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To: Mr. Karim A. A. Khan QC, Prosecutor of the International Criminal Court

Re: Investigation into the situation in the State of Palestine

23 March 2023

Dear Mr. Khan,

We have the honour to address you in our capacities as Special Procedures mandate-holders.

At the outset, we note that this letter is submitted on a voluntary basis for the Court's consideration without prejudice to, and should not be considered as a waiver, express or implied, of the privileges and immunities of the United Nations, its officials and experts on missions, pursuant to the 1946 Convention on the Privileges and Immunities of the United Nations. We also affirm our respect for your independence, as set out in Regulation 13 of the ICC's Regulations of the Office of the Prosecutor.

We write to share our concern for the pervasive impunity and ever-deteriorating human rights situation in the occupied Palestinian territory, owing to acts that may amount to widespread and systemic violations of international law committed by various actors. Throughout the years, and in the context of our respective mandates, we have all repeatedly condemned these violations, many of which may amount to crimes prosecutable under the Rome Statute and the jurisdiction of the Court. The annex to this letter contains a non-exhaustive list of communications and reports issued by numerous special procedures mandate-holders since 13 June 2014 in the context of the occupied Palestinian territory. These documents provide solid evidence of allegations of human rights violations that may have been committed intentionally and systematically.

In this context, we salute the Office of the Prosecutor's initiation, on 3 March 2021, of an investigation into the *Situation in the State of Palestine* on the basis that alleged war crimes have been or are being committed in the West Bank, including East Jerusalem, and the Gaza Strip. This decision is a landmark in the international community's efforts to achieve justice in the region. It is critical that the responsibilities the Court is vested with, be discharged by pursuing the proceedings, furthering investigation and advancing justice for all victims of the most heinous crimes, including through a gendered lens. Your declared intention to visit the occupied Palestinian territory in 2023, Mr. Khan, is a critical step in this direction and we hope that your investigative mission will take place with all deliberate speed.

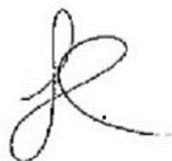
Lack of accountability in the occupied Palestinian territory is contributing to a situation of 'lawlessness'. Indeed since the Court opened the investigation, many new violations, allegedly amounting to war crimes and crimes against humanity, have been committed. This includes acts that may amount to intentional indiscriminate attacks against and wilful killing of civilians including human rights defenders and media workers; arbitrary arrest and detention and denial of fair trial guarantees; forced demolition and extensive destruction of civilian property not justified by military necessity, arbitrary displacement and the forcible transfer and deportation of the civilian population under occupation, as epitomised by the ongoing transfer of about 1,200 residents of Masafer Yatta, including 500 children (the largest instance of forced displacement since 1967). Many of us have expressed particular concern at Israel's criminalization and increasing harassment of civil society organisations, including those engaged in advancing accountability and justice through the ICC investigation (known as "the six"). The raid and closure of their offices as well as seizing their documentation by the Israeli army in August 2022, may constitute a serious violation of the administration of justice under the Rome Statute.

Expediting justice is a crucial step to end impunity and restore international law and a human rights-based order, as the last bastion to stop the spirals of violence and the risks this poses for Palestinians and Israelis alike. With the legal instruments at our disposal, we have a shared institutional and moral duty to act to counter these spirals, ensure that past atrocities do not go unpunished and that new ones are prevented. In this spirit, we call for more resources to be dedicated to the investigation on the *Situation in the State of Palestine*, including possible crimes committed by private actors, and to making it more accessible for victims and communities to submit information and contact ICC investigators, especially given the shrinking civic space in and around the quest for justice in the occupied Palestinian territory. We also urge you to investigate and prevent specific cases of reprisals against individuals who promote accountability in the occupied Palestinian territory and who have cooperated or wish to cooperate with the ICC investigation.

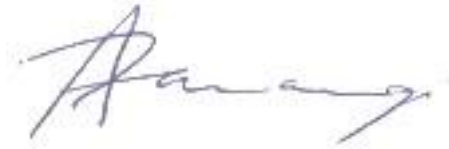
We are at your disposal for any specific support you may require on matters related to our respective mandates, and pledge to support the Court's efforts in holding all perpetrators of international crimes accountable and put an end to impunity.

Kindly note that this letter will be posted on our respective webpages on 6 April 2023.

Please accept, Mr. Khan, the assurances of our highest consideration.



Francesca Albanese
Special Rapporteur on the situation of human rights in the Palestinian territory occupied since
1967



Saad Alfarargi
Special Rapporteur on the right to development



Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences



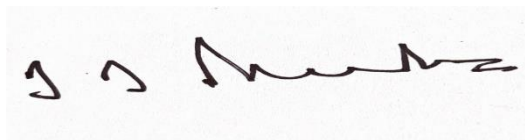
Pedro Arrojo-Agudo
Special Rapporteur on the human rights to safe drinking water and sanitation



Mohamed Abdelsalam Babiker
Special Rapporteur on the situation of human rights in Eritrea



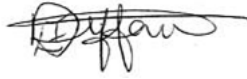
Paula Gaviria Betancur
Special Rapporteur on the human rights of internally displaced persons



Ravindran Daniel Justin
Chair-Rapporteur of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination



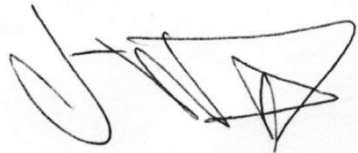
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Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance



Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression



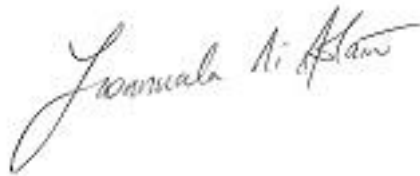
Mary Lawlor
Special Rapporteur on the situation of human rights defenders



Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health



Siobhán Mullally
Special Rapporteur on trafficking in persons, especially women and children



Fionnuala Ní Aoláin
Special Rapporteur on the promotion and protection of human rights while countering terrorism.



Clément Nyaletsossi Voule
Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association



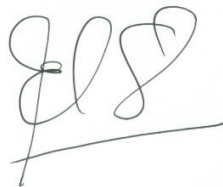
Tomoya Obokata
Special Rapporteur on contemporary forms of slavery



Obiora C. Okafor
Independent Expert on Human Rights and International Solidarity



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Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context



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Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea



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Independent Expert on the promotion of a democratic and equitable international order



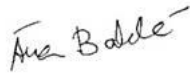
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Fernand de Varennes
Special Rapporteur on Minorities Issues



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Member of the Working Group on Enforced or Involuntary Disappearances