

Claim Lodged with ICC for Israel's "Cumulative Crimes against Humanity"

By [Joanne Maria McNally](#)

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Region: [Asia, Middle East & North Africa](#)
Theme: [Crimes against Humanity](#), [Law and Justice](#)

In-depth Report: [PALESTINE](#)

On Saturday, at 10.19 am (Gazan time), and following the massacre at Rafah on Friday 1 August (one of numerous massacres against inhumanely contained and defenceless civilians since 8 July 2014), I notified the International Criminal Court of its obligations within its Charter and international law to prevent continuing genocide and ethnic cleansing in Palestine, and as follows, and also included the relevant full text for the articles specified:

2 August 2014

Dear Sir/Madam

Please accept the following email as notification for a claim to prevent continuing genocide and ethnic cleansing of Palestinians and to investigate "incremental genocide" (Prof. Ilan Pappé's term) since 1947-8 of Palestinians.

In issuing this notification, specific reference is made to Articles 5, 6, 7, 8, 25, 28, 29 of the Rome Statute (set out below), and for which evidence will follow. Some details and evidence of the genocide and ethnic cleansing are already with the various international bodies, institutions and human rights groups, and have been for some time.

In issuing this notification, specific reference is made to the current genocide and multiple crimes against humanity taking place once again in Gaza and against these captive civilians with children making up 60% of the captive and besieged population.

Please acknowledge receipt of this notification.

Yours Sincerely

Dr Joanne Maria McNally

Lawyer

Senior Lecturer, Post-doctoral independent Scholar, former External Examiner for Universities

Former EU-budget manager *in own name* for self-initiated project to develop Erasmus-Lingua link for higher education students and staff between Universities in England and former GDR (1991 onwards)

This notification has not yet been acknowledged by the ICC.

On Monday 4 August 2014, at 13.19pm (Gazan time), I submitted a 23-page Claim to the ICC, and also requested acknowledgment of its receipt. This was submitted under Article 15 of the ICC on behalf of victims, for which the Prosecutor also has jurisdiction to open an investigation on behalf of victims. I submitted the claim on behalf of a 4-month old baby and two children (aged 5 and 6) murdered in Rafah on 1 August 2014. I also submitted it on behalf of a family from Khan Younis: twenty-five members of the family were assassinated on 20 July 2014, nineteen were children aged between 5 months and 14, and three were pregnant women. In the preliminaries, to the claim I also make reference to the cold-blooded murder of two 15-year old boys on 15 May 2014 in Beitunia, West Bank, for the beginning of this recent time-line of genocide and ethnic cleansing of Palestinians.

The claim includes statistics and pertinent information as available at 11pm 2 August 2014. It also includes a press release from the Ministry of Health of 23 July 2014 which described the dire situation and set out a list of atrocities against the civilian population on just one day and in one place in Gaza – most of which constitute prima facie war crimes.

The claim is framed within the pertinent preambles of the United Nations Charter and the Statute of Rome, and makes direct reference to Articles within the court's jurisdiction. The claim is framed by the historical context, the Israeli government's stated policies and successive plans since the 1940s (including Plan Dalet), and also the geo-political and geo-economic tug-of-war that has been taking place since 2007 in connection with Gaza-marina 1 and Gaza-marina 2 gasfields, with reserves estimated by British Gas to be worth 4 billion dollars in 2000. Following "Operation Cast Lead", the Israeli government has tried to seize the Palestinian gas in derogation of international law.

Amman, 5 August 2014

Petitioner/Representative/Claimant: Dr JM McNally, British Lawyer

(Campaigner for Truth and Justice for former prisoners of war, including Maoris and Palestinians, put to work in mines beneath Auschwitz; Senior Lecturer; former Post-doctoral Leverhulme Fellow for Strategic Ambivalence 1929-1949; former External Examiner for Universities; EU-budget manager in own name for self-initiated project to develop Erasmus-Lingua link for higher education students and staff between Universities in England and former GDR (1991 onwards), Inventor of Creative Misbehaviour Approach as an alternative creativity and thinking tool which plays with "cognitive and affective dissonance" and shows how knowledge is not as integrated as we are led to believe (McNally, Creative Misbehaviour, 2000, p. 78)). Author of The Harvesting of Palestine, 2014).

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