

Annex

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-01/18
Date: 12 July 2024

PRE-TRIAL CHAMBER I

Before: Judge Iulia Motoc, Presiding Judge
Judge Reine Adélaïde Sophie Alapini-Gansou
Judge Nicolas Guillou

SITUATION IN THE STATE OF PALESTINE

Public

**Application for leave to file written observations
pursuant to Rule 103 of the Rules of Procedure and Evidence**

Source: Canadian Union of Jewish Students
World Union of Jewish Students

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 (Participation / Reparation)
The Office of Public Counsel for Victims	The Office of Public Counsel for the Defence
States’ Representatives	Amicus Curiae
REGISTRY	
Registrar Osvaldo Zavala Giler	Counsel Support Section
Victims and Witnesses Unit	Detention Section
Victims Participation and Reparations Section	Public Information and Outreach Section

I. Introduction

1. This is a request by the Canadian Union of Jewish Students (CUJS), and the World Union of Jewish Students (WUJS) in relation to “order deciding on the United Kingdom’s request to provide observations pursuant to Rule 103 (1) ... and setting deadlines for any other requests for leave to file amicus curiae observations”¹ of 27 June 2024 (“**Amicus Curiae Leave Order**”), for leave to file written submissions as *amicus curiae* on whether the Court can exercise jurisdiction over Israeli nationals (“**Amicus Leave Request**”).
2. The written submissions and Amicus Leave request will assist the courts efforts to rule on the Article 58 Application by the prosecutor for the arrest warrants for senior Israeli leaders, namely Benjamin Netanyahu and Yoav Gallant of 20 May 2024² (“**Prosecution Article 58 Application**”).

II. Unique Perspective of Jewish Student Unions in Seeking to File Written Submissions as Amicus Curiae

3. The Canadian Union of Jewish Students in partnership with the World Union of Jewish Students, hope to provide the court with the unique experience of Jewish students on University Campuses. Jewish Student Unions serve as the democratically elected body of Jewish Students and can convey the circumstances by which Jewish students are affected by Antisemitism and the rhetoric surrounding the ongoing Israel Hamas war.
4. The Canadian Union of Jewish Students was founded by Nati Pressmann to fill the absence of a democratically elected national Jewish student union in Canada. CUJS' founding was covered by Canadian media, including the National Post.³ Since its founding CUJS members have approved a constitution, held board and provincial representative elections, published statements on

¹ ICC-01/18-173-Red.

² ICC OTP, "Statement of the ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in the State of Palestine", 20 May 2024, available at: <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state>

³ Dawson, T, National Post, “Canadian Jewish students launch organization with hundreds of members,” 7 May 2024, available at: <https://nationalpost.com/news/canada/canadian-jewish-student-organization-launched>

campus antisemitism, spoken on national television outlets,⁴ and met with MP Anthony Housefather who was recently appointed as Special Advisor to the Federal Government on Jewish Community Relations and Combatting Antisemitism.⁵

5. The World Union of Jewish Students was founded in 1924 by Sir Hirsh Lauterpacht and represents Jewish students from 41 countries.⁶ WUJS was heavily involved in the Soviet Jewry Movement by raising awareness about the experiences of Jews who were denied the option to immigrate to Israel by Soviet Authorities.⁷ In 1971, WUJS held, "Jews in Arab Lands" is an international student conference in Montreal about the experiences of Jews in the Middle East and North Africa region.⁸ It also had a delegation at the 2001 United Nations World Conference against Racism in Durban, South Africa.⁹
6. CUJS representatives have appeared before the Justice and Human Rights Committee of the Canadian House of Commons as experts on antisemitism.¹⁰ Following the committee appearance, CUJS representatives were quoted in notable Canadian news outlets in both English and French.¹¹

⁴ Nati Pressmann, "Discussing Antisemitism on Campus with David Cochrane," 9 May 2024, Nati Pressmann, "Discussing Antisemitism on Campus with David Cochrane," 9 May 2024, see: <https://www.youtube.com/watch?v=W5C3U22m6JI>

⁵ World Jewish Congress "The Canadian Union of Jewish Students meets with MP Anthony Housefather," March 7, 2024, available at: <https://www.worldjewishcongress.org/en/next-gen/blogs/the-canadian-union-of-jewish-students-meets-with-mp-anthony-housefather>

⁶ World Union of Jewish Students "History," available at: <https://www.wujs.org.il/history>

⁷ Yeshiva University Digital Library, "Soviet Jews today: a personal account," 1977, available at: <https://digital.library.yu.edu/object/digital3840>

⁸ Library of Congress, "'Struggle and redemption': Jews in Arab lands ... An international Jewish Student Conference," December 1971, available at: <https://www.loc.gov/item/2017649507/>

⁹ South African Zionist Federation, "The Day the World Changed for International Jewry," September 20, 2021, available at: <https://www.sazf.org/resources/durban/world-changed-for-international-jewry>

¹⁰ Canada, House of Commons, Standing Committee on Justice and Human Rights, "Minutes of Proceedings, May 9, 2024" available at: <https://www.ourcommons.ca/DocumentViewer/en/44-1/JUST/meeting-104/evidence#Int-12733066>

¹¹ Boujikanian, R, CBC News. "Jewish students tell Commons committee they're terrified by campus antisemitism." 10 May 2024, available at: <https://www.cbc.ca/news/politics/universities-antisemitism-racism-gaza-israel-1.7199770>; See also: Taylor, S. La Presse. Des étudiants Juifs Dénoncent l'antisémitisme. 9 May 2024, available at:

7. The World Union of Jewish Students, a democratically elected umbrella organization, unites and represents Jewish student unions from 41 countries worldwide. WUJS is renowned for hosting the only annual gathering that brings together Jewish students from every continent. Its primary mission is to amplify the voices of Jewish students and empower them to enrich Jewish life on campus.¹²
8. CUJS and WUJS note with grave concern the increase in antisemitism since the Hamas terror attacks of October 7. Jews have been facing an increasingly challenging time on university campuses around the world. Antisemites have been emboldened by the recent events and attacks against Jews have increased worldwide.
9. Our submission will catalogue some of the issues our members face on campus and advise the Court on the effects proceedings in this case may have on Jews and especially Jewish students. Our members have experienced antisemitism, discrimination, harassment, and social exclusion on university campuses.
10. Our submission is that the severity of the current antisemitism crisis means that these matters should be considered by the Pre-Trial Chamber. The decision on whether to issue arrest warrants marks a critical juncture for the Court in this case. Unfortunately, it may also mark a critical juncture in the risks of exacerbating the problems of antisemitism and destabilizing the foundational doctrine of complementarity.
11. We seek recognition as an amicus curia to ensure that the court is aware of these issues at the precise time it is necessary to minimize the risk of harm to Jewish communities and at a time where it can take action to minimize these risks.

III. Overview Of Submissions

<https://www.lapresse.ca/actualites/national/2024-05-08/camps-propalestiniens/des-etudiants-juifs-denoncent-l-antisemitisme.php>

¹² World Union of Jewish Students “About WUJS” <https://www.wujs.org.il/about>

12. The Court's Approach to Hamas: Hamas' attacks on October 7 have inspired many further attacks against Jews, both by other armed factions (such as Hezbollah, the Houthis, and Iran) and by individuals independently targeting Jews and Jewish institutions in the Diaspora. Our submission will request that the Court consider Hamas' role in sparking a global crisis of antisemitism and urge them to view Hamas as an antisemitic hate group in addition to a terrorist group in this case.
13. Israel's Judicial Sovereignty and Complementarity: Our submissions will analyze the effect proceeding in this case will have on Israel's judicial sovereignty and the importance this has to Jews around the world. We will analyze the question of whether the office of the prosecutor has taken measures which show sufficient respect to Israel's judicial independence in line with the principles of complementarity. Our submissions will look to assess Israel's judicial system's ability to act in this case if deemed necessary by referencing cases in which Israel has conducted trials for violations of International Law (see Adolf Eichmann) as well as trials of its own leaders. We will submit that these considerations apply equally to both Israeli and Hamas defendants. Further, we will note the importance role Israel's judicial sovereignty plays in the consciousness of world Jewry.

IV Conclusion

14. Pursuant to rule 103, the Canadian Union of Jewish Students and the World Union of Jewish Students requests leave to file observations as amicus curiae on the issues of the court's approach to Hamas and Israel's judicial sovereignty and complementarity.

Respectfully submitted:

A handwritten signature in black ink, appearing to be 'NP' followed by a stylized flourish.

Nati Pressmann
Canadian Union of Jewish Students, Canada

A handwritten signature in black ink, appearing to read 'Nati', enclosed within a hand-drawn oval shape. The signature is positioned between two horizontal dashed lines.

Yana Naftalieva
World Union of Jewish Students, Israel

Dated this 12 Day of July 2024.

At Toronto, Canada