

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01-18
Date: **25 June 2025**

PRE-TRIAL CHAMBER I

Before: Judge Nicolas Guillou , Presiding Judge
Judge Reine Adélaïde Sophie Alapini-Gansou
Judge Beti Hohler

SITUATION IN THE STATE OF PALESTINE

Public Document

Arab Lawyers Union Written Observations on Israel's Request

Source: Arab lawyers Union

Lead Counsel: Yasser Hassan

Co-Counsel: Lamia Mobada

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

☒ The Office of the Prosecutor

☐ Counsel for the Defence

Specify the team(s) to be notified

☒ Legal Representatives of the Victims

Specify the team(s) to be notified

☐ Legal Representatives of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☒ The Office of Public Counsel for Victims

☐ The Office of Public Counsel for the Defence

☒ States' Representatives

☐ Amicus Curiae

REGISTRY

Registrar

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☒ Victims Participation and
Reparations Section

☐ Other

I. INTRODUCTION

1. The Pre-Trial Chamber invited the Victims to submit written observations on Israel's Request no later than Friday, 27 June 2025, as stated in the decision issued on May 28, 2025.
2. In line with previous proceedings in this matter, and the Pre-Trial Chamber's authorization for the legal representatives of the Palestinian victims to present observations on the merits of the jurisdictional challenge, the Arab Lawyers Union hereby raises the present observations.
3. On April 24, 2025, the Court of Appeal accepted the appeal against the judgment issued by the Pre-Trial Chamber on November 21, 2024, overturned the judgment and requested the Pre-Trial Chamber to rule on the State of Israel's challenge to the Court's jurisdiction. It also maintained the effectiveness of the arrest warrants issued against Mr. Benjamin Netanyahu and Mr. Yoav Gallant. Therefore, the victim's observations will be limited only to the Court's jurisdiction to consider the case in the State of Palestine.

II. PROCEDURAL HISTORY

4. On 1 January 2015, the State of Palestine ('Palestine') lodged a declaration under article 12(3) of the Rome Statute (the 'Rome Statute' or the 'Statute'), thereby accepting the jurisdiction of the Court over alleged crimes 'committed in the occupied Palestinian territory, including East Jerusalem, since June 13, 2014'.
5. On 2 January 2015, Palestine deposited its instrument of accession to the Statute with the Secretary-General of the United Nations (the 'United Nations Secretary General') pursuant to article 125(2) of the Statute.
6. On 22 May 2018, Palestine referred the Situation in the State of Palestine to the Prosecutor pursuant to articles 13(a) and 14 of the Statute.

7. On 24 May 2018, the Presidency assigned the Situation in the State of Palestine to the Chamber (the 'Situation in Palestine').
8. On 22 January 2020, the Chamber received the 'Prosecution request pursuant to article 19(3) for a ruling on the Court's territorial jurisdiction in Palestine' (the 'Prosecutor's Request').
9. On 5 February 2021, the Pre-Trial Chamber, in its previous composition, issued the "Decision on the 'Prosecution's request pursuant to article 19(3) for a ruling on the Court's jurisdiction in Palestine'".
10. On 21 November 2024, the Pre-Trial Chamber rejected the State of Israel's challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute (the "Statute").
11. On 13 December 2024, the State of Israel filed an appeal against the Pre-Trial Chamber's decision.
12. On 24 April 2025, the Appeals Chamber reversed the Pre-Trial Chamber's decision of 21 November 2024, and remanded the matter back to rule on the substance of the jurisdictional challenge.
13. On 28 May 2025, the Pre-Trial Chamber issued the Decision on the conduct of proceedings, recognizing the right of Victims to file observations in the matter and instructing the Victims Participation and Reparations Section to contact the Legal Representatives of the Victims to facilitate the submission of their observations by 27 June 2025.

III. SUBMISSIONS

14. On January 2, 2015, the State of Palestine acceded to the Rome Statute and became a member of the International Criminal Court (ICC). Since that date, all the provisions of the Rome Statute have been applicable to Palestine, both positively and negatively, across all of its territories. This legal status has remained unchanged since accession.¹
15. On 22 May 2018, The State of Palestine, pursuant to Articles 13(a) and 14 of the Rome Statute of the International Criminal Court, referred the Situation in Palestine for investigation by the Office of the Prosecutor for the past, ongoing and future crimes falling within the Court's jurisdiction and committed in all parts of the territory of the State of Palestine.²
16. On 22 January 2020, the Prosecutor filed the Prosecution request pursuant to article 19(3) for a ruling on the Court's territorial jurisdiction in the State of Palestine.³
17. On 5 February 2021, Pre-Trial Chamber 1 issued the "Decision on the 'Prosecution's request pursuant to article 19(3) for a ruling on the Court's jurisdiction in Palestine'", deciding that Palestine is a state according to the Rome Statute, and that the Court's territorial jurisdiction in the Situation in Palestine extends to the territories occupied by Israel since 1967, namely Gaza Strip and the West Bank, including East Jerusalem.
18. While this ruling remains valid and unchanged, the Court's jurisdiction extends to all crimes committed within the timeframe specified in the referral request and within the geographical scope defined by the territories occupied by Israel since 1967, namely the Gaza Strip and the West Bank, including East Jerusalem.

¹ Presidency, Decision assigning the situation in the State of Palestine to Pre-Trial Chamber I ('Presidency Decision'), Annex I, 24 May 2018, ICC-01/18-1-AnxI,

² Ibid.

³ Ibid

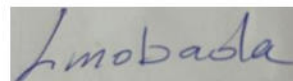
Therefore, the crimes committed therein fall within the Court's jurisdiction, regardless of the nationality of the perpetrator, his accomplice, or his contribution. This is the Court's inherent jurisdiction, established by the Rome Statute, the referral request submitted by the State of Palestine, and the judgment issued by the Pre-Trial Chamber on February 5, 2021.⁴

IV. CONCLUSION

19. The Pre-Trial Chamber, in its judgment of February 5, 2021, determined the jurisdiction of the International Criminal Court (ICC) to consider the crimes committed in the Situation in Palestine. However, the Court of Appeal returned the case to the Pre-Trial Chamber to consider the State of Israel's right to challenge jurisdiction. This is a procedural matter. However, the Court of Appeal did not affect the jurisdiction of the ICC to try all perpetrators of crimes within the temporal and geographical scope specified in the judgment, regardless of their nationality. This is a legal position established in the judgment, and in accordance with the legal grounds contained in the judgment, to date.



Yasser Hassan, Lead Counsel



Lamia Mobada, Co-Counsel

Dated this 25 June 2025

At Port Said, Egypt

⁴ Ibid. See also Pre-Trial Chamber, Situation in the State of Palestine, Decision on the 'Prosecution request pursuant to article 19(3) for a ruling on the Court's territorial jurisdiction in Palestine', 5 February 2021, ICC-01/18.