



12 December 2023

**VIA OVERNIGHT DELIVERY SERVICE
& FIRST-CLASS MAIL**

H.E. Karim Khan KC
Prosecutor, International Criminal Court
Oude Waalsdorperweg 10
2597 AK, The Hague
The Netherlands

Re: Request for meeting to discuss the remaining hostages taken by Hamas

Your Excellency:

By way of introduction, the European Centre for Law and Justice (ECLJ) is a non-governmental organisation located in Strasbourg, France, dedicated to the promotion and protection of human rights around the world. The ECLJ has held Special Consultative status with the United Nations Economic and Social Council since 2007.¹

We first want to commend Your Excellency for your recent visit to Israel and for taking the time to meet with the families of the victims of the 7 October 2023 barbaric Hamas attacks. We further commend you for recognising that these attacks, in your words, “represent some of the most serious international crimes that shock the conscience of humanity.”² We could not agree with you more.

The ECLJ has a special interest in the peaceful resolution of the Hamas-Israeli conflict and has been engaged in the issues related to the conflict for over a decade. ECLJ attorneys have participated through both oral and written submissions before the International Criminal Court (ICC). Over the years, the ECLJ has filed numerous legal memoranda and sent several letters to the Office of the Prosecutor (OTP) to assist the Court on the issues related to the Hamas-Israeli conflict.

Our interest in Hamas-Israeli issues began in earnest in 2009 when the Palestinian Authority (PA) sought to accede to the jurisdiction of the ICC. We were of the view that, since only States can accede to the treaty, the PA would not be able to do so. The ECLJ submitted a legal

¹NGO Branch, U.N. DEP'T ECON. & SOC. AFFAIRS, Consultative Status for the European Centre for Law and Justice (2007), <http://esango.un.org/civilsociety/> (accessed by searching “European Centre for Law and Justice” in the iCSO Database).

²ICC Prosecutor, Karim A.A. Khan KC, concludes first visit to Israel and State of Palestine by an ICC Prosecutor: “We must show that the law is there, on the front lines, and that it is capable of protecting all”, 3 Dec. 2023, <https://www.icc-cpi.int/news/icc-prosecutor-karim-khan-kc-concludes-first-visit-israel-and-state-palestine-icc-prosecutor>.

memorandum to the OTP opposing the PA's attempt to accede to ICC jurisdiction. Subsequently, the ECLJ was invited by the then ICC Prosecutor, Luis Moreno Ocampo, to participate in a roundtable discussion of legal experts on the issue. The Roundtable took place in The Hague on 20 October 2010. ECLJ Chief Counsel, Mr Jay Sekulow, participated along with Professor Malcolm Shaw, Mr David Davenport, Ambassador Dore Gold, Mr Michael Kearney, Professor John Quigley, Professor Vera Gowland-Debbas, and Mrs Chantel Meloni. Ultimately, the Prosecutor concluded that the PA could not accede because it was not a state.³

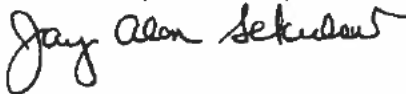
Since then, ECLJ legal experts have made a number of submissions to the OTP on issues ranging from the legality of Israeli settlements to the status of Jerusalem to the resolution of the Mavi Marmara incident to the issue of whether the ICC can exercise jurisdiction over nationals of States not party to the Rome Statute. We also partnered with the ICC and members of the European Parliament to sponsor a Roundtable in Strasbourg on human trafficking and the mistreatment of women.⁴

In light of our past work, we come to the OTP yet again because we are gravely concerned about the remaining hostages that Hamas kidnapped on 7 October 2023. The ECLJ currently represents ten of the families of the hostages, recently filed complaints with the UN Working Group on Enforcement or Involuntary Disappearances (WGEID) on behalf of those families,⁵ and is working internationally on a variety of fronts to ensure the remaining hostages are released.

On behalf of our clients, we hope Your Excellency will be willing to meet with us to discuss how we can work together to free the remaining hostages. We welcome the opportunity to meet at the ICC at your convenience and would be honoured to partner with you and other leaders in the international community to resolve this urgent matter.

If Your Excellency is willing to meet with the ECLJ, please let us know.

Respectfully submitted,



Jay Alan Sekulow
Chief Counsel



Andrew Ekonomou
Senior Counsel

³Situation in Palestine, The Office of the Prosecutor, International Criminal Court, 3 April 2012, <https://www.icc-cpi.int/sites/default/files/NR/rdonlyres/C6162BBF-FEB9-4FAF-AFA9-836106D2694A/284387/SituationinPalestine030412ENG.pdf>.

⁴Following are further examples of our work. In March 2020, the ECLJ submitted written observations as an *amicus curiae* in the Situation in Palestine before Pre-Trial Chamber I of the ICC. In December 2019, ECLJ Chief Counsel, Mr Jay Sekulow, presented oral submissions as *amicus curiae* before the ICC Appeals Chamber with respect to the Situation in Afghanistan. In August 2015, the ECLJ submitted *amicus curiae* observations on the Situation on Registered Vessels of the Union of the Comoros, The Hellenic Republic of Greece and The Kingdom of Cambodia (the Mavi Marmara case) to the Appeals Chamber of the ICC.

⁵Attached please find complaints we filed with the WGEID on behalf of the hostages.