

Calls for prosecution and complaints lodged at the International Criminal Court for war crimes by all parties to the conflict

Some important context

On 17 July 1998 120 countries signed the Rome Statute, which created a permanent International Criminal Court (ICC) to prosecute individuals for international crimes including genocide, war crimes, crimes against humanity and the crime of aggression. The Court began operating on 1 July 2002. Israel has not signed the Rome Statute, but after the Palestinian Authority (PA, which exercises partial civil control over the West Bank but not Gaza) signed the Rome statute in 2015, Israel [threatened](#) that any complaint to the ICC would be viewed as a hostile act and would have consequences, including the withholding of monies it collects on behalf of the PA. The ICC has held that it has jurisdiction to consider complaints about Israel, and began a formal investigation in 2021 into war crimes in the Palestinian territories by both Israel and Hamas. In March 2023 UN special rapporteurs called on prosecutor Karim Khan to get on with the investigation; he replied that he was calling for more resources. In June, the Palestinian Legislative Council [lodged](#) a complaint to the ICC protesting crimes against humanity by Israel in its 17-year siege of Gaza. In July 2023 the PA [called](#) on Palestinian groups to submit complaints to the ICC online, and Palestinian civil society organisations submitted a 250-page dossier prepared by human rights group Al-Haq in summer 2023. Hamas (an acronym for the Islamic Resistance Movement) has run the Gaza Strip of the occupied Palestinian territories since 2007, seizing power following elections when it won the largest share of the vote. It is dedicated to getting rid of the State of Israel. It can be held accountable in the ICC, as an armed group, as can individuals within it.

10 October: The **UN** Independent International Commission of Inquiry on the Occupied Palestinian Territory is [collecting](#) evidence of war crimes committed on both sides in Israel/ Gaza since 7 October.

12 October: 50 **UN** Special Rapporteurs and members of expert working groups, [calling](#) for a ceasefire, condemn 'Israel's indiscriminate attacks against the already exhausted Palestinian people of Gaza and state that 'the withholding of essential supplies such as food, water, electricity and medicines, would precipitate a severe humanitarian crisis in Gaza, where its population is now at inescapable risk of starvation. Intentional starvation is a crime against humanity'.

13 October: The **Human Rights Watch** executive director [calls](#) on the ICC prosecutor to issue a statement on the situation in Israel/ Palestine given the 'horrific violations of international war amounting to war crimes' taking place.

20 October: **Amnesty International** [says](#) unlawful Israeli indiscriminate attacks causing mass civilian casualties must be investigated as war crimes.

29 October: ICC prosecutor **Karim Khan KC**, who initiated an investigation in March 2021 into the situation in Palestine, [says](#) 'Israel has clear obligations in relation to its war with Hamas ... legal obligations that it has to comply with the laws of armed conflict. ...They need to demonstrate the proper application of the principles of distinction, precaution and of

proportionality. ... every dwelling house, school, hospital, church, mosque – those places are protected, unless the protective status has been lost. ... [T]he burden of proving that the protective status is lost rests with those who fire the gun, the missile, or the rocket in question... Impeding relief supplies as provided by the Geneva Conventions may constitute a crime within the Court's jurisdiction.'

31 October: Reporters without Borders (RSF) [lodges](#) a complaint of war crimes to the ICC about the killing of 9 journalists (8 Palestinians in Gaza, and one Israeli killed while covering an attack on his kibbutz by Hamas) and the wounding of 2 more in the course of their work in Gaza, and the deliberate total or partial destruction of premises of 50 media outlets in Gaza. RSF says attacks suffered by Palestinian journalists in Gaza correspond to the international humanitarian law definition of an indiscriminate attack and therefore constitute war crimes under Article 8.2.b. of the Rome Statute. The Israeli journalist's death constituted the wilful killing of a person protected by the Geneva Conventions, which is a war crime under article 8.2.a. of the ICC's Rome Statute. This is the RSF's third complaint to the ICC prosecutor about war crimes against Palestinian journalists in Gaza since 2018.

3 November: Israelis Against Apartheid, representing over 1,500 Israeli citizens, [urges](#) the ICC in an open letter to take accelerated action against the escalation of war crimes and genocide of the Palestinian people in Gaza.

6 November: Israeli families of Hamas victims [file](#) a complaint at the ICC against Hamas for genocide and war crimes and call on the court to issue international arrest warrants for Hamas leaders.

7 November: Algerian president **Abdelmadjid Tebboune** [calls](#) on the ICC to hold Israel accountable for its crimes in Gaza.