

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-ICC-01/18
Date: 18 February 2020

PRE-TRIAL CHAMBER I

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

SITUATION IN PALESTINE

**IN THE CASE OF
*THE PROSECUTOR v.***

Public Document

**Request pursuant to Rule 103 of the Rules of Procedure and Evidence for leave to
submit observations**

Source: Dr. Uri Weiss

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

The Office of the Prosecutor

Fatou Bensouda, Prosecutor
James Stuart

Counsel for the Defence

[2 names per team maximum]

Legal Representatives of the Victims

Legal Representatives of the Applicants

[1 name per team maximum]

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

[2 names maximum]

**The Office of Public Counsel for the
Defence**

[2 names maximum]

States' Representatives

Amicus Curiae

REGISTRY

Registrar

M. Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. Dr. Uri Weiss requests permission to submit observations as *amicus curiae* in accordance with Rule 103 of the Rules of Procedure and Evidence and pursuant to order setting the procedure and the schedule for the submission of observations NO. ICC-01/18 of the Pre-Trial Chamber I dated 28 January 2020.
2. Dr. Uri Weiss is a doctor of laws (LL.D). He is an Israeli activist against the occupation. He participated in the summer school in Public International Law at Hague Academy; he investigates game theory of legal and international negotiation. The observations will be based on his working paper about the ICC.

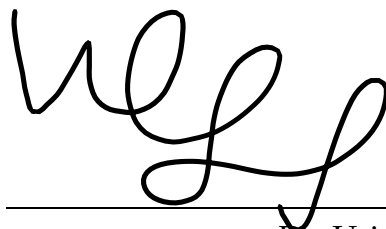
II. SUMMARY OF OBSERVATIONS

3. The occupying state must not have a veto power on the occupied people's capacity to join the ICC.
4. The (potential) inability of Palestine to join the ICC as long as it is occupied comprises an incentive for Israel to continue the occupation.
5. The ICC must not encourage an occupying state to continue the occupation in order to prevent the emerging free state from becoming a party to the Rome Statute and, especially, from accepting its jurisdiction retroactively. It will the case if the ICC accept the claim that Palestine does not have the ability to join Rome Statute.
6. How should the ICC prevent these undesirable incentive? The simplest manner is, of course, the institution of the right of the occupied people to join the ICC even before the termination of the occupation.
7. The ICC should recognize the right of Palestine to join the ICC.

Sincerely,



U.W.



Dr. Uri Weiss

Dated this **18** February 2020 (a corrected version of my document from 14 February 2020).

At [place, country]