

May 8, 2014

Dear President Abbas,

We, the undersigned Palestinian and international human rights organizations, write to urge you to ensure that Palestine pursues the jurisdiction of the International Criminal Court (ICC) by promptly acceding to the Rome Statute and/or filing a further declaration accepting the Court's jurisdiction over crimes committed on Palestinian territory from 1 July 2002.

Taking such steps could ensure access to international justice for victims of war crimes and crimes against humanity committed on Palestinian territories, and would send an important message that such crimes cannot be committed with impunity.

As you know, following the UN General Assembly's decision in November 2012 to upgrade Palestine's status to "non-member observer state", the ICC Office of the Prosecutor stated that the decision "does not cure the legal invalidity of [Palestine's] 2009 declaration" which accepted the ICC's jurisdiction over acts committed on its territory since 1 July 2002, and that "at this stage, the Office has no legal basis to open a new preliminary examination."

The Office stated that it was, therefore, not in a position to consider allegations of serious crimes committed in Palestine without further steps by your government. On this basis, the current ICC Prosecutor, Fatou Bensouda, has said that "the ball is now in the court of Palestine" to seek the court's jurisdiction.

We understand the pressure that Palestine is under from Israel and the United States not to pursue the jurisdiction of the ICC, whether during or after the current US-sponsored negotiations with Israel. We are aware that even countries such as France, the United Kingdom, Italy, and Canada, which are states parties to the ICC treaty and purport to seek its universal ratification, have, at times, opposed Palestine seeking access to the ICC.

We oppose these efforts to politicize justice for victims of serious crimes under international law, and urge you to resist them. Justice is an important end in its own right, preserving the rights of victims and affected communities regardless of the uncertain prospects for peace. The commission of war crimes with impunity has regularly undermined the peace process. A credible prosecution threat would help to advance the cause of peace.

Palestine's accession in April to 20 international treaties and conventions was a significant and positive step, obliging the Palestinian government to respect, protect, and fulfill human rights, and requiring Palestinian forces to abide by international rules on armed conflict. Accession to the Rome Statute would be a vital further step towards protecting human rights by ensuring that the ICC can step in to address impunity when domestic authorities are genuinely unable or unwilling to do so.

Seeking the ICC's jurisdiction over serious crimes committed on Palestinian territory should therefore be seen as an apolitical step towards ending impunity and could help deter future abuses.

The ICC represents an important tool for justice and effective remedies for victims. We urge you to seize it without any further delay.

Sincerely,

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Khalil Abu Shammala, Executive Director
Al Dameer Association for Human Rights

Shawan Jabarin, General Director
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Salil Shetty, Secretary General
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Nidal Azza, Director
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Rifat Kassis, Director
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Said Benarbia, Director, Middle East and North Africa Programme
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