authority of the ICC to issue arrest warrants as necessary. The pursuit of justice demands unwavering commitment and timely action.