



Accountability for International Crimes in Palestine

April 29, 2020

At a Glance

Date Filed:

December 20, 2019

Current Status

On February 5, 2021, the Pre-Trial Chamber ruled that the ICC has jurisdiction over crimes committed on the territory of the State of Palestine, comprising Gaza and the West Bank including East Jerusalem, since June 13, 2014. On March 3, 2021, the Prosecutor opened an investigation in Palestine. On May 20, 2024, the Prosecutor issued applications for arrest warrants for Israeli Prime Minister Netanyahu and Defense Minister Gallant, among others, for war crimes and crimes against humanity. The ICC issued arrest warrants for Benjamin Netanyahu and Yoav Gallant for crimes against humanity and war crimes committed against the Palestinian population in Gaza on November 21, 2024.

Our Team:

- [Katherine Gallagher](#)
- [Samah Sisay](#)
- [Brad Parker](#)

Case Description

On January 2, 2015, the State of Palestine acceded to the Rome Statute of the International Criminal Court (ICC), and, on April 1, 2015, **Palestine became the 123rd Member State of the ICC**. Palestine granted the ICC jurisdiction over crimes committed on the territory of Palestine, including East Jerusalem, since June 13, 2014. The Prosecutor of the ICC, Fatou Bensouda, opened a preliminary examination into crimes committed in Palestine on January 16, 2015, and the **State of Palestine referred the situation** for investigation on May 15, 2018. Over the course of the preliminary examination, Palestinian human rights organizations and victims made submissions in which they set forth war crimes and crimes against humanity committed by Israeli officials, including in relation to the 2014 military offensive on Gaza, in the context of the Great March of Return, and as a result of the settlement enterprise and persecution resulting from the **ongoing siege of Gaza**. On December 20, 2019, the Prosecutor concluded that there is a reasonable basis to proceed with an investigation into war crimes and crimes

against humanity committed on the territory of Palestine – the Gaza Strip and West Bank, including East Jerusalem – and asked the Pre-Trial Chamber to confirm the scope of the territorial jurisdiction of the Court. The Pre-Trial Chamber invited victims to submit observations on the Prosecutor's request, and Center for Constitutional Rights attorney **Katherine Gallagher** made a submission on behalf of twenty Palestinian victims of persecution from all parts of Palestine and the diaspora. On April 29, 2020, the Center for Constitutional Rights joined more than 180 Palestinian, regional, and international human rights organizations in signing an **open letter to the ICC Prosecutor** expressing support for the opening of an investigation without delay.

For other cases seeking to hold Israeli officials accountable for serious violations of international law or corporations complicit in human rights violations in Palestine, see *Matar v. Dichter*, *Belhas v. Ya'alon*; *Corrie et al v. Caterpillar*; and *Doğan v. Barak*. For other Center for Constitutional Rights cases seeking accountability for crimes against humanity or war crimes at the ICC, see *Accountability for International Crimes in Afghanistan* and *Survivors Network of those Abused by Priests (SNAP) re: High-Level Vatican Officials*.

Case Files

 **Decision on Israel's Challenge to the Jurisdiction of the Court**

- [!\[\]\(746d018fdf6ab02bf5fb7681133e8b29_img.jpg\) Decision on Israel's Request for an Order to the Prosecution to Give Article 18 Notice and Stay Proceedings](#)
- [!\[\]\(5daa6eee1904cb6b9d765700250de764_img.jpg\) Prosecutor's Consolidated Response to Observations by Intervenors](#)
- [!\[\]\(d72e437c7cc5947bc0b147aba6602563_img.jpg\) ICC Decision Granting Requests for Leave to File Victims Submissions](#)
- [!\[\]\(0d2a89e6d0cbcd8e0459b972b9332401_img.jpg\) Child Victims and their Families' Submission](#)
- [!\[\]\(cdcd8a42e5993b465235781ccc1c8555_img.jpg\) Persecution Victims' Submission](#)
- [!\[\]\(c0c9434f3698c901303014555ccb5687_img.jpg\) ICC Interference FOIA Request](#)
- [!\[\]\(4f9bd4c242eb94a69f6647adc92289eb_img.jpg\) ICC FOIA Case Page](#)
- [!\[\]\(2043c91b19713cb6115a4799f072cbca_img.jpg\) ICC Letter re: Imminent Forcible Deportation of Salah Hammouri](#)
- [!\[\]\(db8bdec0696fd5238eefca5b38e3467b_img.jpg\) ICC Submission concerning Salah Hammouri and Palestinians in Jerusalem](#)
- [!\[\]\(b360ad16bdc7d6189e2925016b1b3ed0_img.jpg\) 80 Non-Governmental Organizations, Faith-Based Groups, and Academic Institutions Call for the Biden Administration to Repeal ICC Sanctions](#)
- [!\[\]\(330328ae07b5745be406cfc9969e3643_img.jpg\) Decision on Prosecutor's Request Pursuant to Article 19\(3\) for Ruling on Court's Territorial Jurisdiction in Palestine](#)
- [!\[\]\(60cb7d1235d4d987b531e31489f1225b_img.jpg\) Annex 1: Judge Kovács' Partly Dissenting Opinion](#)
- [!\[\]\(7cb93e551cef6cae62b325637457f4d9_img.jpg\) Annex 2: Judge Perrin de Brichambaut's Partly Separate Opinion](#)
- [!\[\]\(e918707da0392c42efd38cf1c1534341_img.jpg\) Order Requesting Additional Information](#)
- [!\[\]\(9449be45787e7c1c007d0c56f7d83a4a_img.jpg\) State of Palestine Response](#)
- [!\[\]\(52d562819d96ee02fbd79106c2065608_img.jpg\) State of Palestine Response Annex A](#)
- [!\[\]\(cfae5971f193f6e6fa93edcee016c40a_img.jpg\) Prosecutor's Response](#)
- [!\[\]\(8833d691aa8ec9e36bc02fc68508bd2a_img.jpg\) Prosecution Response to Victims' and Amicus Curiae Observations](#)
- [!\[\]\(8eddc727a5f3e0ebee12f839f9c02258_img.jpg\) Annex A to Prosecution Response to Victims' and Amicus Curiae Observations](#)
- [!\[\]\(dbad90e930d83b37c3833dc98a14ebfa_img.jpg\) Victims' Observations on Prosecution Request Pursuant to Article 19\(3\). \(Persecution\)](#)
- [!\[\]\(3a10704a830aafe1c4093cad79f3d9a7_img.jpg\) Prosecution Request Pursuant to Article 19\(3\) for Ruling on Court's Territorial Jurisdiction \(refiled\)](#)
- [!\[\]\(992611a906d038a46fc8362438c76ef8_img.jpg\) Referral by State of Palestine Pursuant to Articles 13\(a\) and 14](#)

Case Timeline

November 21, 2024

ICC issues arrest warrants for Benjamin Netanyahu and Yoav Gallant for crimes against humanity and war crimes committed against Palestinian population in Gaza

Press Release

[The Center for Constitutional Rights Responds to the ICC Arrest Warrants for Netanyahu and Gallant](#)

Related Resources

- [ICC Press Release on Netanyahu and Gallant Arrest Warrants](#)

Related Files

- [Decision on Israel's Challenge to the Jurisdiction of the Court](#)
 - [Decision on Israel's Request for an Order to the Prosecution to Give Article 18 Notice and Stay Proceedings](#)
-

August 23, 2024

Prosecution's consolidated response on arrest warrant briefing

Related Files

- [Prosecutor's Consolidated Response to Observations by Intervenors](#)
-

August 12, 2024

Briefs are submitted on behalf of Palestinian victims urging issuance of arrest warrants

Pursuant to the Pre-Trial Chamber's decision permitting victims' views on the pending arrest warrant applications against Israeli Prime Minister Netanyahu and Defense Minister Gallant, CCR attorneys submit briefs on behalf of Palestinian persecution victims, and child victims and their families, affirming the ICC's jurisdiction over these crimes and defendants and urging the ICC to issue arrest warrants without further delay. More than 65 amicus briefs are also filed by States (including the United States), human rights organizations, and scholars arguing for and against the issuance of arrest warrants. Those briefs, and other filings before the ICC, are available on the [ICC's Court Records page](#).

Related Files

- [ICC Decision Granting Requests for Leave to File Victims Submissions](#)
- [Child Victims and their Families' Submission](#)

- **[Persecution Victims' Submission](#)**

July 16, 2024

CCR sends FOIA request to U.S. federal agencies regarding their communications about the ICC Prosecutor investigation of Israel's actions in Palestine

The FOIA request is sent to the Department of State, Department of Justice, and Department of Defense.

Press Release

[Center for Constitutional Rights Demands Information on U.S. Interference in ICC Probe of Israel's Crimes Against Palestinians in Gaza](#)

Related Files

- **[ICC FOIA Case Page](#)**
 - **[ICC Interference FOIA Request](#)**
-

May 20, 2024

ICC Prosecutor issues applications for arrest warrants, including for Prime Minister Netanyahu and Defense Minister Gallant

In response to efforts by members of the U.S. Congress to issue sanctions against ICC staff in response to the announcement, the Center for Constitutional Rights joined over 100 human rights and civil society groups in sending a letter to President Biden opposing the threats.

Press Release

[An Important Step Toward Justice: ICC Seeks Arrest Warrant for Netanyahu](#)

Related Resources

- **[Statement of ICC Prosecutor on Applications for Arrest Warrants](#)**
 - **[Joint NGO Letter to President Biden re: Threats to the International Criminal Court](#)**
-

October 18, 2023

CCR releases emergency legal briefing paper on Israel's unfolding crime of genocide against the Palestinian people and U.S. complicity

Press Release

[Rights Lawyers Release Legal Analysis of U.S. Complicity in Israel's Unfolding Genocide Against Palestinians in Gaza](#)

Related Resources

- **[Israel's Unfolding Crime of Genocide of the Palestinian People & U.S. Failure to Prevent and Complicity in Genocide](#)**
-

December 5, 2022

Urgent request to ICC Prosecutor Khan on threat of Israel's imminent deportation of Palestinian human rights attorney Salah Hammouri

Related Files

- **[ICC Letter re: Imminent Forcible Deportation of Salah Hammouri](#)**
-

May 16, 2022

ICC communication filed on behalf of Salah Hammouri on crimes against Palestinians in East Jerusalem

The Center for Constitutional Rights and the International Federation for Human Rights (FIDH) file a submission to the ICC on behalf of imprisoned Palestinian lawyer and activist Salah Hammouri. The submission calls on the court to bring urgency to its investigation of Israel's war crimes and crimes against humanity in Jerusalem, particularly the forcible transfer and expulsion of Palestinians from East Jerusalem. Mr. Hammouri has experienced years of harassment and abuse by the Israeli government for his activism and was recently stripped of his residency from East Jerusalem and is now imprisoned with the threat of deportation.

Press Release

Jailed Palestinian Lawyer Urges ICC to Investigate Israel's War Crimes, Crimes Against Humanity in Jerusalem

Related Files

- [ICC Submission concerning Salah Hammouri and Palestinians in Jerusalem](#)
-

April 2, 2021

Biden administration repeals Trump-era Executive Order that instituted sanctions against International Criminal Court officials

Press Release

[Biden Repeal of Trump International Criminal Court Sanctions Welcome but Overdue, Say Lawyers for Victims at ICC](#)

Related Resources

- [Factsheet: U.S. Sanctions on the International Criminal Court](#)
-

March 3, 2021

ICC Prosecutor announces opening of investigation in Palestine

Related Resources

- [Statement of ICC Prosecutor, Fatou Bensouda, respecting an investigation of the Situation in Palestine](#)
 - [Situation in Palestine: Summary of Preliminary Examination Findings](#)
-

February 17, 2021

Joint letter to Biden Administration to repeal ICC sanctions

80 organizations call on the President to rescind Executive Order 13928 and all sanctions measures against ICC officials instituted by the previous administration.

Related Files

- [80 Non-Governmental Organizations, Faith-Based Groups, and Academic Institutions Call for the Biden Administration to Repeal ICC Sanctions](#)

February 5, 2021

Pre-Trial Chamber issues decision recognizing territory of Palestine falls within Court's jurisdiction for investigation

The majority of the Pre-Trial Chamber recognizes that the territory of Palestine, comprising Gaza and the West Bank including East Jerusalem, as a State Party to the ICC, falls within the Court's jurisdiction for investigative purposes. The Prosecutor had found that there is a reasonable basis to believe that crimes on the territory of Palestine have been committed, and the Situation should proceed to investigation.

Related Files

- [Decision on Prosecutor's Request Pursuant to Article 19\(3\) for Ruling on Court's Territorial Jurisdiction in Palestine](#)
 - [Annex 1: Judge Kovács' Partly Dissenting Opinion](#)
 - [Annex 2: Judge Perrin de Brichambaut's Partly Separate Opinion](#)
-

May 26, 2020

Pre-Trial Chamber requests additional information from State of Palestine

The State of Palestine files its submission on June 4, 2020, and the Prosecutor files a response on June 8, 2020.

Related Files

- [Order Requesting Additional Information](#)
 - [State of Palestine Response](#)
 - [State of Palestine Response Annex A](#)
 - [Prosecutor's Response](#)
-

April 30, 2020

ICC Prosecutor files response brief

Related Files

- [Prosecution Response to Victims' and Amicus Curiae Observations](#)
- [Annex A to Prosecution Response to Victims' and Amicus Curiae Observations](#)

March 16, 2020

Victims and amicus curiae file observations on Request

Related Resources

- [ICC Palestine Submissions from Amicus Curiae](#)

Related Files

- [Victims' Observations on Prosecution Request Pursuant to Article 19\(3\), \(Persecution\)](#)
-

December 20, 2019

Prosecutor files Request under article 19(3) to confirm ICC's territorial jurisdiction in Situation of Palestine

Related Files

- [Prosecution Request Pursuant to Article 19\(3\) for Ruling on Court's Territorial Jurisdiction \(refiled\)](#)
-

May 15, 2018

State of Palestine refers Situation for investigation

Related Files

- [Referral by State of Palestine Pursuant to Articles 13\(a\) and 14](#)
-

January 16, 2015

ICC Prosecutor opens preliminary examination into Situation of Palestine

Related Resources

- [Press Release: The Prosecutor of the International Criminal Court, Fatou Bensouda, Opens a Preliminary Examination of the Situation in Palestine](#)
-

January 2, 2015

State of Palestine accedes to Rome Statute of ICC, becoming 123rd ICC State Party

Related Resources

- [Press Release: The State of Palestine Accedes to the Rome Statute](#)

Last modified: January 13, 2025

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