

COMMUNICATION UNDER ARTICLE 15 OF THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

TO THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT

FOR THE PURPOSE OF EXPANDING THE CURRENT INVESTIGATION OF WAR CRIMES IN THE WESTBANK, INCLUDING EAST JERUSALEM AND GAZA, TO INCLUDE THE CRIMES OF GENOCIDE, CRIMES AGAINST HUMANITY AND NEW WAR CRIMES ALLEGEDLY COMMITTED IN THE GAZA STRIP

FROM OCTOBER 7, 2023

BY

D. BENJAMIN NETANYAHU, born October 21, 1949, current Prime Minister of Israel,

Mr. YOAV GALANT, born November 8, 1958, current Minister of Defense of the Government of Israel

ET ALIA

D. BENJAMIN GANTZ, born June 9, 1959, member of the political and security cabinet of the Government of Israel.

Mr. BEZALEL SMOTRICH, born February 27, 1980, current Minister of Finance of the Government of Israel

D. ITAMAR BEN GIVR, born on May 6, 1976, current Minister of Security of the Government of Israel.

Mrs. ORIT STRUCK, born on March 15, 1960, current Minister of Settlements and National Missions.

D. SIMCHA ROTHMAN, born August 13, 1980, current member of the Parliament of Israel.

Mr. RON DERMER, born April 16, 1971, current Minister of Strategic Affairs.

D. TZACHI HANEGBI, born February 26, 1957, current head of the National Security Council of the State of Israel.

D. RONEN BAR, born in 1965, current head of the General Security Service of Israel.

D. HERTZI HALEVI, born December 17, 1967, current Chief of the Defense Staff of the Israeli Army.

D. TOMER BAR, born in 1969, current commander of the Israeli Air Force.

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Mr. GADI EISENKOT, born on May 19, 1960, current Minister of the Government of Israel.

Mr. AVI DICHTER, born on December 14, 1952, current Minister of Agriculture and member of the political and security cabinet of the Government of Israel.

Mr. YARIV LEVIN, born June 22, 1969, current Deputy Deputy Prime Minister and Minister of Justice of the Government of Israel.

Mr. ELI COHEN, born on October 3, 1972, current Minister of Foreign Affairs of the Government of Israel.

Mr. ISRAEL KATZ, born September 21, 1955, current member of the Parliament of Israel.

Ms. MIRI REGEV, born on May 26, 1965, current Minister of Transport and Road Safety and member of the political and security cabinet.

Mr. GIDEON SAAR, born December 9, 1966, current Minister and member of the political and security cabinet.

Mr. AVI GIL, born January 11, 1955, current Military Secretary to the Prime Minister of the Government of Israel.

D. DANIEL HAGARI, born 1976, Brigadier General of the Israel Defense Forces (Tat-Aluf) and currently serving as head of the IDF Spokesperson's Unit.

FACTS:

PRELIMINARY.- On December 31, 2014, Mahmoud Abbas, President of the State of Palestine, signed a declaration of jurisdiction under Article 12.3 of the Rome Statute of the International Criminal Court, accepting the jurisdiction of the Court in the occupied territories of Palestine as of June 13, 2014. On January 2, 2015, the State of Palestine ratified the Rome Statute. The Statute entered into force with respect to the Palestinian territories on April 1, 2015.

On March 3, 2021, the prosecutor of the International Criminal Court announced the opening of an investigation into the situation in the State of Palestine, following decision ICC-01/18-143 of the Preliminary Chamber of the Court, on the date of February 5, 2021, which determined, among others, that the State of Palestine was a full member of the Rome Statute and that the institution's jurisdiction extended to the Gaza Strip.

FIRST.- On Saturday, October 7, around 6:30 am local time, a combined attack by Hamas occurred in the State of Israel. During the early hours of Saturday, it was known that they crossed Israeli border controls by parachute and infiltrated up to 22 locations outside the Gaza Strip, including cities and other communities located up to 24 kilometers from the Gaza border.

That same Saturday, October 7, around 10:30 am, the Israeli government activated the operation known as "Iron Swords," which in the first phase consisted of sending dozens of combat aircraft. The bombing of the Al-Sousi mosque in Gaza City is accredited¹.

At 11:30 am Israeli Prime Minister Benjamin Netanyahu publicly declared that Israel was at war.

SECOND.- On Sunday, October 8, Israeli authorities announced that there was fighting in six places and that a rocket injured four people. The Israeli Government Press Office reported that at least 100 Israeli citizens and soldiers had been taken hostage. Videos posted online show a music festival in the desert south of Israel, near the Gaza border, being attacked by armed fighters on the ground. Israel's Zaka rescue service said at least 260 bodies were removed from the music festival site after the attack.

THIRD.- On Monday, October 9, the New York Times reported that authorities had confirmed that five Israeli airstrikes had devastated the market in the Jabaliya refugee camp, reducing it to rubble and killing dozens of people, and that other attacks hit four mosques in the Shati refugee camp and killed people praying inside.

That same day, the Israeli Defense Minister, Yoav Gallant, made public the following statements: "I ordered a total siege on the Gaza Strip. There will be no electricity, no food, no gas, everything is closed. We are fighting against human animals and we act consequently"².

¹ <https://www.youtube.com/watch?v=pH7e7Xpd16Y>

That day the Israeli Defense Forces (IDF) announced the mobilization of 300,000 reserves, the largest and fastest call in Israel's history, according to a spokesman.

FOURTH.- Between Monday, October 9 and Tuesday, October 10, the Israeli army bombed the Rafah crossing, the only land exit from Gaza to Egypt and an entry route for humanitarian aid³.

That same Tuesday, October 10, Israeli Defense Minister Yoav Gallant toured southern Israel along the border with Gaza and told soldiers that they are moving toward an "all-out offensive" and that he had "removed all restrictions."

The Prime Minister of Israel, Benjamin Netanyahu, through his personal Twitter profile, broadcast the air attacks and bombings on Gaza City, as can be seen in the following link:

<https://twitter.com/netanyahu/status/1711699807058767989>

FIFTH.- According to complaints made by international organizations, "Israeli forces used white phosphorus in military operations in Lebanon and Gaza on October 10 and 11, 2023, respectively," as stated by Human Rights Watch (HRW) in a statement based on the verification of two recordings⁴.

The organization, after the corresponding verifications, concluded that the videos analyzed would demonstrate that " multiple airbursts of artillery-fired white phosphorus" were fired with artillery on the port of Gaza and rural towns on the border between Israel and Lebanon.

Likewise, Amnesty International's Crisis Response Program Testing Laboratory has also denounced that the Israeli armed forces have been using white phosphorus munitions based on "verified photos" where "Several of these verified photos show M825 and M825A1 artillery shells, which are also labelled D528, the US Department of Defense Identification Code (DODIC) for white phosphorus-based rounds"⁵. This organization points out that "may be considered unlawful indiscriminate attacks."

SIXTH.- The bombings continued daily throughout the week, while cuts to supplies of water, food, gasoline, electricity and medicine occurred. In the early hours of Thursday the 12th to Friday the 13th, the Israeli army gave the order that all Palestinians living in the north of the Gaza Strip leave the area within 24 hours "for their own safety and protection." The organization Doctors Without Borders denounces that Israel is giving it until six in the morning to evacuate a hospital in Gaza. During this period, Israel does not stop bombing.

SEVENTH.- On October 13, the Reuters news agency claims that Reuters cameraman Issam Abdallah was killed while providing a live feed in southern Lebanon, by a missile fired from Israel⁶.

Local sources in the Gaza Strip reported to the official Palestinian news agency, Wafa, Israeli bombings on civilians along the Saladin Highway, the main traffic route that crosses the Strip from the Erez Pass to the Rafah Pass

² https://www.timesofisrael.com/liveblog_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/

³ <https://www.timesofisrael.com/israel-said-to-bomb-rafah-crossing-to-egypt-after-telling-gazans-to-flee-through-it/>

⁴ <https://www.hrw.org/news/2023/10/12/israel-white-phosphorus-used-gaza-lebanon>

⁵ <https://citizenevidence.org/2023/10/13/israel-opt-identifying-the-israeli-armys-use-of-white-phosphorus-in-gaza/>

⁶ [https://www.reuters.com/world/middle-east/rsf-says-killing-reuters-journalist-lebanon-targeted-strike-2023-10-29/#:~:text=PARIS%2C%20Oct%2029%20\(Reuters\),preliminary%20findings%20of%20its%20investigation.](https://www.reuters.com/world/middle-east/rsf-says-killing-reuters-journalist-lebanon-targeted-strike-2023-10-29/#:~:text=PARIS%2C%20Oct%2029%20(Reuters),preliminary%20findings%20of%20its%20investigation.)

and runs through the main towns of Gaza, which were being used by thousands of civilians fleeing the area after the 24-hour ultimatum issued by Israel.

On Saturday, October 14, Israel bombed a humanitarian aid convoy that was heading towards southern Gaza along the main traffic route and in which dozens of people, almost all of them women and children, were fleeing to safety. In total, about seventy people died instantly and another 200 were injured, according to figures from the Gaza Ministry of the Interior. The victims claim that Netanyahu's army did not wait for the evacuation ultimatum to end and attacked the main road. That same day the Israeli government announces that it is ending its total offensive.

EIGHTH.- As of October 17, and according to the Palestinian authorities, there were more than 2,800 Palestinians dead (including hundreds of children) and nearly 12,000 injured since the Israeli offensive began, as well as numerous bodies under the rubble. This is longer than the 2014 war in Gaza (which lasted about six weeks). More than 1,400 Israelis have been killed, the vast majority civilians killed in the Hamas attack on October 7. An estimated 155 others, including children, were captured by Hamas and taken to Gaza.

Between October 7 and 15, 9 workers from UNRWA, the United Nations Agency for Palestinian refugees, died as a result of Israeli bombings on the Gaza Strip. Additionally, 30 UNRWA students, 17 girls and 13 boys, have been killed and eight others have been injured.

NINTH.- On Monday, October 16, Israel bombed the Rafah crossing again, in the midst of talks between several countries for its opening and entry of humanitarian aid from Egypt. At the same time, Israeli bombings are taking place in Gaza, southern Lebanon and Syria (Damascus). In Gaza the bombings hit the headquarters of the Palestinian Civil Defense (DCP), which carries out emergency services, killing several workers. Mahmoud Basal, spokesman for the DCP, says that "the destruction is so intense that there are hundreds of dead under the rubble as we speak."

TENTH.- In a report on Tuesday the 17th, the UN stated that the Israeli army continued to attack southern areas despite having previously told residents to move south ahead of an imminent land, air and sea offensive in the Gaza Strip. "Concerns over dehydration and waterborne diseases are high given the collapse of water and sanitation services, including today's shutdown of Gaza's last functioning seawater desalination plant" the UN agency for Palestinian refugees said on the same day. "Fuel reserves at all hospitals across Gaza are expected to last for an additional 24 hours only. The shutdown of backup generators would place the lives of thousands of patients at serious risk."

ELEVENTH.- On the same Tuesday, around 7:30 p.m one of the missiles hit the Anglican hospital of Al-Ahli, the only Christian hospital in Gaza City, which housed nearly a thousand people (some sources cite up to 3,000 people), including medical personnel, patients and displaced people seeking refuge⁷. The explosion was recorded⁸ and the aftermath⁹ and in the press conference offered by the medical staff from the hospital¹⁰. The missile killed hundreds of people, a figure to be determined, since emergency teams have not yet been able to count all the bodies. The attack was the deadliest since the Israeli offensive on Gaza began on October 7.

⁷ <https://www.aljazeera.com/news/liveblog/2023/10/16/israel-hamas-war-live-iran-warns-resistance-front-may-attack>

⁸ <https://www.youtube.com/watch?v=HGG8R8t7cCo>

⁹ <https://www.youtube.com/watch?v=aFNNHhXUDqE>

¹⁰ <https://www.youtube.com/watch?v=snac2KxwfpC>

During the first hours after the bombing, reactions were based on denials of responsibility in a context of generalized misinformation. This confusion was fueled by contradictions between Israel's immediate and subsequent responses.

In an initial post by Hananya Naftali, digital assistant to Israeli Prime Minister Benjamin Netanyahu, on the social media network, X, claimed that "The Israeli Air Force struck a Hamas terrorist base inside a hospital in Gaza," but the post was deleted almost immediately. At 10:58 p.m., Naftali apologized on the same social network for sharing "a Reuters report" that "falsely stated that Israel attacked the hospital". He then added that "As the [Israeli army] does not bomb hospitals, I assumed that Israel was targeting one of the Hamas bases in Gaza."¹¹

A little before that, at 9:04 p.m., the Israeli army had published a post blaming the attack on a failed missile launched by the Islamic Jihad in Palestine: "From the analysis of the operational systems of the [Israeli army], an enemy rocket barrage was carried out towards Israel, which passed through the vicinity of the hospital when it was hit"¹² However, it turned out that the post had been edited.

An earlier version had included supposed video evidence, but Aric Toler, a journalist on The New York Times' visual investigations team, questioned the accuracy of the images and noted that the timestamp indicated that they had been recorded 40 minutes after the moment of the explosion.

In a statement issued the night of the explosion, the World Health Organization (WHO) said the hospital was one of 20 in the northern Gaza Strip facing evacuation orders from the Israeli army. The evacuation order has been impossible to comply with given the current insecurity, the critical condition of many patients and the lack of ambulances, personnel, bed capacity of the health system and alternative shelter for the displaced. For his part, a senior health official in Gaza told Al Jazeera, according to the same outlet, that Israel had fired two artillery shells as a "warning" at the Al-Ahli hospital days before the explosion.

According to statements by WHO spokesperson Tarik Jasarevic reported by Anadolu Agency on Tuesday, "since October 7, there have been 41 confirmed attacks on healthcare services in Gaza. A total of 11 healthcare workers have been killed while on active duty, and 16 have been injured".

On Wednesday the 18th, Israel Defense Forces (IDF) spokesman Daniel Hagari published a recording of an alleged conversation between "Hamas agents regarding the failed launch of an Islamic Jihad rocket at the hospital the day before"¹³. The validity of the evidence provided by the IDF was questioned by various voices such as that of the director of the American media Mondoweiss.

For its part, the IDF published various alleged evidence of the aforementioned version on the social network X, including videos of the hospital area before and after the explosion. The following thread published by researcher Francesco Sebreondi on the social network X that day compiles information on the evidence provided by the IDF and other media publications and organizations such as Amnesty International, and exposes the weaknesses of the version regarding the supposed failed launch of "Palestinian rockets.":

<https://twitter.com/fsbrg/status/1714609431877431713?s=46&t=cAO8AZM8FH9R1iuT7Jk5Kg>

In the following report by Al Jazeera, testimonies and evidence of the aforementioned events are provided:

<https://www.aljazeera.com/news/2023/10/18/what-is-israels-narrative-on-the-gaza-hospital-explosion>

¹¹ <https://www.aljazeera.com/news/2023/10/20/what-have-open-source-videos-revealed-about-the-gaza-hospital-explosion>

¹² <https://www.aljazeera.com/news/2023/10/18/what-is-israels-narrative-on-the-gaza-hospital-explosion>

¹³ <https://www.youtube.com/watch?v=hXJSITtAQzg>

TWELFTH- On October 23, it was learned that Mr. Raji Sourani, Palestinian human rights lawyer and director of the Palestinian Center of Human Rights, has survived with his family a bombing by the Israeli air forces that destroyed his home in Gaza, in the Tal Al Hawa neighborhood¹⁴.

It is equally notable that the work of Mr. Raji Sourani - awarded, among others, with the American Robert F. Kennedy Prize for Human Rights and the National Order of National Merit of France - and the rest of his team was key to the fact that, in 2021, the International Criminal Court ruled that it had jurisdiction to investigate events recorded in Gaza, the West Bank and East Jerusalem that may have been committed by both Israeli military and politicians and Palestinian militiamen since 2014.

THIRTEENTH: On Tuesday, October 24, the World Health Organization warned that two-thirds of the hospitals in Gaza had been affected by the Israeli blockade. As of October 24, according to the Ministry of Health in Gaza, there were 5,791 Palestinians killed by the bombings, of whom 2,360 were children.

FOURTEENTH: On Wednesday, October 25, Benjamin Netanyahu stated that Israel was already preparing for a ground invasion of Gaza¹⁵.

FIFTEENTH: On Thursday, October 26, the Israel Defense Forces claimed that they were planning 'raids' as training for a future ground incursion into Gaza. Meanwhile, the Ministry of Health in Gaza published a list with the names of over 7,000 Palestinians killed in the attacks up to that day.

SIXTEENTH: On Friday, the 27th, the Ministry of Health in Gaza updated the death toll, raising it to 7,326 people, of which 3,038 (40%) were children. On the other hand, the Israeli army increased its airstrikes and announced what they called an 'expansion' of ground operations in Gaza. The Israeli Defense Forces' ground incursion into Gaza was accompanied by the suspension of phone and internet communications in Gaza. On the same Friday, the United Nations Office for Human Rights stated that "collective punishment is a war crime" and "Israel's collective punishment of the entire population of Gaza must immediately cease."¹⁶

SEVENTEENTH: During the early hours of Friday, the 27th, into Saturday, the 28th, the Israel Defense Forces attacked the Gaza Strip with infantry, armored vehicles, and artillery. On Saturday, October 28, Defense Minister Yoav Gallant stated that they were conducting operations both on the surface and underground in the Gaza Strip. Netanyahu claimed that the military operation in the Gaza Strip that began on Friday was 'the second stage of the war.' On Sunday, the 28th, the United Nations High Commissioner for Human Rights, Volker Türk, stated that the bombardment of telecommunications infrastructure put the civilian population in grave danger, as ambulances couldn't locate the wounded.¹⁷

EIGHTEENTH: On Sunday, October 29, the Israeli military warned the civilian population in Gaza to head south. According to the Red Crescent, Al Quds Hospital in the city of Gaza had received an evacuation notice due to a possible airstrike. At the time of the notice, there were 400 people in intensive care. The Director-General of the World Health Organization, Tedros Adhanom Ghebreyesus, expressed concern about this evacuation order, stating that it was 'impossible to evacuate hospitals full of patients without endangering their lives. Under International Humanitarian Law, healthcare must always be protected.' Meanwhile, Israel announced that it had increased the number of troops deployed in Gaza. The Ministry of Health in Gaza raised the number of Palestinians killed to over 8,000.

¹⁴ <https://www.youtube.com/watch?v=y muk Dbb5Y4E>

¹⁵ <https://www.reuters.com/world/middle-east/netanyahu-says-israel-is-preparing-ground-invasion-gaza-2023-10-25/>

¹⁶ <https://www.unognewsroom.org/story/en/2070/un-human-rights-briefing-on-israel-opt-by-ravina-shamdasani-27-october-2023>

¹⁷ <https://news.un.org/en/story/2023/10/1142937>

NINETEENTH: On October 29, Mekomit, an Israeli news outlet, published a leaked document from the Israeli Ministry of Intelligence revealing Israel's plan to expel the over 2.3 million inhabitants of the Gaza Strip to the Sinai Desert. The document, dated October 13, detailed four phases: (1) calling on Palestinians to move from the north to the south of the Gaza Strip; (2) conducting ground military operations from the north to the south; (3) maintaining the opening of the Rafah crossing; (4) establishing 'tent cities' in the northern Sinai desert area.¹⁸

TWENTIETH: On Monday, October 30, Israeli ground forces reached the outskirts of the City of Gaza. Prime Minister Benjamin Netanyahu stated that there would be no ceasefire. Meanwhile, the Palestinian Red Crescent warned that its warehouses in Gaza had been affected by Israeli airstrikes. The Ministry of Health in Gaza raised the death toll to 8,306 Palestinians, of which 3,457 were children. On the same day, Philippe Lazzarini, head of the United Nations agency for Palestinian refugees (UNRWA), stated that 'an immediate humanitarian ceasefire has become a matter of life or death for millions of people' in Gaza. Lazzarini also claimed that Palestinians in the Gaza Strip were facing forced displacement and collective punishment, both war crimes. He added that the fuel blockade imposed by Israel on Gaza made a humanitarian response impossible. The number of UNRWA employees killed in Gaza until Monday was 64.

TWENTY-FIRST: The Palestinian Red Crescent warned on the night of Monday, October 30, to Tuesday, the 31st, that there had been aerial bombings and artillery attacks in the Tal Alhwa area of Gaza, where Al Quds Hospital is located.¹⁹

The following apply to the above facts:

LEGAL GROUNDS:

FIRST.- The events reported are indicatively constitutive of the following crimes under the jurisdiction of the International Criminal Court:

-Crime of genocide, provided for in article 6 of the Rome Statute:

"For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction

in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group."

-Crimes against humanity, provided for in article 7 of the Rome Statute, as the criminal acts took place within the framework of a systematic and widespread attack against the civilian population of Gaza, producing,

¹⁸ <https://www.cbc.ca/news/world/israel-gaza-palestinians-concept-paper-1.7015576>

¹⁹ <https://actionaid.org/news/2023/hundreds-patients-trapped-bombing-hits-doorstep-al-quds-hospital-northern-gaza>

among others, a “Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;” (article 7.1.h);

-War crimes, provided for in the following articles of the Rome Statute:

-Article 8.2.a) i): *“Wilful killing”*;

-Article 8.2.a) iii): *“Wilfully causing great suffering, or serious injury to body or health”*;

-Article 8.2.a) iv): *“Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly”*;

-Article 8.2.a) vii): *“Unlawful deportation or transfer or unlawful confinement”*;

-Article 8.2.b) i): *“Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities”*;

-Article 8.2.b. ii): *“Intentionally directing attacks against civilian objects, that is, objects that are not military objectives”*;

-Article 8.2.b. iv): *“Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated”*;

-Article 8.2.b. v): *“Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives”*;

-Article 8.2.b) viii): *“The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory”*;

-Article 8.2.b) ix): *“Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives”*

SECOND.- In accordance with the facts reported and accredited, there is sufficient evidence to deduce that there is criminal responsibility of the following people:

-D. BENJAMIN NETANYAHU, born October 21, 1949, current Prime Minister of Israel, by virtue of the following precepts:

-Article 25.3.a) of the Rome Statute:

“In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person: a) Commits such a crime, whether as

an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible”

-Article 28.b) of the Rome Statute:

“With respect to superior and subordinate relationships not described in paragraph (a), a superior shall be criminally responsible for crimes within the jurisdiction of the Court committed by subordinates under his or her effective authority and control, as a result of his or her failure to exercise control properly over such subordinates, where:

(i) The superior either knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes;

(ii) The crimes concerned activities that were within the effective responsibility and control of the superior; and

(iii) The superior failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.

-D. YOAV GALANT, born on November 8, 1958, current Minister of Defense of the Government of Israel, by virtue of the following precepts:

-Article 25.3.a) of the Rome Statute:

“In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person: a) Commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible”

-Article 28.a) of the Rome Statute:

“A military commander or person effectively acting as a military commander shall be criminally responsible for crimes within the jurisdiction of the Court committed by forces under his or her effective command and control, or effective authority and control as the case may be, as a result of his or her failure to exercise control properly over such forces, where:

(i) That military commander or person either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes; and

(ii) That military commander or person failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.”

ET ALIA

D. BENJAMIN GANTZ, born on June 9, 1959, member of the political and security cabinet of the Government of Israel,

Mr. BEZALEL SMOTRICH, born on February 27, 1980, current Minister of Finance of the Government of Israel,

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Mr. AVI GIL, born January 11, 1955, current Military Secretary to the Prime Minister of the Government of Israel,

D. DANIEL HAGARI, born 1976, Brigadier General of the Israel Defense Forces (Tat-Aluf) and currently serving as head of the IDF Spokesperson's Unit.

All of them, by virtue of **article 25.3.a) of the Rome Statute:**

“In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person: a) Commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible”

THIRD.- In accordance with article 15.1 of the Rome Statute:

“The Prosecutor may initiate investigations proprio motu on the basis of information on crimes within the jurisdiction of the Court.”

In the present case, this is a communication providing additional information about events that have been the subject of an investigation by the Prosecutor, as these events fall under crimes that are within the jurisdiction of the International Criminal Court.

For completeness, it is worth remembering that on March 3, 2021, the prosecutor of the International Criminal Court had already announced the opening of an investigation into the situation of the State of Palestine, following decision ICC-01/18-143 of the Chamber of Preliminary Matters by the Court, on February 5, 2021, which determined, among others, that the State of Palestine was a full member of the Rome Statute and that the jurisdiction of the institution extended to the Gaza Strip; reason why, where appropriate, the aforementioned investigation could be extended to the facts that are the subject of this communication and which have warranted the opening of an investigation..

FOURTH.- In accordance with article 58.1 of the Rome Statute:

“At any time after the initiation of an investigation, the Pre-Trial Chamber shall, on the application of the Prosecutor, issue a warrant of arrest of a person if, having examined the application and the evidence or other information submitted by the Prosecutor, it is satisfied that:

(a) There are reasonable grounds to believe that the person has committed a crime within the jurisdiction of the Court; and

(b) The arrest of the person appears necessary:

(i) To ensure the person's appearance at trial;

(ii) To ensure that the person does not obstruct or endanger the investigation or the court proceedings; or

(iii) Where applicable, to prevent the person from continuing with the commission of that crime or a related crime which is within the jurisdiction of the Court and which arises out of the same circumstances.”

Given the seriousness of the crimes reported, there being a reasonable basis for the alleged responsibility of the aforementioned persons and the fact that the crimes are currently being carried out repeatedly, we understand that the assumptions listed for the issuance of an arrest warrant are met against the persons **Mr. BENJAMIN NETANYAHU**, Prime Minister of Israel, and **Mr. YOAV GALANT**, Minister of Defense of Israel, for their degree of responsibility for the events reported and in order to avoid their repetition.

In light of the above, in accordance with article 15 of the Rome Statute, the entities and persons signatories of this communication:

THEY REFER THE COMMUNICATION ON THE SITUATION OF THE STATE OF PALESTINE TO THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT

AND

THEY REQUEST THE EXPANSION OF THE CURRENT INVESTIGATION OF WAR CRIMES IN THE WESTBANK, INCLUDING EAST JERUSALEM, AND GAZA, TO CRIMES OF GENOCIDE, CRIMES AGAINST HUMANITY, AND NEW WAR CRIMES ALLEGEDLY COMMITTED IN THE GAZA STRIP SINCE OCTOBER 2023 BY THE INDIVIDUALS IDENTIFIED IN THE DOCUMENT

Kindly requesting that you seek the expansion of the investigation currently open in your office to include the events mentioned in this complaint, by submitting a request for the enlargement of the investigation opened concerning the situation in Palestine to cover the crimes committed in the Gaza Strip since October 7, 2023, to the Pre-Trial Chamber.

FURTHERMORE, FIRSTLY, THEY REQUEST THE OFFICE OF THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT TO ACT AND INVESTIGATE WITH VIGOR AND EXPEDIENCY, INCREASING THE FINANCIAL, HUMAN AND FORENSIC RESOURCES ALLOCATED TO THE INVESTIGATION

SECONDLY, REQUEST THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT to, in accordance with the provisions of article 58.1 of the Rome Statute, **REQUEST** the Preliminary Chamber to issue arrest warrants against **Mr. BENJAMIN NETANYAHU**, Prime Minister of Israel, and **Mr. YOAV GALANT**, Minister of Defense of Israel.

TO THE SUBSIDIARY and alternatively, they request the Prosecutor of the International Criminal Court to proceed, in the context of the ICC-01/18 investigation on the situation in Palestine, to request before the Preliminary Matters Chamber that arrest warrants be issued against **D BENJAMIN NETANYAHU**, Prime Minister of Israel; **Mr. YOAV GALANT**, Minister of Defense of Israel.

THEY REQUEST THE PRELIMINARY ISSUES CHAMBER, prior to the appropriate procedural steps, to **AGREE** without delay to expand the investigation opened concerning the situation in Palestine to cover the crimes committed in the Gaza Strip since October 7, 2023, and **ISSUE** arrest warrants against the mentioned individuals.

14 November 2023.

1. **Ione Belarra Urteaga**, Ministra de Derechos Sociales y Agenda 2030, y secretaria general de Podemos, España
2. **Jeremy Corbyn**, Member of Parliament for Islington North, United Kingdom
3. **Manon Aubry**, Member of the European Parliament, La France Insoumise, France
4. **Joana Mortágua**, Member of the Parliament, Bloco de Esquerda, Portugal
5. **Peter Mertens**, Workers' Party of Belgium (PVDA-PTB), General Secretary, Belgium
6. **Irene Montero**, Ministra de Igualdad, Podemos, España
7. **Karol Cariola Oliva**, Diputada de Chile, Chile
8. **Malin Björk**, Member of the European Parliament, Vänsterpartiet, Sweden
9. **Kateřina Konečná**, Member of the European Parliament, Czech Republic
10. **Birgit Oline Kjerstad**, Member of the Norwegian Parliament, Social left party, Norway
11. **Nikolaj Villumsen**, Member of the European Parliament, Red Green Alliance, Denmark
12. **Bettiana Díaz Rey**, Diputada nacional, Frente Amplio, Uruguay
13. **Ligia Hernández**, Diputada al Congreso de la República de Guatemala, Guatemala
14. **Adriana Bustamante Castellanos**, Diputada Federal, Cámara de Diputados México, México

15. **Giorgos Georgiou**, Member of the European Parliament, Progressive Party of Working People, Cyprus
16. **Leïla Chaïbi**, Member of the European Parliament, La France Insoumise, France
17. **Anahi Durand**, Docente Universidad Nacional Mayor de San Marcos, Perú
18. **Clare Daly**, Member of the European Parliament, Ireland
19. **Idoia Villanueva Ruiz**, Member of the European Parliament, Podemos, España
20. **Marisa Matias**, Member of the European Parliament, Bloco de Esquerda, Portugal
21. **Gonzalo Winter**, Diputado Chile, Chile
22. **Gabriel Rufián**, Esquerra Republicana de Catalunya, Catalunya
23. **Pernando Barrena**, Former Member of Parliament, EH Bildu, Euskal Herria (Basque Country)
24. **Ana Miranda**, Member of the European Parliament, BNG, Galiza (España)
25. **Abdellahi Ahmed Arabi**, Representante Frente Polisario, Sáhara Occidental
26. **Lilith Verstrynge**, Diputada nacional, Podemos, España
27. **Ericka Ñanco**, Diputada mapuche de la República de Chile, Chile
28. **Marc Botenga**, Member of the European Parliament, Parti du Travail de Belgique, Belgium
29. **Giuliano Granato**, Potere al Popolo, Portavoz, Italia
30. **Adolfo Mendoza**, Diputado nacional del MAS en el Congreso de Bolivia, Bolivia
31. **Paul Murphy**, Former Member of the European Parliament, People Before Profit TD, Ireland
32. **Miguel Urban Crespo**, Eurodiputado, Anticapitalistas, España
33. **Martina Velarde Gomez**, Diputada del Congreso, Podemos, España
34. **Mick Wallace**, Member of the European Parliament, Ireland
35. **Noemi Santana Perera**, Diputada del Congreso, Podemos, España
36. **Diana Riba Giner**, Member of the European Parliament, ERC, España
37. **Dora Barrancos**, Universidad de Buenos Aires, Argentina
38. **Claudia Webbe**, Member of Parliament for Leicester East, United Kingdom
39. **Younous Omarjee**, Member of the European Parliament, La France Insoumise, France
40. **Manu Pineda**, Eurodiputado, Izquierda Unida, España
41. **Sean Haughey**, Member of Dáil Éireann (Irish Parliament), Ireland
42. **Ernest Maragall**, Regidor Ajuntament de Barcelona, ERC, Catalunya
43. **Oihana Etxebarrieta Legrand**, Euskadiko legebiltzarkide (parlamentaria vasca), EH Bildu, Euskal Herria (Basque Country)

44. **José Gusmão**, Member of the European Parliament, Bloco de Esquerda, Portugal
45. **Diana Urrea**, Euskadiko legebiltzarkide (parlamentaria vasca), EH Bildu, Euskal Herria (Basque Country)
46. **Lars Haltbrekken**, The Norwegian Parliament, SV, Norway
47. **Thomas Pringle**, Independent TD, Ireland
48. **Jenn Díaz**, Diputada Parlament de Catalunya, ERC, Catalunya
49. **Une Aina Bastholm**, Member of the European Parliament, Green Party, Norway
50. **Javier Sánchez Serna**, Diputado del Congreso, Podemos, España
51. **Irati Jimenez Aragon**, Nafarroako legebiltzarkide (parlamentaria vasca), EH Bildu, Euskal Herria (Basque Country)
52. **Ana Balsera**, Diputada al Parlament de Catalunya, ERC, Catalunya
53. **Brid Smith**, Elected MP for People Before Profit in Irish Parliament, Ireland
54. **Ingrid Fiskaa**, Member of the European Parliament, Socialist Left Party, Norway
55. **Alejandra Duran Parra**, Diputada Parlamento de Andalucía, Podemos, España
56. **Isaac Peraire Soler**, Director Agència de Residus de Catalunya, Catalunya
57. **Rosa María Ramada Guillen**, Concejala Podemos Ayuntamiento Rincón de la Victoria, España
58. **Víctor Egío**, Diputado Región de Murcia, Podemos, España
59. **Edgar Stuardo Batres Vides**, Movimiento Político WINAQ, Guatemala
60. **Engelbert Montalà I pal**, Diputado Parlament de Catalunya, ERC, Catalunya
61. **Susana Hornillo Mellado**, Concejala del Ayuntamiento de Sevilla, Podemos, España
62. **Ruben Wagensberg Ramon**, Diputado y Secretario Cuarto de la Mesa del Parlament de Catalunya, ERC, Catalunya
63. **Gorrotxategi Miren**, Portavoz grupo parlamentario Podemos/IU Parlamento Vasco, España
64. **Lesly Valenzuela de Paz**, Diputada independiente, Congreso de la República de Guatemala, Guatemala
65. **Kathy Lie**, MP Socialist Left Party, Norway
66. **Natali Durand Guevara**, UNMSM, Perú
67. **Adrià Guevara i Figueras**, Diputado Parlament de Catalunya, ERC, Catalunya
68. **María Eugenia Rodríguez Palop**, Eurodiputada, España
69. **Verónica Mendoza**, Movimiento Nuevo Perú, Perú
70. **Amanda Della Ventura**, Senadora, Uruguay
71. **Pablo Fernández**, Diputado Cortes Castilla y Leon, España
72. **Isabel serra**, Podemos, España

73. **Verónica García**, Morena, encargada de asuntos internacionales de la secretaria general, México
74. **Abisag Durand Guevara**, Perú
75. **Ubaldo Aita**, Representante Nacional en la Cámara de Diputados, Uruguay
76. **Marta Collot**, Potere al Popolo, portavoce nazionale, Italia
77. **Elvira Concheiro**, Gobierno Federal de México, México
78. **Yasmín Pérez Haro**, CIIDIS, México
79. **Héctor Díaz-Polanco**, Diputado Congreso de Ciudad de México, México
80. **Priscilla Vindas Salazar**, Diputada, Frente Amplio, Costa Rica