

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/18

Date: 14 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 by the Republic of Uganda for leave to submit amicus curiae observations in response to the Prosecutor's request pursuant to article 19(3) of the Rome Statute for a ruling on the Court's territorial jurisdiction in Palestine

Source: The Ministry of Foreign Affairs of the Republic of Uganda

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

The Office of the Prosecutor
Ms Fatou Bensouda, Prosecutor Mr
James Stewart, Deputy Prosecutor

Counsel for the Defence

Legal Representatives of the Victims

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
The Republic of Uganda

REGISTRY

Registrar
Mr Peter Lewis, Registrar

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I Introduction

1. The Republic of Uganda (hereinafter: "Uganda"), pursuant to the order issued by Pre-Trial Chamber I (hereinafter: the "PTC")¹, hereby seeks leave to submit written observations as *amicus curiae* in relation to the "Prosecution request pursuant to article 19(3) for a ruling on the Court's territorial jurisdiction in Palestine" of 22 January 2020 (hereinafter: the "Request").²

II Submissions

2. Uganda has been State Party to the Rome Statute since 1 September 2002. Uganda would like to reiterate its commitment to the Rome Statute system and its goals and to assure the Court that Uganda will continue to be part of the efforts towards universality of the Statute and the values it represents.
3. Uganda would also like to reiterate that States Parties have a responsibility to strengthen the Court and the Rome Statute system, including by looking into the things that may not be going well within it.
4. If granted leave, Uganda would like to express its concern that the Prosecutor requests the Court to adjudicate controversial and political issues of territory and borders, which both parties in the present context agreed to resolve through direct negotiations.
5. Subject to leave by the PTC, Uganda intends to argue that the issue of territorial borders is to be determined through a political process between the parties, which Uganda continues to support. Uganda believes that such issues can only be determined by negotiations, and cannot be subjected to the Court's jurisdiction, absent the explicit consent to adjudication by the relevant parties to the dispute. Uganda further believes that the Court, as a criminal body, is fundamentally ill-suited and ill-placed to make determinations of such nature.

¹ (ICC-01/18-14)

² (ICC-01/18-12)

6. Uganda would also like to underscore that the goal of universality for the Rome Statute could only be achieved if the Court is seen to be operating on the basis of well-established principles of international law. This, in time, would build legitimacy and confidence in the institution that will enable and encourage more States to join. That goal will not be achieved by the Court overreaching its prescribed jurisdiction on the basis of controversial legal assertions.
7. For these reasons, Uganda will argue that the Court should decline jurisdiction in the present circumstances.
8. To clarify, Uganda's position on the jurisdictional question at issue in the current proceedings is without prejudice to Palestine's participation in political bodies such as the ASP, and in the international arena more broadly.

III Conclusion

9. For the foregoing reasons, Uganda respectfully requests that it be granted to submit *amicus curiae* written observations on the above stated matter pursuant to rule 103 of the Rules of Procedure and Evidence in the time limit determined by the PTC.



Mirjam Blaak
Ambassador/Head of Mission Uganda Embassy Brussels



Dated this 14th day of February 2020
At Kampala, Uganda