Statement: 17 November 2023

Statement of the Prosecutor of the International Criminal Court, Karim A.A. Khan KC, on the Situation in the State of Palestine: receipt of a referral from five States Parties

On 17 November 2023, my Office received a referral of the Situation in the State of Palestine, from the following five States Parties: South Africa, Bangladesh, Bolivia (Plurinational State of), Comoros, and Djibouti.

In accordance with the Rome Statute of the International Criminal Court, a State Party may refer to the Prosecutor a situation in which one or more crimes within the jurisdiction of the Court appear to have been committed requesting the Prosecutor to investigate the situation for the purpose of determining whether one or more specific persons should be charged with the commission of such crimes.

In receiving the referral, my Office confirms that it is presently conducting an investigation into the Situation in the State of Palestine. This investigation, commenced on 3 March 2021, encompasses conduct that may amount to Rome Statute crimes committed since 13 June 2014 in Gaza and the West Bank, including East Jerusalem. It is ongoing and extends to the escalation of hostilities and violence since the attacks that took place on 7 October 2023. In accordance with the Rome Statute, my Office has jurisdiction over crimes committed on the territory of a State Party and with respect to the nationals of States Parties.

Upon the commencement of my mandate in June 2021, I put in place for the first time a dedicated team to advance the investigation in relation to the Situation in the State of Palestine. As I stated in my recent visit to Rafah Crossing, pursuant to its mandate, this Unified Team is moving with focus in collecting, preserving and analysing information and communications from key stakeholders in relation to relevant

incidents. The Office has collected a significant volume of information and evidence, including through submissions received via OTP Link, our secure platform to receive submissions. I continue to encourage all those with relevant information to contact my Office.

The Prosecutor at Rafah Crossing between Egypt and Gaza on 29 October 2023

My Office will continue its engagement with all relevant actors, whether national authorities, civil society, survivor groups or international partners, to advance this investigation. I will also continue my efforts to visit the State of Palestine and Israel in order to meet with survivors, hear from civil society organisations and engage with relevant national counterparts. I stand ready to work with all parties, including to complement domestic accountability efforts, in order to ensure that justice is delivered for those affected by Rome Statute crimes. I call upon all relevant actors to provide full cooperation with my Office.

I also call on all States Parties to the Rome Statute to provide us with the tools we need in order to allow us to effectively fulfil our mandate, across situations. The upcoming Assembly of States Parties in December will be an important moment to demonstrate, at this critical time globally, that the political commitment of States to the principles of the Rome Statute is matched with a commitment to meet the resource needs that my Office has clearly and repeatedly expressed.

For more information on the Situation in the State of Palestine:

Prosecutor's Op-Ed in *The Guardian* and various newspapers – 10 November 2023

https://www.theguardian.com/commentisfree/2023/nov/10/law-israel-hamas-international-criminal-court-icc

Press statement from Cairo – 29 October 2023

https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-khan-kc-cairo-situation-state-palestine-and-israel

Video statement from the Rafah Border Crossing between Egypt and the Gaza Strip – 29 October 2023

https://x.com/intlcrimcourt/status/1718661091155161172?s=46&t=bZu5nJejRUuojpOH1KVB5Q

Interview with CNN from Cairo – 29 October 2023

https://x.com/intlcrimcourt/status/1719445701053071832?s=46&t=bZu5nJejRUuojpOH1KVB5Q

Interview with Reuters - 12 October 2023

https://www.reuters.com/world/middle-east/hamas-attack-would-fall-under-jurisdiction-war-crimes-court-prosecutor-2023-10-12/

https://x.com/IntlCrimCourt/status/1712865430811947460?t=Nfno5nypPlmKUJ42_Lwgzw&s=09

Interview with BBC Radio 4 (starts at circa 26:16) - 13 October 2023

https://www.bbc.co.uk/sounds/play/m001r7sn

The Office also issued a public call for information on 17 October, which can be found here:

https://x.com/intlcrimcourt/status/1714300329817182217?s=46&t=bZu5nJejRUuojpOH1KVB5Q

Please also see: https://www.icc-cpi.int/palestine

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