

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/18

Date: 13 February 2020

PRE-TRIAL CHAMBER I

Before: Judge Péter Kovács, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Reine Adélaïde Sophie Alapini-Gansou

SITUATION IN THE STATE OF PALESTINE

Public

**Request for Leave to Submit Observations with respect to the Situation in the
State of Palestine**

Source: League of Arab States

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

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Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants

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Other

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I. Introduction

1. Following the invitation of Pre-Trial Chamber I , in its Order setting the procedure and the schedule for the submission of observations,¹ the League of Arab States ('the League') would like to respectfully request leave to submit observations in relation to the Office of the Prosecutor's request pursuant to article 19(3) of the Rome Statute for a ruling on the Court's territorial jurisdiction in the Situation in Palestine.

II. The Mandate of the League of Arab States

2. The League is a regional organization based in Cairo, Egypt which was formed in Cairo on 22 March 1945. While initially comprised of only six members, there are currently 22 member countries across the Middle East and North Africa, which are: Egypt, Sudan, Somalia, Djibouti, Comoros Islands, Iraq, Jordan, Syria, Lebanon, Palestine, Algeria, Libya, Tunisia, Morocco, Mauritania, Yemen, Kuwait, Saudi Arabia, Qatar, Oman, and United Arab Emirates.
3. The League has as its purpose the strengthening of the relations between the member-states, the coordination of their policies in order to achieve co-operation between them and to safeguard their independence and sovereignty; and a general concern with the affairs and interests of the Arab countries.²

¹Order setting the procedure and the schedule for the submission of observations, ICC-01/18-14, 28 January 2020

² League of Arab States, *Charter of the Arab League*, 22 March 1945 (Article II).

4. The League has played a leading role in the development of international law as it relates to the Question of Palestine. It continues to be actively involved in finding a peaceful solution, based on international law and United Nations Resolutions. The League has also engaged directly in negotiating a peace plan between Israel and the State of Palestine through implementing UN Resolutions that call on Israel to end its occupation of the Palestinian territory occupied since 1967, which comprises of the West Bank, including East Jerusalem, and the Gaza Strip.
5. Throughout the course of these activities, the League has acquired substantial expertise on the matter at hand before the Court. The League is therefore of the view that its input would be beneficial to the Chamber, as it would provide astute legal observations on the question of the scope of territorial jurisdiction on the Situation in Palestine submitted to the Court.

III. Summary of the Submission

6. Should the Pre-Trial Chamber grant it leave, the League intends to demonstrate that the Court's territorial jurisdiction extends over the West Bank, including East Jerusalem, and the Gaza Strip, as this comprises the territory of the State of Palestine.
7. The League would submit that, as a matter of international law, the State of Palestine is the sole sovereign over this territory. The status of occupation over the territory of Palestine has been universally recognized, including through UN Resolutions, and the International Court of Justice in its 2004 Advisory Opinion on the Legal Consequences of the Construction of the Wall.

8. The notion of sovereignty must be distinguished from that of occupation. The law of occupation specifically safeguards the occupied people from any attempts of annexation or claims of sovereignty over the territory. The status of occupation of the territory of Palestine therefore confirms within the same territory both the sovereignty of the Palestinian people, and the lack of sovereignty of Israel, the Occupying Power.
9. Simply put, the League contends that the Palestinian People, as represented by the State of Palestine, remain sovereign over the territory of the State. As a result, the State of Palestine is exclusively entitled to determine and take decisions on any matters relating to the conduct of internal affairs, and external relations. It is within this capacity that the State of Palestine became a member of the League and tens of other international organizations.

IV. Conclusion

10. The League's historical, political, and legal involvement in the Question of Palestine makes it well-resourced in providing a comprehensive perspective on the question of territorial jurisdiction, and thereby requests leave to submit observations pursuant to rule 103 of the Court's Rules of Procedure and Evidence

Dr. Said Abu Ali
 Assistant Secretary General
 Head of Sector of Palestine and the Occupied Arab Territories
 On Behalf of
 The League of Arab States

13th of February 2020

Cairo - Egypt