

Situation in the State of Palestine

Annex

**Cour
Pénale
Internationale**

**Internacional
Criminal
Court**



Original: **English**

No: **ICC-01/18**
Date: **3 July 2024**

PRE-TRIAL CHAMBER I

Before:

**Judge Iulia Antoanella Motoc, Presiding Judge
Judge Reine Alapini-Gansou
Judge Nicolas Guillou**

SITUATION IN PALESTINE

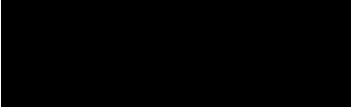
Public

Request by the European Centre for Law & Justice for Leave to Submit *Amicus Curiae* Observations Pursuant to Rule 103(1) of the Rules of Procedure and Evidence

Source:

European Centre for Law & Justice (ECLJ)

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
Legal Representatives of Victims	Legal Representatives of Applicants
Unrepresented Victims	Unrepresented Applicants for (Participation/Reparation)
The Office of Public Counsel for Victims	The Office of Public Counsel for the Defence
States Representatives	Amicus Curiae

REGISTRY

Registrar Mr Osvaldo Zavala Giler	Counsel Support Section
Victims and Witnesses Unit	Detention Section
Victims Participation and Reparations Section	Other

Your Excellencies:

1. Pursuant to Rule 103(1) of the Rules of Procedure and Evidence (RPE) and the Pre-Trial Chamber I's order dated 27 June 2024, regarding the United Kingdom's request to provide observations pursuant to Rule 103(1),¹ the European Centre for Law and Justice (ECLJ) hereby requests leave to submit observations as *amicus curiae* to assist Your Excellencies regarding “[w]hether the Court can exercise jurisdiction over Israeli nationals, in circumstances where Palestine cannot exercise criminal jurisdiction over Israeli nationals pursuant to the Oslo Accords”,² the validity of the Oslo Accords, and the scope of criminal jurisdiction under the Accords.

2. As the Chamber has already noted, the ECLJ is also of the view that this issue is of “potential relevance”³ in making an initial determination of jurisdiction at this stage of the proceedings in resolving the application for arrest warrants.⁴ To that end, the ECLJ would respectfully like to assist Your Excellencies by providing *amicus curiae* observations.

3. We believe that, given our past contribution to the work of the Court,⁵ including in the Situation in the State of Palestine and the Situation in the Islamic Republic of Afghanistan, the ECLJ's *amicus curiae* observations will assist Your Excellencies in making a just and proper determination of the matters before the Chamber.

¹ Public redacted version of ‘Order deciding on the United Kingdom's request to provide observations pursuant to Rule 103(1) of the Rules of Procedure and Evidence, and setting deadlines for any other requests for leave to file *amicus curiae* observations,’ Situation in the State of Palestine, ICC-01/18, 27 June 2024.

² *Id.* para. 1.

³ *Id.* para. 5.

⁴ *Id.* para. 4.

⁵ See, e.g., *Amicus Curiae* Observations of the European Centre for Law & Justice Pursuant to Rule 103 of the Rules of Procedure and Evidence, Situation on Registered Vessels of the Union of The Comoros, the Hellenic Republic of Greece and the Kingdom of Cambodia, ICC-01/13-45, 7 August 2015; Confirmation that Mr Jay Alan Sekulow Will Make Oral Submissions at the Oral Hearing to be held between 4 and 6 December 2019, Situation in the Islamic Republic of Afghanistan, ICC-02/17 OA OA2 OA3 OA4, 24 October 2019; Observations with respect to the Situation in the State of Palestine on behalf of the European Centre for Law and Justice, Situation in the State of Palestine, ICC-01/18-70, 13 March 2020.

4. The ECLJ is a non-profit organisation located in Strasbourg, France, dedicated, *inter alia*, to establishing and strengthening the rule of law in world affairs. The ECLJ is well-versed in matters of international law, has been following the Israeli-Palestinian conflict closely for decades, has engaged with the Office of the Prosecutor (OTP) on several occasions,⁶ including participating in an in-person dialogue with the OTP regarding Palestinian Authority's accession to the Rome Statute, and has assisted the Court before by submitting a number of *amicus curiae* observations regarding issues similar to the ones before the Chamber.⁷ The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council.⁸

5. WHEREFORE, in light of the foregoing, the ECLJ respectfully requests the Chamber to grant the ECLJ leave to submit *amicus curiae* observations pursuant to Rule 103(1) of the RPE.

Respectfully submitted this 3 day of July 2024.



Jay Alan Sekulow
Chief Counsel



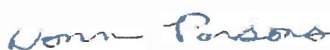
Jordan Sekulow
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Stuart Roth
Senior Counsel



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Donn Parsons
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Shaheryar Gill
Senior Counsel

⁶ The ECLJ has also submitted numerous legal memoranda to the OTP regarding, *inter alia*, ICC jurisdiction over nationals of non-party States and the Oslo Accords.

⁷ *Supra* note 5.

⁸ NGO Branch, U.N. Dep't of Econ. & Soc. Affairs, Consultative Status for the European Centre for Law and Justice (2007),

<https://esango.un.org/civilsociety/showProfileDetail.do?method=showProfileDetails&profileCode=3010>.