

## **ICC Prosecutor Completely Neglects to Mention the Crimes Committed Against Palestinian Prisoners in Arrest Warrants for Israeli Officials**

On May 20, 2024, the Prosecutor of the International Criminal Court (ICC) announced that he had requested arrest warrants for two high-profile Israeli officials, Prime Minister Benjamin Netanyahu and Security Minister Yoav Gallant. The Prosecutor stated that he had reasonable grounds to believe that Netanyahu and Gallant had committed war crimes and crimes against humanity in Gaza from at least October 8, 2023. The decision made by the ICC Prosecutor to hold Israeli officials accountable for their crimes marks a significant step towards ending decades of impunity for crimes committed in occupied Palestine. This decision underscores the importance of international justice in addressing long standing oppressions and human rights violations.

Addameer welcomes the decision of the ICC Prosecutor's Office; however, substantial efforts are still required to achieve comprehensive justice and hold Israeli officials fully accountable for their crimes. The commission of crimes by Israeli citizens and officials far predates October 8, 2023. Since the Nakba in 1948 during which 700,000 Palestinians were forcibly displaced from their homes, and never allowed to return, Palestinians have been victims of international crimes including war crimes, crimes against humanity and genocide. Despite the importance of this decision, the Prosecutor completely neglected the crimes committed against Palestinian prisoners. He did not address at all the violations committed against Palestinian prisoners for many years, which have significantly escalated after October 7.

Given that the ICC has jurisdiction over the crimes committed in Occupied Palestine since June 2014, we strongly encourage the Prosecutors' office to investigate and prosecute crimes committed since this date while taking into account the violations of Palestinians' rights which have been committed during a broader timeframe dating back to 1948.

Over the past decades, Addameer has extensively documented crimes committed against Palestinian detainees, all of which fall under the crimes listed by the Prosecutor such as starvation, wilfully causing great suffering, or serious injury to body or health, or cruel treatment, and especially persecution as a crime against humanity. Addameer has previously submitted communications to the prosecutors office back in 2019, including a comprehensive report to the ICC in 2022 on the situation in the state of Palestine and the occupation's detention centers. These crimes include but are not limited to torture as a war crime (Article 8.2.a.ii) and as a crime against humanity (Article 7.1.f) imprisonment in violations of fair trial guarantees as a war crime (Article 8.2.a.vi) and a crime against humanity (Article 7.1.e), murder as a war crime (Article 8.2.a.i) and enforced disappearance as a crime against humanity (Article 7.1.i). These crimes have also been documented by United Nations Special Rapporteurs such as the UNSPR on the Occupied Palestinian Territories Francesca Albanese in her report on the [arbitrary deprivation of liberty in the occupied Palestinian Territories](#).

Over the past decades, the Israeli occupation authorities have built a judicial system dedicated to control, criminalize and collectively punish Palestinians. Since 1967, the Israeli occupation uses [military courts](#) to prosecute Palestinians without due process, fair trial guarantees, transparency, and with the systematic recourse to torture during interrogation. These courts have often been and are continuing to practice systemic discrimination and [legal apartheid](#) against Palestinians and serve as a tool for perpetuating oppression and maintaining control over the occupied Palestine. One of the main tools of the Israeli military court system is [administrative detention](#), a procedure under which detainees are held without charge or trial, and which can be renewed indefinitely. This has allowed Israeli occupation forces to quickly and massively arbitrarily arrest Palestinians after October 7, 2023. Since that date, over 8,800 Palestinians have been arrested and 5,900 administrative detention orders have been issued. In addition to the fact that 18 prisoners were martyred within the Israeli prison walls and detention centers since October 7 due to the increased torture and deliberate medical negligence policy and their bodies are still illegally being withheld.

Addameer also documented a worrying increase in the acts of torture committed against Palestinian detainees since the beginning of the genocide. Palestinians are systematically victim of torture and mistreatments during their arrest, interrogation, and while in detention. Detention [conditions are deteriorating](#), including with the provision of extremely poor food portions, forcing detainees to sleep in very cold cells, overcrowding of cells, and detainees having to sleep on the floor. Palestinian detainees are subjected to beatings multiple times a day, sometimes until loss of consciousness, forced to stay in stress positions, threatened, including with death, sexual violence, or threats on their families, and regularly strip searched.

Addameer has also recently documented outrages upon personal dignity against Palestinian detainees, in particular humiliating and degrading treatments against detainees from Gaza, forcing them to bark, to curse themselves, and guards scooping food with their hands before giving it to prisoners. Addameer is particularly worried about children detainees who are not protected from such violence, including extreme beatings, threats and humiliating treatments.

Israeli nationals committing crimes against Palestinian detainees are never prosecuted by the Israeli occupation authorities. According to the Public Committee Against Torture in Israel (PCATI), more than 1,400 complaints of torture were submitted to the what so called Israeli Ministry of “Justice” since 2001 and all the cases were closed without a single indictment.<sup>1</sup> Such was the case with two detainee cases; [Samir Arbeed](#) and the case of [rape committed against female detainee S.Sh](#) during a search led by Israeli officers. Both cases were closed by Israeli courts due to the failure to investigate the Israeli authorities and perpetrators responsible for the horrible crimes and torture committed against them.

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<sup>1</sup> Public Committee Against Torture in Israel, Torture in Israel, [Situation report 2022](#)

Addameer strongly encourages the Office of the Prosecutor to investigate the aforementioned crimes and issue arrest warrants for those responsible, including Israeli military commanders in the OPT for their role in issuing administrative detention orders and other superiors (Article 28, Rome Statute). Ben Gvir, as the Minister of National Security, Kobi Yaakobi, and Katy Perry, respectively the current and former heads of the Israeli Prison Service (IPS), all prison directors, and other members of the IPS administration should be thoroughly investigated. In addition, Israeli military judges and prosecutors should be investigated for their complicit actions in the military courts and their failure to investigate complaints of torture and human rights violations, as well as the head of the security service for his responsibility for the torture practiced during interrogations. Failing to investigate and prosecute Israeli perpetrators of such crimes will only reinforce injustice and the system of complete impunity created by the occupying state.