

COMPLAINT TO THE ICC FOR GENOCIDE AND OTHER CRIMES (ART. 15.1)

INFORMATION LETTER N°2

Statement from the Lawyers

8 November 2023

THE DENIAL OF THE PALESTINIAN PEOPLE'S RIGHT TO SELF-DETERMINATION IS PRODUCING ITS GENOCIDE

1/ The Complaint

The complete text of the complaint will be available. From the start, this text has evolved in order to take account of the observations of the NGOs and lawyers concerned. The principles it contains have remained fixed, but the drafting has required synthesis, since the goal has been to unite the broadest possible front in the service of the rule of law. The diversity and the representativeness of those united in this vibrant appeal to the rule of law show that this goal has been met and exceeded.

The law is a universal language, and justice is the work of every woman and man.

This Complaint is not a petition, nor an opinion article. It is a document by lawyers, that scrupulously respects both the ethical rules common to all Bars and our fundamental method: First: the statement of the facts; Second: the requirement of proof; Third: the applicable law; Fourth: the commentary.

Some of the relevant facts are in the past, even if that past is very recent. Others are ongoing. This is what justifies the speed of this intervention, that is aimed at supporting the work of the Court. This effort will continue to remind States that they have obligations in situations such as this—and that they must break with the double standards that destroy their message and their acts.

The reality today is this: over 10,000 killed, the vast majority of them civilians, nearly half of them children, and 2.3 million people in distress, in the greatest insecurity. The question of genocide through the destruction of their social group must be the world's key concern. This analysis is confirmed by the UN's most involved agencies. The complaint provides an objective basis for this analysis, based mostly on established-facts, responsibility for some of which is in fact claimed by their perpetrators, as well as on international jurisprudence.

The full title of the Genocide Convention contains "Prevention". Our duty is to demonstrate through this Complaint that the current situation contains all the legal elements to oblige to acts of prevention. No-one will be able to say: "I did not know."

2/ The evidence

Both the French and the English texts of the Complaint are final. The French text is the reference.

However: concerning the two lists, of NGOs and lawyers, kindly individually check that the information in them is correct, and send any correction to . We have done our best to consult each

other as much as possible within the highly-constrained deadline, but there may be errors or omissions. We will receive all corrections by email until tonight 8 November 8pm.

3/ The Hague, 9 November 2023

At 11am, there will be a press conference.

At 2pm, a rally will be held in front of the International Criminal Court's headquarters, where a 5-person delegation will be heard.

The aim of this meeting will be a pragmatic discussion of how to conduct investigations on-site, and how to organize them, given that ICC teams are denied access.

The Court's officers are not open to the public, and only the 5-person delegation will be able to enter. This will therefore be a static rally in front of the Court's headquarters, where speeches are possible. The delegation will report on its meeting.

We invite those lawyers who can come to The Hague to wear their robes, to produce images that will speak to Palestinians in Gaza—but also to all those who believe that, even in war, the law must be present.

4/ Complaints by victims

Some victims in Gaza have been able to send us requests for legal action.

A certain period of time will be required to advance these complaints, in a complex situation.

Concerning one case, however, we have received a complete filing. This concerns the bombing on November 3rd of a civilian building in Nusairat Refugee Camp, that killed 29 people. This civilian zone was bombed with no prior warning. We are mandated to act on behalf of a whole family: the two parents, one sister and two children.

The first "Victim" complaint will therefore be drafted today and delivered tomorrow to the ICC's office for Victims, according to procedure.

This complaint will be processed separately from the common action. The common action remains a "Witnesses" action, with all witnesses being outside Palestine.

5/ Next Steps

We will publish a "Letter No.3" as soon as possible, to evaluate results of our action so far, and to propose long-term options for organizing and for legal action, in keeping with what this act of 9 November 2023 has started.

Best and warmest greetings to all,

Gilles DEVERS (France)

Khaled AL SHOULI (Jordan)

Abdelmadjid MRARI (Morocco)