



**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**

**Public Document**

***Amicus Curiae* Submission by the United Nations Mandate Holders of the Human Rights Council**

- **Source:**
  - **UN Special Rapporteur on the situation of human rights in the occupied Palestinian territory since 1967**
  - **UN Special Rapporteur on Independence of Judges and Lawyers**
  - **UN Special Rapporteur on the promotion and protection of Freedom of Opinion and Expression**
  - **UN Special Rapporteur on trafficking in persons, especially women and children**
  - **UN Independent Expert on the promotion of a democratic and equitable international order**
  - **UN Special Rapporteur on the right to development**
  - **UN Special Rapporteur on violence against women and girls, its causes and consequences**
  - **UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health**
  - **UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

- **UN Special Rapporteur on the right to adequate housing**
- **UN Working Group on Enforced or Involuntary Disappearances**
- **UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association**
- **UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences**
- **UN Rapporteur on the Right to Food**
- **UN Special Rapporteur on water and sanitation**
- **UN Working group on discrimination against women and girls**
- **UN Working Group of Experts on People of African Descent**
- **UN Special Rapporteur on the right to education**
- **UN Working Group on arbitrary detention**
- **UN Special Rapporteur on minority issues**

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

**The Office of the Prosecutor**  
Mr. Karim Khan KC, Prosecutor

**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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**Registrar**  
Mr. Osvaldo Zavala Giler

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## **I. Introduction**

1. The undersigned United Nations Mandate Holders of the Human Rights Council (the “Mandate Holders”) have the honour to submit amicus curiae observations in the Situation in Palestine, pursuant to Rule 103(1) of the Rules of Procedure and Evidence (“RPE”) and the Decision of the Pre-Trial Chamber I (the “Chamber”) delivered on 22 July 2024. Further details concerning the mandates of the Mandate Holders are described in the request for leave to submit amicus curiae observations submitted to the Chamber, dated 12 July 2024.
2. In the performance of their mandates, the Mandate Holders are accorded certain privileges and immunities as experts on mission for the United Nations pursuant to the Convention on the Privileges and Immunities of the United Nations, adopted by the United Nations General Assembly on 13 February 1946. Consistently with this legal framework, these observations are submitted on a voluntary basis for the Chamber’s consideration without prejudice to, and should not be considered as a waiver, express or implied, of the privileges and immunities of the United Nations, its officials and experts on missions, pursuant to the 1946 Convention on the Privileges and Immunities of the United Nations.
3. Further, authorization for the position and views expressed by the Mandate Holders in this submission, in full accordance with the independence afforded to their mandate, was neither sought nor given by the United Nations, the United Nations Human Rights Council, the Office of the United Nations High Commissioner for Human Rights, or any of the officials associated with those bodies.
4. On 10 June 2024, the United Kingdom (the “UK”) requested leave of Pre-Trial Chamber I of the International Criminal Court (the “Court”) to submit written observations on the Situation in Palestine.<sup>1</sup> In the request for leave, the UK asked the Court to decide whether the Court can exercise jurisdiction over Israeli nationals in circumstances in which Palestine’s jurisdiction is being questioned as a result of the Oslo Accords (the “Accords”), requesting that the Court rule on the following:

“(i) The correct interpretation of provisions regarding criminal jurisdiction in the Oslo II Accord and the Protocol Concerning Legal Affairs [...];

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<sup>1</sup>Request by the United Kingdom for Leave to Submit Written Observations Pursuant to Rule 103, Doc No. CC-01/18-171-Anx (10 Jun 2024) <<https://www.icc-cpi.int/sites/default/files/RelatedRecords/0902ebd180892e1f.pdf>>

- (ii) Whether there is any other basis on which Palestine could assert criminal jurisdiction over Israeli nationals;
- (iii) The effect that Palestine’s lack of criminal jurisdiction over Israeli nationals has on the jurisdiction of the Court, more precisely on the present applications for arrest warrants.”<sup>2</sup>

5. The Court accepted the UK's request to submit observations and accepted the submission of *amicus curiae* on the matter.<sup>3</sup> Since then, the UK announced its intention to withdraw its already approved request.<sup>4</sup> However, as the Court accepted submission of *amici*, pursuant to Rule 103(1) of the Rules of Procedure and Evidence and the 22 July 2024 Decision by the Chamber, the Mandate Holders hereby submit the following *amicus curiae* observations.<sup>5</sup>
6. The Mandate Holders submit that the contention that the Court lacks jurisdiction to issue arrest warrants for Israeli nationals due to limits on the State of Palestine’s own jurisdiction under the Accords is inconsistent with the Rome Statute. This argument is also contrary to the purpose of the bilateral agreements between Palestine and Israel. Further, it is premised upon erroneous arguments that risk further undermining both accountability and prospects for peace between Israelis and Palestinians. In summary, the Mandate Holders offer the following expert opinion in hopes of contributing to the matter’s prompt resolution:
  - a. As established by the Court in 2021, the ICC has territorial jurisdiction over international crimes committed in the occupied Palestinian territory,<sup>6</sup> whether those crimes are committed by Palestinians, Israelis or any other person. The argument that the Accords deprive the Court of personal jurisdiction is premised upon an erroneous interpretation of the Rome Statute which suggests that bilateral agreements between Palestine and Israel alter the Court’s jurisdiction. The Court has jurisdiction over international crimes committed by all individuals, including Israeli

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<sup>2</sup> Ibid, para. 27

<sup>3</sup> ‘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’, ICC-01/18 (27 Jun 2024) <<https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd1808bb469.pdf>>

<sup>4</sup> Stephen Castle, “U.K. Drops Opposition to International Criminal Court Warrant for Netanyahu” (New York Times 26 Jul 2024) <<https://www.nytimes.com/2024/07/26/world/middleeast/israel-gaza-icc-warrants-britain.html>>

<sup>5</sup> These views relate to the current situation in the State of Palestine before the Court and are made without prejudice to other situations that may come before the Court.

<sup>6</sup> Decision on the ‘Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine’ ICC-01/18-143 (05 Feb 2021), (Pre-Trial Chamber I Decision) <<https://www.icc-cpi.int/court-record/icc-01/18-143>>

nationals in Palestine, because the State of Palestine is a Party to the Rome Statute. As such, all Rome Statute crimes committed on its territory fall within the Court's jurisdiction, regardless of the nationality of the alleged perpetrator. The jurisdiction of the Court is founded in the Rome Statute and remains intact regardless of any prior bilateral agreements between States. The Court's previous decision affirming its jurisdiction in Palestine should therefore be upheld.

- b. Any *de facto* inability by the State of Palestine to enforce its jurisdiction over Israeli or other nationals suspected of crimes on its territory is due to the protracted Israeli occupation and associated regime. The occupation has prevented the realisation of Palestinians' *jus cogens* right to self-determination and has infringed upon the territorial integrity, political independence and sovereignty of the State of Palestine. Palestine has been prevented from exercising personal jurisdiction—an inherent power of a State constituted through the exercise of self-determination—over Israeli nationals through the operation of the Israel's protracted occupation. Accepting the idea that Israel's protracted occupation—recently declared unlawful by the International Court of Justice<sup>7</sup>—deprives the Court of jurisdiction, would allow Israel to compound its illegality. Just as an occupation may never be used to annex territory by force,<sup>8</sup> so too, preventing the State of Palestine from exercising *de facto* jurisdiction over those who commit crimes on its territory must not be allowed to deprive the Court of its jurisdiction. To suggest otherwise would be in blatant violation of peremptory norms of international law, as well as constituting an unprecedented disregard for the principle of *ex injuria jus non oritur*.
- c. No State has submitted arguments disputing the Court's jurisdiction in Palestine since the Prosecutor opened an investigation in March 2021. Arguments questioning the Court's jurisdiction immediately following the Prosecutor's request for arrest warrants should be rejected as out of time.

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<sup>7</sup> Although the International Court of Justice expressly refrained from addressing the implications of events in Israel and Gaza since 7 Oct 2023, this does not limit the significance of its Advisory Opinion for present purposes. The argument that the State of Palestine lacks criminal jurisdiction over Israelis is based on arrangements long pre-dating 7 Oct 2023. Consequently, the International Court of Justice's views are directly relevant to the claims that the ICC may not exercise its jurisdiction over Israelis subject to requested arrest warrants.

<sup>8</sup> UN Charter (24 Oct 1945) art. 2(4); ICJ, Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem (Advisory Opinion) 19 Jul 2024, paras. 175-177

- d. The request for arrest warrants should be processed expeditiously. The Prosecutor’s application for arrest warrants comes amidst ongoing atrocities in the occupied Palestinian territory, which reflect an escalation of the violence and impunity that have reigned during Israel’s 57 years of occupation in the Gaza Strip and the West Bank, including East Jerusalem. Prompt international justice is vital for Palestinians, Israelis and the effectiveness of international law.

## II. The present question of jurisdiction: an unnecessary (further) delay of justice

7. The argument that the Court does not have jurisdiction to issue arrest warrants in this case contradicts the Chamber decision of February 2021 finding that the Court could exercise its criminal jurisdiction in Palestine and that the territorial scope of this jurisdiction extends to Gaza and the West Bank, including East Jerusalem.<sup>9</sup>
8. In its June 2024 submission to the Chamber, the UK argued that full determination of the Court’s jurisdiction must be established before issuing any arrest warrants, citing Article 19(1) of the Rome Statute.<sup>10</sup> The main argument raised by the UK is the principle of *nemo dat quod non habet*: the State of Palestine does not have—or cannot exercise—jurisdiction over Israeli nationals because the Accords do not confer on the State of Palestine criminal jurisdiction over Israeli nationals.<sup>11</sup> Hence Palestine, it is suggested, cannot ‘delegate’ to the Court the jurisdiction that it does not have. However, the UK fails to show the applicability of *nemo dat quod non habet* to present circumstances. Under Article 21(1)(a) of the Rome Statute, the Court shall primarily apply the Statute, Elements of Crimes and its Rules of Procedure and Evidence. It is only when those sources leave a lacuna, meaning an objective under the Rome Statute which is not fulfilled, that resort can be made to subsidiary sources of law.<sup>12</sup> That is not the case in the present circumstances. Article 12(2)(a) clearly provides

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<sup>9</sup> Situation in the State of Palestine (Decision) ICC-01/18-143 5 Feb 2021, pp. 60

<sup>10</sup> UK request ICC-01/18-171-Anx 10 Jun 2024, para. 17

<sup>11</sup> UK request ICC-01/18-171-Anx 10 Jun 2024, para. 18

<sup>12</sup> See e.g. ICC: *Democratic Republic of Congo*, Case No. ICC-01-04-168, Judgment on the Prosecutor's Application for Extraordinary Review (13 Jul 2006), paras. 33-34; Gilbert Bitti, ‘The ICC and its Applicable Law, 18 Article 21 and the Hierarchy of Sources of Law before the ICC’, in Carsten Stahn (ed.) *The Law and Practice of the International Criminal Court* (Oxford: Oxford University Press, 2015), pp. 426-427. Even if there were a lacuna, *nemo dat quod non habet* would be considered a tertiary source as a general principle of law under art. 21(1)(c) of the Rome Statute.

the Court with jurisdiction over the named Israeli officials, as their alleged crimes all occurred on the territory of the State of Palestine.<sup>13</sup>

The Court's jurisdiction does not depend on delegation

9. The UK's argument wrongly suggests that the Court's jurisdiction derives from the jurisdiction of the States Party, when it is actually established by treaty under the Rome Statute (article 12(1)). Under the Statute, States Parties neither delegate nor transfer their own jurisdiction to the Court; they merely *accept* the Court's jurisdiction over international crimes committed over their territory or by their nationals. A State Party cannot be forced by another State to accept the Court's *partial* jurisdiction, namely over parts of its territory or over some individuals only.<sup>14</sup> Like any other State Party, Palestine has accepted the jurisdiction of the Court and cannot limit it whether under prior or future agreements with other States. A contrary interpretation would lead to the paradoxical situation of States discretionarily imposing limits on the jurisdiction of the Court. Individual States Parties cannot self-judge or auto-interpret the objective scope of the Court's jurisdiction as conferred by the Rome Statute. Such limitations could also not be imposed by reservations, which are not permitted.<sup>15</sup> Permitting unilateral or bilateral constraints on the Court's jurisdiction could potentially politicise—and therefore undermine—the effectiveness of the Court's work, including by furthering *de facto* impunity in certain circumstances.
10. At this critical historical juncture, the cohesive regime established by the Rome Statute, governed by the principles of State acceptance of clear prescriptive territorial and nationality jurisdiction, State referral, and complementarity must be reaffirmed to ensure the independence and functionality of the Court within a world of sovereign States. It follows that practical constraints on the exercise of national criminal jurisdiction should not be mistakenly converted into exceptions to the treaty-based scope of the Court's own jurisdiction.

Prescriptive jurisdiction was not relinquished

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<sup>13</sup> 'Prosecution request pursuant to art. 19(3) for a ruling on the Court's territorial jurisdiction in Palestine' ICC-01/18-12, 22 Jan 2020; Situation in the State of Palestine (Decision) ICC-01/18-143, 5 Feb 2021

<sup>14</sup> Adil A. Haque, The International Criminal Court's Jurisdiction in Palestine and the 'Oslo Accords Issue', Just Security, 9 Jul 2024 <<https://www.justsecurity.org/97584/israel-palestine-icc-oslo-accords/>>

<sup>15</sup> Rome Statute, art. 120.



11. The notion that the Accords *confer on* the State of Palestine jurisdiction over its territory, and exclude jurisdiction over Israelis on Palestinian territory, is false. On the contrary, the sovereignty and jurisdiction that flows therefrom inheres in the Palestinian people themselves, as expressed through their self-determination recognized by international law and statehood recognised per international consensus. At most, the Accords relinquished Palestine’s enforcement jurisdiction over Israeli nationals to Israel, but not its prescriptive jurisdiction. Prescriptive jurisdiction relates to a state’s power to make laws applicable to persons on their territory, whereas enforcement jurisdiction is a state’s right to prosecute persons for breaking the law.<sup>16</sup> It cannot be said, even *arguendo*, that in relinquishing enforcement jurisdiction, Palestine also conceded its prescriptive jurisdiction, which is an inherent characteristic of its sovereignty and statehood under international law. Such a significant concession would need to be made explicit in the language of the agreement.<sup>17</sup> Then-Prosecutor noted to the Chamber in 2020:

“[T]he provisions of Oslo II regulating the PA’s exercise of criminal jurisdiction relate to the PA’s enforcement jurisdiction [...]. Enforcement jurisdiction is different from prescriptive jurisdiction [and includes] the ability to vest the ICC with jurisdiction.”<sup>18</sup> “[A]ny limitations to the PA’s jurisdiction agreed upon in the Oslo Accords cannot and should not bar the exercise of the Court’s jurisdiction in Palestine pursuant to article 12(2)(a).”<sup>19</sup>

The Accords were transitional only

12. The conditions in the Accords were intended to be transitional<sup>20</sup> for the purpose of building peace and developing Palestinian independence, with articles I and V of Oslo I establishing a period of five years for permanent negotiations and cessation of the Accords. Within and beyond the timeframe during which Israel was granted jurisdiction over its nationals on

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<sup>16</sup> John B. Houck, ‘Restatement of the Foreign Relations Law of the United States (Revised): Issues and Resolutions’ (1986) *International Lawyer* 20(4) 1367.

<sup>17</sup> In any case, such a concession would be in breach of peremptory norms of international law including self-determination, which would make such an agreement invalid.

<sup>18</sup> ‘Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine’ ICC-1/18-12, 22 Jan 2020 <[https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2020\\_00161.PDF](https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2020_00161.PDF)> para. 184

<sup>19</sup> *Ibid.* Prosecutor request, ICC-1/18-12 para. 189.

<sup>20</sup> Government of the State of Israel and the P.L.O. team, Declaration of Principles on Interim Self-Government Arrangements (“Oslo Agreement”), Peace Agreements & Related, 13 September 1993, <https://www.refworld.org/legal/resolution/par/1993/en/13889>, art. I and art. V; see Nuseibah, M., & Tamimi, T. (2022), The Impact of the Oslo Accords on the Territorial Jurisdiction of the International Criminal Court in Palestine in N. Hasan & I. Schneider (Eds.), *International Law between Translation and Pluralism: Examples from Germany, Palestine and Indonesia* (pp. 311–324). Harrassowitz Verlag. <http://www.jstor.org/stable/j.ctv337mjpgf.19>, p. 311

Palestinian territory, Israel has not demonstrated good faith compliance with its obligation to exercise that jurisdiction. Evidence shows that between 2017 and 2021 less than one per cent of complaints concerning the conduct of the Israeli military towards Palestinians were investigated and prosecuted,<sup>21</sup> and presumably many more complaints were never made on the basis of perceived futility. This confirms Israel's inability or unwillingness to investigate and prosecute international crimes committed by its nationals in the occupied Palestinian territory,<sup>22</sup> which makes prompt action by the Court indispensable.

13. Without prejudice to the above reasons, and in the alternative, it may also be submitted that Oslo II was an agreement between Israel and the Palestinian Authority, the latter not being fully recognized by the UN or by a majority of Member States as a State when Oslo II was signed. However, this Court authoritatively ruled in 2021 that Palestine is a State for the purpose of membership of the Rome Statute, at least as of 2012 when Palestine was accorded non-Member Observer State status at the UN.<sup>23</sup> Thus, the legal rights and obligations that flow with regard to acts committed on the territory of the State of Palestine are dated from start of the temporal jurisdiction set by the State of Palestine in its article 12(3) declaration, being 13 June 2014, and not from the date on which Oslo II was signed.
14. For all of these reasons, invoking the Accords to deprive the Court of jurisdiction over Israeli nationals is erroneous and disingenuous. Such an argument should be fully rejected by the Court without further delay.

### **III. Enduring impunity: of the urgent imperative to enforce *jus cogens* norms**

15. The terms of the Accords have been repeatedly disregarded by Israel, which in bad faith has continued to enforce unlawful policies and practices that include settlement expansion, the unlawful seizure of Palestinian natural resources, the forcible transfer of Palestinians from their land, unwarranted destruction of civilian property, punitive and 'regular' home

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<sup>21</sup> Yesh Din, "Data sheet: Law enforcement against Israeli soldiers suspected of harming Palestinians and their property - Summary of figures for 2017-2021", 21 Dec 2022 < [<sup>22</sup> It is separately a violation of the duty of an occupying power under international humanitarian law to ensure law and order in occupied territory \(Hague Regulations of 1907, art. 43\), including by investigating and prosecuting crimes by its own nationals \(Customary International Humanitarian Law Rule 149\)](https://www.yesh-din.org/en/law-enforcement-against-israeli-soldiers-suspected-of-harming-palestinians-and-their-property-summary-of-figures-for-2017-2021/#:~:text=According%20to%20the%20military's%20figures,known%20cases%20in%20those%20years>; A/HRC/53/59 para. 48.</a></p></div><div data-bbox=)

<sup>23</sup> Situation in the State of Palestine (Decision) ICC-01/18-143 5 Feb 2021, para. 98; Recognition by >145 States.

demolitions, deportation of civilians, deliberate attacks on and killing of civilians, arbitrary arrest and inhumane conditions of detention, denial of fair trial rights, torture and cruel, inhuman or degrading treatment or punishment, enforced disappearance, racial segregation and apartheid. Many of these violations are part and parcel of the occupation that the International Court of Justice, in its groundbreaking Advisory Opinion of July 2024, declared unlawful, and are contributing to the entrenchment of Israel's control over Palestinian territory, amounting to unlawful annexation of a large portion of occupied territory.<sup>24</sup> Israel's protracted unlawful occupation has created circumstances whereby full Palestinian independence is perpetually frustrated, obstructing the transfer of jurisdiction over specified areas to the Palestinian Authority, disrespecting the terms stipulated in the Accords and continuously violating Palestinian self-determination.

16. In this sense, the limitations on the State of Palestine's ability to exercise its *enforcement* jurisdiction over crimes committed on its territory is due to the protracted Israeli occupation. Recently, the Israeli Knesset voted to reject the recognition and establishment of the State of Palestine, a formalisation by Israeli lawmakers of the *de facto* outright rejection in practice of Palestinian self-determination by the Israeli State.<sup>25</sup> Should international law and justice not be enforced, Israel's unlawful occupation appears likely to continue in perpetuity.

Self-determination must be protected

17. If any element of the Accords is relevant to this case, it is Palestinians' right to self-determination. It is this very right—recognized internationally in the case of Palestine<sup>26</sup>—that allows the sovereign State of Palestine to recognise the jurisdiction of the Court as an expression of the *jus cogens* norm on self-determination. Arguments that deny the Court's jurisdiction in this matter based on the Accords consequently deny Palestinian self-determination and legitimise the threats to Palestinian territorial integrity as well as prospects

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<sup>24</sup> ICJ (Advisory Opinion) 19 Jul 2024, para. 173

<sup>25</sup> Jacob Magid, "Knesset votes overwhelmingly against Palestinian statehood, days before PM's US trip", *Times of Israel*, 18 Jul 2024 <<https://www.timesofisrael.com/knesset-votes-overwhelmingly-against-palestinian-statehood-days-before-pms-us-trip/>>

<sup>26</sup> ICJ, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion) 9 Jul 2004 <<https://www.icj-cij.org/sites/default/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>> para. 118

for full independence. One ultimate purpose of the Accords was to enable the fulfilment of Palestinian self-determination, not to enable its permanent frustration.

18. Furthermore, Palestinians are a protected population under the law of occupation,<sup>27</sup> which prohibits Israel as the occupying power from depriving Palestinians of their rights regardless of “any agreement concluded between the authorities of the occupied territories and the Occupying Power,”<sup>28</sup> a clause which is considered customary international law in nature. Agreements such as the Accords cannot override the fundamental rights of the protected person—this would violate international humanitarian law and render that part of the agreement invalid.<sup>29</sup>
19. In conclusion, though the State of Palestine exists under conditions of captivity today, to affirm that Palestine does not have prescriptive jurisdiction over its own territory would be to legitimise an illegal occupation, granting the unlawful occupier exclusive jurisdiction over its own crimes, thus furthering impunity.

#### IV. Justice delayed is justice denied

20. In a letter to the Office of the Prosecutor on 23 March 2023, 32 Mandate Holders said:

“Lack of accountability in the occupied Palestinian territory is contributing to a situation of ‘lawlessness’ [...] Expediting justice is a crucial step to end impunity and restore international law and a human rights-based order, as the last bastion to stop the spirals of violence and the risks this poses for Palestinians and Jewish-Israelis alike. With the legal instruments at our disposal, we have a shared institutional and moral duty to act to counter these spirals, ensure that past atrocities do not go unpunished and that new ones are prevented”.<sup>30</sup>

21. A mere 17 months later, those words read as a self-fulfilling prophecy. Israel’s protracted, *de facto* impunity has become institutionalized and has contributed to the present violence. The actions of Israeli officials, which may amount to crimes within the jurisdiction of the

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<sup>27</sup> Convention (IV) relative to the Protection of Civilian Persons in Time of War (adopted 12 Aug 1949, entered into force 21 Oct 1950) 75 UNTS 287 (GCIV), art. 4

<sup>28</sup> ICJ (Advisory Opinion) 19 Jul 2024 para. 102; Geneva Convention IV (1949) art. 47

<sup>29</sup> Vienna Convention on the Law of Treaties (1969) art. 53; Geneva Convention IV (1949) art. 47

<sup>30</sup> UN OHCHR, Special Procedures, “Letter To: Mr. Karim A. A. Khan QC, Prosecutor of the International Criminal Court Re: Investigation into the situation in the State of Palestine”, 23 Mar 2023

<https://www.ohchr.org/sites/default/files/documents/countries/palestine/2023-03-23-Letter-ICC-Palestine.pdf>

Court,<sup>31</sup> should have been brought to a halt decades ago. The enforcement of international law could have led to peace, saved thousands of innocent lives and spared the unnecessary suffering of millions.

22. Maintaining the Court's lawfully conferred jurisdiction over Palestine is essential to bringing about justice and ending the conditions that enable impunity for violations of international law.

## **V. Conclusions**

23. The Mandate Holders recognize the Court's role in ensuring international justice as a critical component of preserving international order through the protection of the interests of victims of international crimes. People around the world, especially youth, advocating for the application of international law, are watching closely, hoping the promises of international peace are not devoid of meaning.
24. In light of the expert opinions shared in this document, the Mandate Holders urge the Court not to further delay the delivery of justice in the occupied Palestinian territory, through the prosecution of alleged criminals. The significant effects of this failure would be felt far beyond the tormented land of Palestine.

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<sup>31</sup>Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, 'Detailed findings on attacks carried out on and after 7 October 2023 in Israel' (A/HRC/56/CRP.3) 10 Jun 2024 <<https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session56/a-hrc-56-crp-3.pdf>>; Special Rapporteur on the Occupied Palestinian Territory (A/HRC/55/73) 25 Mar 2024 <<https://www.ohchr.org/en/documents/country-reports/ahrc5573-report-special-rapporteur-situation-human-rights-palestinian>>.

Respectfully submitted,



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Margaret Satterthwaite

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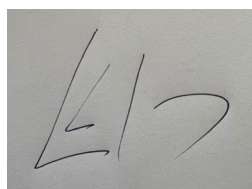
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Siobhán Mullally

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At Athens, Greece



Surya Deva

UN Special Rapporteur on the right to development

At Sydney, Australia



Reem Alsalem

UN Special Rapporteur on violence against women and girls, its causes and consequences

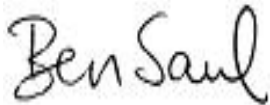
At Aqaba, Jordan



Tlaleng Mofokeng

UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

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Ben Saul

UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

At Sydney, Australia

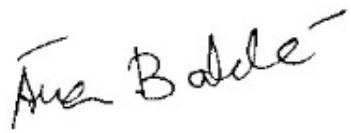


Balakrishnan Rajagopal

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Aua Baldé

Chair-Rapporteur

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At Bogotá, Colombia

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Tomoya Obokata

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At Manchester, UK



Michael Fakhri

UN Special Rapporteur on the Right to Food

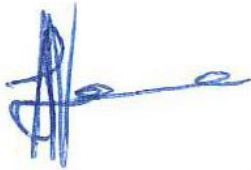
At Eugene, USA



Pedro Arrojo-Agudo

UN Special Rapporteur on water and sanitation

At Saragossa, Spain



Laura Nyirinkindi

Chair of the UN Working group on discrimination against women and girls


At Kampala, Uganda



Claudia Flores

Vice-Chair of the UN Working group on discrimination against women and girls

At New Haven, USA



Dorothy Estrada Tanck

Member of the UN Working group on discrimination against women and girls

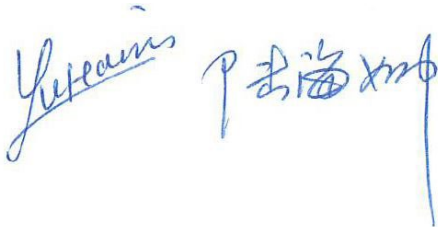
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Ivana Krstić

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At Belgrade, Serbia



Haina Lu

Member the UN Working group on discrimination against women and girls

At Beijing, China



Bina D'Costa

Member of the UN Working Group of Experts on People of African Descent

At Canberra, Australia



Farida Shaheed

UN Special Rapporteur on the right to education

At Lahore, Pakistan



Matthew Gillett

Chair-Rapporteur of the UN Working Group on arbitrary detention

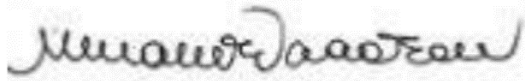
At London, UK



Priya Gopalan

Vice-Chair on Follow-Up of the UN Working Group on arbitrary detention

At Geneva, Switzerland



Miriam Estrada-Castillo

Member of the UN Working Group on arbitrary detention

At Guayaquil, Ecuador



Mumba Malila,

Member of the UN Working Group on arbitrary detention

At Lusaka, Zambia



Nicolas Levrat

UN Special Rapporteur on Minority issues

At Geneva, Switzerland

Dated this 6 August 2024