

Annex

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-01/18

Date: **11 July 2024**

PRE-TRIAL CHAMBER I

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

SITUATION IN THE STATE OF PALESTINE

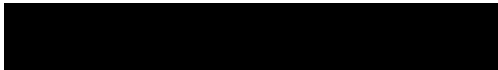
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Request for Leave to File Observations Pursuant to Rule 103

Source: Law for Palestine

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 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

REGISTRY

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Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. Law for Palestine hereby requests to submit observations on the basis of the Pre-Trial Chamber's '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' of 27 June 2024, ICC-01/18-173. Law for Palestine commits to presenting its observations in accordance with the Chamber's Order and with Rule 103 of the Court's Rules of Procedure and Evidence.

II. INTEREST AND EXPERTISE

2. Law for Palestine is a youth-led non-profit organisation, registered in the UK and Sweden. Its mandate is to ensure accountability under international law, particularly concerning the ongoing illegal occupation of the State of Palestine (consisting of the West Bank, including East Jerusalem, and the Gaza Strip) as well as to uphold and safeguard the fundamental rights of Palestinian individuals and groups both within the region and globally. The organisation is dedicated to advancing international justice mechanisms and the access of victim communities to these systems with the aim of ending impunity for systematic and extensive violations of international law in Palestine and Israel, including apartheid, the violation of the right to self-determination, and now what the International Court of Justice has plausibly recognised as genocide.
3. Law for Palestine consists of a team of experts from a variety of legal backgrounds, specialising in international law, including international criminal law, international human rights law and international humanitarian law. This team is supported by a board of trustees consisting of senior international legal experts, including two former UN Special Rapporteurs on the situation of human rights in the Palestinian Territories occupied since 1967, Prof. John Dugard and Prof. Michael Lynk. The organisation actively engages in a multifaceted approach to address legal issues, employing a strategic blend of research, legal analysis, and advocacy initiatives. Through various programs and projects, the organization strives to create awareness, educate, and advocate for the protection of human rights in Palestine and Israel.

4. Law for Palestine has, in March 2024, submitted a detailed Communication to the Court pursuant to Article 15 of the Rome Statute in the investigation into the Situation in the State of Palestine. This communication, made to the Office of the Prosecutor, focused on the crime of genocide under the Rome Statute, highlighting the culpability of Israeli leadership for this crime against the Palestinian people, primarily in Gaza since the 7 October 2023.¹ Furthermore, Law for Palestine is a member to the Coalition for the International Criminal Court (CICC). Thus, Law for Palestine has a direct interest and expertise in the Situation in the State of Palestine.

III. SUMMARY OF PROPOSED OBSERVATIONS

5. Law for Palestine has the intention of contending that the Oslo Accords do not bar Israeli nationals from the jurisdiction of the International Criminal Court for prosecution of violations of the Rome Statute committed within the territory of the State of Palestine.
6. To legally substantiate the argument, Law for Palestine will: (1) examine the relationship between the national jurisdiction of sovereign states and the jurisdiction of the International Criminal Court; (2) address the continued legal validity of the Oslo Accords as it pertains to the jurisdiction of the Rome Statute; and (3) underline the need for the issuance of arrest warrants for violations of the Rome Statute by Israeli nationals across the occupied State of Palestine.
7. *First*, Law for Palestine has the intention of examining the nature of the jurisdiction of the ICC. Given the position argued by the 'Request by the United Kingdom for Leave to Submit Written Observations Pursuant to Rule 103',² it is imperative that the relationship between state jurisdiction and the Court's jurisdiction be articulated.

¹ Law for Palestine, 'Joint Communication to the Office of the Prosecutor of the International Criminal Court Regarding the Perpetration of the Crime of Genocide by Members of the Israeli War Cabinet' (March 2024) available at: <https://law4palestine.org/wp-content/uploads/2024/04/Joint-Communication-to-the-Office-of-the-Prosecutor-of-the-International-Criminal-Court-Regarding-the-Perpetration-of-the-Crime-of-Genocide-by-Members-of-the-Israeli-War-Cabinet-Law-for-Palestine.pdf>

² Para.18, *Request by the United Kingdom for Leave to Submit Written Observations Pursuant to Rule 103*, Pre-Trial Chamber 1, International Criminal Court, ICC-01/18 (10 June 2024) available at: <https://www.icc-cpi.int/sites/default/files/RelatedRecords/0902ebd180892e1f.pdf>

8. The submission to be made by Law for Palestine will examine whether the jurisdiction of the ICC is delegated by national jurisdictions, or rather is a separate and independent jurisdiction in and of itself. To that end, the submission will consider the principle of complementarity that the ICC relies upon and how this principle affects the relationship between sovereign states and the Court.
9. *Second*, Law for Palestine will address the continued validity and relevance of the Oslo Accords as it pertains to the jurisdiction of the Rome Statute. This will include a legal analysis of the validity of the Accords' terms on jurisdiction, namely the delegation of jurisdiction within areas of its sovereign territory by Palestine to Israel, under international law.
10. *Third*, Law for Palestine will outline the legal imperative for the Court to consider issuing arrest warrants, as requested by the Office of the Prosecutor, for Israeli nationals committing crimes in violation of the Rome Statute across the territory of the State of Palestine.
11. Proceeding from the abovementioned, the submission will detail how that any Oslo Accords provisions barring the criminal jurisdiction of Palestinian institutions over Israeli citizens should be viewed as a further necessity, and confirmation, that the Court should exercise its jurisdiction over perpetrators and crimes within a situation where all national authorities—both Israeli and Palestinian—are unwilling and/or unable to exercise their jurisdiction over crimes under the Rome Statute.

IV. CONCLUSION

12. While this request is prompted by the Chamber's Order of 27 June 2024, it is not contingent on the United Kingdom's decision to proceed with its declared intent of submitting a written objection. In the event that the United Kingdom decides to withdraw its objection or fails to meet the Court's deadline, Law for Palestine's request for leave still stands.

13. Law for Palestine shall require no more than 10 pages to develop these observations.

14. For the reasons explained, Law for Palestine respectfully requests leave to file observations in an *amicus curiae* submission.

Respectfully submitted,



Ihsan Adel

Director General

Law for Palestine

Dated 11 July 2024

Malmo, Sweden