



Date : 17/12/2019

“Justice Delayed is Justice Denied”: Lawmakers and experts urge ICC Prosecutor to investigate war crimes against Palestinian civilians in final year in office

ICC Office of the Prosecutor (OTP) release their annual report on preliminary examinations on December 5th 2019 including their examinations on Palestine

After 5 years of preliminary examinations and an abundance of evidence, still no investigation into the situation in Palestine

Prosecutor Fatou Bensouda only has 1 year left in office

Lawmakers and experts gathered in London to express disappointment with latest report and urge OTP to begin investigation with no further delay

LONDON – At an event at the British Academy in London today, international lawmakers and experts highlighted the urgent need for the ICC Prosecutor to open an investigation into the international crimes committed against Palestinian civilians. They stressed that:

1. There should be no further delays in fully investigating the actions of the Israeli authorities and armed forces for the widespread crimes committed against Palestinian civilians;



2. The ICC Prosecutor has received extensive evidence and reports of war crimes committed against Palestinian civilians and clearly has a firm basis to launch an investigation under her mandate;
3. The Court should not be deterred by the US Administration's pronouncements on the supposed legality of settlements, which are contrary to the long standing position of the UN and the international community.

They have sent a letter to the ICC Prosecutor urging her to waste no further time in opening an investigation. This comes in the wake of the Prosecutor's December 5th 2019 report on the Palestine Situation in which she noted that it was time to take the necessary steps to make the decision whether to investigate (<https://bit.ly/2PoEICC> pgs. 54-60). However, the Prosecutor has had 5 years already since the situation was raised before the ICC by Palestine to make her decision, but has taken no action. As the Prosecutor has one year left before her term expires, she is being urged to act now to start the investigation.

During her tenure, the Prosecutor has been presented with extensive evidence and reports of war crimes being committed against Palestinian civilians. Amongst the evidence is a recent UN report carried out by an independent commission (<https://bit.ly/2PqDtNN>) published in February 2019, related to the "Great March of Return" protests in Gaza between March-December 2018.

The report found that Israeli security forces shot and wounded 6,016 protestors with live ammunition in the period investigated. 189 died at the protest sites, 183 of these from live fire. It further found that, *"there was no justification for Israel's security forces killing and injuring persons who pose no imminent threat of death or serious injury to those around them, including journalists, health workers and children."* The report also recommended that the ICC should investigate their findings, yet no such investigation has been opened to date.

It was underlined that, the fundamental rights of victims to justice without delay and within a reasonable time, are cornerstone principles, which must be vigorously upheld by the ICC. Justice delayed is justice denied.



The expert group who addressed the event was made up of Baroness Helena Kennedy QC (House of Lords), Hon. Luisa Morgantini (Former Vice President of EU Parliament), Prof. William Schabas (Professor of International Law), Stefan Waespi (Chief of Investigations, United Nations Independent Commission of Inquiry on 2018 Protests in Gaza), and Mohamed Jamil (Director of the Arab Organisation for Human Rights in the UK).

Baroness Helena Kennedy QC said: *"Attacks against civilians by military or security forces - wherever in the world they are alleged to have occurred - should be the subject of investigation by the ICC Prosecutor. The Prosecutor's office has received dossiers of evidence and reports dating back 5 years concerning the Palestinian population. I urge the Prosecutor to act without further delay if we wish to retain confidence in international law and the global legal system. This is in the interests of justice."*

Professor William Schabas said: *"The ICC was established to tackle the most challenging and high profile cases like Palestine. It is very important for the people of Palestine as well as for the health and future of the court that an investigation be opened."*

Hon. Luisa Morgantini said: *"The 5th of December report was not only long overdue, it was also very biased, it was a real disappointment. The ICC does not even recognise the difference between occupied people and the occupier country. All the facts, all the evidence is there, why is there such bias? Every day crimes against humanity take place in Palestine, these cannot keep being ignored. It really is time for the ICC to take steps to address this failure."*

Mr Mohamed Jamil said: *"Every day that an investigation is delayed is a day in which there is no deterrence for the commission of further crimes and no accountability. The systematic crimes against Palestinian civilians have been met with silence for far too long, but the ICC has an opportunity to set the record straight now and must not fail in this historic task"*.



Arab Organisation for Human Rights in the UK
المنظمة العربية لحقوق الإنسان في بريطانيا

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