

May 25, 2020

Prime Minister Trudeau

Francois-Philippe Champagne, Minister of Global Affairs

Re: Canadian Civil Society Calls on the International Criminal Court to Investigate Crimes in Palestine

Dear Prime Minister and Minister Champagne:

On April 29, 2020, 42 Canadian civil society organizations were among 183 Palestinian, Regional and International Human Rights Organisations that [wrote to the International Criminal Court \(ICC\)](#) indicating it is “Time to Investigate Crimes in Palestine, Time for Justice.”

Together these organisations emphatically supported the Prosecutor’s finding that there is a reasonable basis to believe that war crimes and crimes against humanity have been and are being committed, that the ICC can properly exercise its jurisdiction over the entire territory of Palestine, and fully support without further undue delay, the opening of an ICC investigation into crimes committed in the West Bank including East Jerusalem and the Gaza Strip.

We understand that although the Canadian government did not submit a brief to the ICC, the Canadian government did take the position in a letter sent to the ICC in February 2020 that the ICC did not have jurisdiction over Palestine and at the same time, in a veiled threat, reminded the ICC of Canada’s financial contribution.

Thus, Canadian civil society has spoken to the ICC calling for justice through an investigation into the crimes in Palestine, while the Canadian government has taken position in a letter to the ICC that it does not have jurisdiction over Palestine. This action by the Canadian government is most alarming.

As you are aware, on March 12, 2020, [Amnesty International Canada](#) called for the federal government to support the prosecution by the International Criminal Court of Israel’s alleged war crimes in the Palestinian territories. This [open letter](#) was signed by Alex Neve, secretary general of Amnesty International Canada’s English branch, and Michael Lynk, the United Nations special rapporteur for the situation of human rights in the Palestinian territory occupied since 1967.

In this open letter, Neve and Lynk supported a full investigation by the ICC “to break the cycle of impunity for war crimes, and paves the way for the many thousands who have suffered as a result of these crimes to finally achieve long overdue access to truth, justice and reparations.” They indicated “It is our belief that, as long as Israel believes that it enjoys impunity from its violations of international law, it will continue to deepen its five-decade-long occupation and, in the near future, seek to illegally annex significant portions of the West Bank.”

On May 1, 2020, the Chief prosecutor doubled down on her decision to recognize Palestine as a state and recommends proceeding with a criminal investigation into Israeli war crimes. A three-person panel will now make the final decision as to whether to proceed or not.

Organizations in Canada and internationally now come together to call to the Canadian Government to support the Prosecutor's motion before the Pre Trial Chamber and hold Israel accountable for violations of international law.

Subsequent to submission of the civil society letter to the ICC, civil society organizations, both Canadian and internationally based, joined the 42 Canadian organizations that wrote directly to the ICC. These groups further urge the Canadian government to:

- **Hold Israel accountable to an end to all breaches of international humanitarian law and international human rights law, doing so through diplomatic and economic measures, including the implementation of sanctions under the Special Economic Measures Act, and the implementation of an arms embargo**

The organizations stand with the 42 Canadian organizations, and almost 200 organizations around the world that have shown their support directly in the letter sent to the International Criminal Court.

In addition to this, over 100 letters have been sent by individuals to you, Prime Minister and Minister Champagne, with the request that Canada hold Israel accountable to end all breaches of international humanitarian law and international human rights law, and that Canada support the crimes in Palestine being investigated by the ICC.

Accordingly, the now over 50 Canadian organizations, along with individuals, join with Amnesty International Canada and urge Canada:

1. To support the Prosecutor's motion before the Pre Trial Chamber that the "territory" over which the ICC may exercise its jurisdiction under the Rome Statute for the purpose of formally investigating the purported commission of war crimes in this situation comprises the West Bank, including East Jerusalem, and Gaza;
2. Should the Pre-Trial Chamber rule in favour of the Prosecutor's motion on territorial jurisdiction, to support the work of the Prosecutor in conducting the formal investigation into the purported war crimes; and
3. Not to take any steps at the ICC or any other international forum that would oppose the work of the Prosecutor in this regard.

We expect Canada to be accountable to our responsibility under international law and follow our own domestic law.

Specifically, under:

International Law: Under Article 1 of the Fourth Geneva Convention, all high signatories including Canada, are required to take actions to ensure that violations of the Fourth Geneva Convention do not occur under any circumstance.

Domestic Law: Canada ratified the Rome Statute in 1998 and enacted the Statute through the [War Crimes and Crimes Against Humanity Act](#) in 2000.

The December 13, 2019 [mandate letter](#) from yourself, Prime Minister Trudeau, indicates to Minister Champagne that he is to “reinforce institutional institutions like the International Criminal Court” and ensure “additional resources to promote and uphold international law.” The letter on February 14, 2020 to the ICC from the Canadian government is counter to this mandate. We ask you to align your actions with the mandate you have set for your government. We ask you to do this with clarity before the three-person panel makes its decision, which we understand will have very shortly.

The undersigned organizations call the government of Canada to demonstrate accountability in this regard under domestic and international law including through diplomatic and economic measures:

Canada Palestine Association

Just Peace Advocates

Socialist Action

Canada Palestine Association-Vancouver

Partera Peacebuilders International

Arab Palestine Association of Ontario

Palestinian Centre for Human Rights, Gaza

Samidoun Palestinian Prisoner Solidarity Network

Al-Haq, Ramallah, Palestine

Oakville Palestinian Rights Association

Canadian Unitarians for Social Justice

Niagara Movement for Justice in Palestine-Israel (NMJPI)

Independent Jewish Voices

Palestine Israel Ecumenical Network, Australia

CUPE 3902

Canadian Boat to Gaza / Bateau canadien pour Gaza

People for Peace, London

These groups join the 42 Canadian organizations that signed the letter to the ICC:

1. Canadian Arab Federation
2. Canadians for Justice and Peace in the Middle East (CJPME)
3. Independent Jewish Voices Canada (IJV) /Voix juives indépendantes Canada (VJI)

4. Just Peace Advocates/Mouvement pour une Paix Juste
5. Canadian Lawyers for International Human Rights (CLAIHR)
6. Palestinian Canadian Congress (PCC)
7. Palestinian and Jewish Unity/Palestiniens et Juif Unis (PAJU), Montreal
8. The Association of Palestinian Arab Canadian (APAC)
9. Canadian Palestinian Foundation of Quebec
10. Palestinian Canadian Community Center – Palestine House
11. Atlantic Canada Palestinian Society
12. Labour for Palestine
13. Canadian Palestinian Council
14. Association of Palestinian Arabs
15. The United Church of Canada
16. Canadian Friends of Sabeel (CFOS)
17. Canadian Peace Congress
18. Canadian Council for Justice and Peace
19. Catholics for Justice and Peace in the Holy Land (CCJPHL)
20. Canadian Unitarians for Social Justice (CUSJ)
21. Regina Peace Council
22. Oakville Palestinian Rights Association (OPRA)
23. Friends of Kashmir Canada
24. Socialist Project
25. Educators for Justice and Peace
26. Educators for Justice of Waterloo Catholic Board
27. Justice for Palestinians, Calgary
28. Mid-Islanders for Justice and Peace in the Middle East
29. CanPalNet
30. Palestinian Solidarity Working Group – Sudbury
31. Solidarity with Palestine, St. John's
32. PalNetPacific Network of Pacific Mountain Region , British Columbia
33. Amnesty International Kelowna – Group 161, Kelowna, British Columbia, Canada
34. United Network for Justice and Peace in Palestine and Israel (UNJPPI)
35. World Beyond Wars
36. Canadian Arab Society of London, Ontario
37. Palestinian Association of Hamilton
38. Canadian Palestinian Association of Manitoba (CPAM)
39. Canadian Arab Forum of British Columbia

40. Canadian *Voice of Women*for Peace (VOW)

41. Pax Christi

42. Humans Without Borders

With copies to:

Jagmeet Singh, Leader of the NDP

Jo-Ann Roberts, Green Party of Canada

Yves-François Blanchet, Leader of the Bloc Québécois

Andrew Scheer, Leader of the Conservative Party of Canada

Office of the Canadian Ambassador to Israel

Robin Wettlaufer, Canadian Representative in Ramallah

Marc-Andre Blanchard, Canadian Ambassador to United Nations

Hala Abou-Hassira, Palestinian Rep to Canada