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The role of the International Criminal Court in criminalizing Israeli attacks on the Palestinian people

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Abstract. The International Criminal Court, which is governed by the Rome Statute, is the first permanent court established on the basis of a treaty established to hold accountable the perpetrators of the most serious crimes at the global level, such as war crimes, crimes against humanity, and genocide. On July 17, 1998, the work of the Diplomatic Conference on the Establishment of an International Criminal Court concluded with the approval of the adoption of the Statute of the Court. The International Criminal Court is a permanent and independent institution and is not considered one of the sections of the United Nations. The Statute clarifies that the main task of prosecuting and punishing the perpetrators of crimes lies with States parties, and the Court complements those efforts. The Court is considered the focal point for the application of the international criminal justice system, to include national courts, international courts and courts that include national and international elements. The increase in the intensity of international conflicts and wars in many parts of the world has had an impact on the increase in the commission of war crimes against civilians and the high rates of human rights violations, in the absence of an appropriate mechanism adopted by the international community to reduce these violations and punish and prosecute those who are behind them, whether they are individuals, states, organizations or governments.

Keywords: International Criminal Court, Diplomatic Conference, criminal justice.

RESEARCH DESIGN

The Statute of the International Court of Justice provides for the jurisdiction of the Court and the statement of the issues in which the Court has jurisdiction. Accordingly, we address in this study the statement of those issues. In addition, the Palestinian issue needs to be studied and discussed regarding the possibility of the State of Palestine resorting to the International Criminal Court, and holding Israelis accountable for crimes committed against the Palestinian people, specifically after Palestine obtained an observer state in the United Nations.

Methodology

The research deals with the study of the issue by following the descriptive approach by describing cases similar to the status of the State of Palestine in the United Nations and the possibilities available to it in signing international agreements and covenants, as well as the analytical approach by analyzing the texts of the Rome Statute of the Criminal Court, and the texts of relevant treaties and conventions. content into the template, substituting the existing material. Ensure precise adherence to the author's guidelines without any deviation while fitting your article into this template[35].

RESEARCH PROBLEM

After Palestine obtained the status of an observer state in the United Nations, and until today, the Palestinian leadership has not turned to the International Criminal Court to hold the Israeli occupier accountable for the crimes it has committed against the Palestinian people and continues to commit, despite the fact that the recognition in the United Nations of the State of Palestine would enhance the chance of its accession to the Statute of the International Criminal Court, and therefore we address the study of the Palestinian issue, and indicate the legal situation that prevents this, if any.

STUDY QUESTIONS

Through our study on the subject of the criminal court, many questions emerge that must be answered in this research, namely:

- What do we mean by the ICC? Crimes within the jurisdiction of the CourtWhat type of jurisdiction does the court exercise? Is it compulsory or optional? Can the State of Palestine initiate criminal proceedings against Israelis before the Criminal Court?

So, are the violations and crimes committed by the Israeli occupier against the Palestinians within the jurisdiction of the International Criminal Court?

The research included three topics, each with a number of demands and branches: -

The first topic: Introducing the International Criminal Court

The first requirement: Crimes for which the court has jurisdiction.

The second requirement: The type of jurisdiction exercised by the court

The second topic: The Palestinian situation and resorting to the International Criminal Court

The first demand: Israeli violations that fall within the jurisdiction of the International Criminal Court.

The second requirement: The possibility of Palestine to initiate a criminal case before the International Criminal Court.

The research also included the conclusion, the results of the research and the recommendations, as well as the list of sources and references and the summary in English.

FIRST SECTION:

INTRODUCING THE INTERNATIONAL CRIMINAL COURT

The international community has concluded that certain crimes, such as war crimes, genocide and crimes against humanity, are criminalized, as they constitute a great threat to the peace and security of humanity. The rules governing the state of war have also been defined. War crimes affect human dignity and undermine human rights, whether by killing the wounded or mistreating prisoners and hostages, which constitutes a gross violation of human rights. Documents have been written that are of a great degree of sophistication, both in terms of their content and in terms of the way they are drafted for the International Criminal Court.

The ICC is an independent permanent criminal judicial body created by the international community in 2002 to prosecute the most serious crimes under international law, investigating and prosecuting genocide, crimes against humanity and war crimes when domestic authorities at the national level are unable or unwilling to do so[32-33].

There was a need to establish such a court. Despite the international community's establishment of international and regional systems for the protection of human rights over the past century, genocide, crimes against humanity and war crimes continued to affect millions of people, and only a few perpetrators of those crimes were brought to national trial[14].

The trial of persons committing international crimes before an international criminal court established for that purpose (i.e., in particular) has proven to be a failure. The court established for this purpose is subject to political polarization and the balance of international powers within the United Nations. Therefore, the best way to limit the spread of international crimes is to prosecute the perpetrators of those crimes before a permanent international criminal court competent to consider serious international crimes that undermine the pillars of the international community and threaten its core interests[11].

Its statute, the Rome Statute of the International Criminal Court, was adopted in 1998 and entered into force on 1 July 2002 with the ratification of the sixtieth State. The Statute of the Court stipulates in Article (4) that the Court enjoys international legal personality and the necessary legal authorization to exercise its functions and

achieve its objectives. The Court may exercise its jurisdiction and authority on the territory of Member States and on the territory of another State by virtue of a special agreement concluded with the States concerned [12].

MOTIVATIONS AND CIRCUMSTANCES FOR THE ESTABLISHMENT OF THE COURT

There are many attempts and efforts to find an international legal tool that governs international wars and conflicts, defends humanity and puts an end to crimes against humanity. With the increase in crimes against humanity and the outbreak of wars in a number of countries of the world, world public opinion has called for the existence of a legal tool that puts an end to all these international crimes. After the horrors of the Second World War unfolded, the international community pledged that this would not happen again. However, after that war, nearly 250 armed conflicts broke out at all international, regional and local levels.

The idea of international prosecutions was the most that could be put forward; many of those tribunals existed, including the Special International Criminal Tribunal for the Prosecution of War Criminals in Yugoslavia in 1993 and the Special International Criminal Tribunal for the Prosecution of Neighborhood Criminals in Rwanda in 1994[40].

These courts were one of the important steps taken by the international community in order to establish the principle of international jurisdiction to prosecute perpetrators of serious crimes, but as we have already mentioned, they were subject to political polarization and the balance of international forces within the United Nations. There were also legal and jurisprudential objections to these courts. Therefore, the establishment of a permanent international judicial system is the most important development in the arena of international criminal justice.

Many scientific bodies and conferences have called for the establishment of an international criminal court, but it has been ignored. The absence of an impartial international criminal court to try the German Emperor Guillaume II after the First World War was one of the reasons on which the Netherlands refused to extradite him to the Allies after resorting to it, based on Article (227) of the Treaty of Versailles of 1919[47].

Therefore, the establishment of the International Criminal Court was a realization of the aspirations and dreams of humanity from the end of the nineteenth century until the twentieth century, as this court was established by a treaty for the purpose of investigating and prosecuting persons who commit the most serious crimes[22].

In 1998, the Rome Statute was adopted, which provided for the establishment of the International Criminal Court, and it was opened for ratification by the countries that initialed the Court's Statute, until a quorum for its entry into force was completed in July 2002, where the Court's body was formed, and a prosecutor was appointed for it[15].

The subject of the crimes that the International Criminal Court is competent to consider, and a statement of the type of mandate exercised by the International Criminal Court and the jurisdiction exercised by the Court and its jurisdiction. It is the crime of genocide, humanitarian crimes, the consideration of war crimes and the crime of aggression.

FIRST TOPIC
CRIMES FOR WHICH THE ICC HAS JURISDICTION

The crimes that fall within the jurisdiction of the Court, in accordance with the Statute of the International Criminal Court, and pursuant to the provisions of Article (5) thereof, the Court is competent to decide on the most serious crimes, namely the crime of genocide, crimes against humanity, war crimes, and the crime of aggression, and a detailed definition of the elements of these crimes is contained in Articles (6, 7, and 8) of the Rome Statute. They are four types of crimes as we mentioned earlier" and they are the jurisdiction of the International Criminal Court.

First Section

Crime of genocide

Article (6) of the Statute defines this crime as " any of the following acts committed with the intention of destroying, in whole or in part, a national, ethnic, racial or religious group, as such:

- Killing of members of the group
- Causing serious bodily or mental harm to members of the group
- Deliberately inflicting on the group conditions of life calculated to bring
- imposing measures intended to prevent births within the group
- forcibly transferring children of the group to another group

The crime of genocide has many names, including: the crimes of extermination of the human race or the crimes of genocide, all of which are expressions of one meaning or a group of actions aimed at eliminating and eradicating the human race from a specific spot or class of people or a people. The essence of genocide is limited to the unanimous denial of the right to survival of human groups because of its violation of the public conscience and severe damage to all humanity, as well as its violation of morals and the principles of the United Nations[15].

With regard to the elements of this crime, they require the existence of the special intent of "destruction"; as the commission of any of the acts stipulated without the availability of the intent of destruction negates the moral element of this crime; and therefore, the problem arises of proving the special intent, which often does not have written evidence[18].

As for the material element, it was determined by the statute to commit any of the acts stipulated in Article (6), which was mentioned. I have found many examples of genocide, if humanitarian groups were completely or partially annihilated for their racial, religious, political or other character, including what the Bosnian war witnessed in the last ten years. According to the report of the United Nations Relief and Works Agency for Refugees, 380,000 Bosnian Muslims were at risk of starvation and carcinogenic diseases in the city of Sarajevo, and air assistance flights and land convoys were obstructed and attacked by Serb forces[15].

The Tokyo International Military Tribunal convicted 28 Japanese commanders and officers for the murder of civilians in the territories occupied by Japan, in violation of Article (5) of the Tribunal's Charter and the Hague Regulations, and sentenced them to various sentences ranging from death to life imprisonment[12].

The General Assembly of the United Nations calls on Member States to include in their laws the necessary provisions to prevent and punish this crime, and recommends the organization of international cooperation between the State to facilitate the urgent criminalization and punishment of this crime[13].

According to the ICC system, this crime is characterized as being of an international nature; the international nature of this crime does not mean that it should be committed by nationals of a State against another State, but it may occur within the same State provided that its acts meet the nature of the material element of acts of genocide stipulated in the International Convention and the Statute of the International Criminal Court[15]. It is also a dual responsibility of the state on the one hand, and the natural persons who committed the crime on the other[13]. The jurisdiction of the Court is exercised in complementarity with the jurisdiction of the national judicial system of the States Parties, and this will be studied in the second requirement of this study.

Section Two

Article 7 Crimes against humanity

According to Article (6) of the aforementioned Statute, crimes against humanity are considered those acts committed against any group of the civilian population. Such acts include murder, extermination, rape, sexual slavery, deportation or forcible transfer of population, the crime of apartheid, and others. Genocide and crimes against humanity are punishable regardless of whether they are committed in time of “peace” or war [31].

Article (7) of the Statute stipulates the inhumane acts that fall within the jurisdiction of the Court, namely: murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty in violation of the fundamental rules of international law, torture, rape or sexual slavery, forced prostitution, forced pregnancy, forced sterilization or any other form of sexual violence of such gravity, enforced disappearance of persons, the crime of apartheid, and other inhumane acts of a similar nature that intentionally cause great suffering or any serious injury to the body or to mental or physical health. persecution against an identifiable group on political, racial, national, ethnic, cultural, religious or gender grounds.

There are those who see the importance of limiting the jurisdiction of the Court to international crimes established in customary international law, and find it important to define these crimes accurately and clearly in the Statute, and this is in accordance with the principle of the legality of crimes and penalties, and thus for the first time in history crimes against humanity have been defined in an international treaty adopted by the majority of States. There are those who argue that crimes against humanity undermine the fundamental values that should prevail in the international community and undermine due respect for fundamental human rights [10].

We note that there must be specific elements in crimes against humanity, which are that the crime must be among the crimes specified exclusively in Article (7), paragraph (1) of the Rome Statute, and also that it must be committed on a large scale or a methodological basis as stated in the aforementioned article, and that there must be a policy to follow that approach by a state, organization or group of people.

Therefore, there are those who believe that the pillar of policy is the basis of the Court's jurisdiction because it works to transform the crime from a national crime to an international crime, and it becomes the jurisdiction of the International Criminal Court to intervene to protect the rights of individuals and groups from flagrant violations of human rights [11].

Third Part

The war crimes. His daughter's life in the balance.

Article 8 of the Statute of the Court states in paragraph 1: “The Court shall have jurisdiction with respect to war crimes, in particular when committed as part of a general political plan or as part of a large-scale commission of such crimes.” A number of States find there is a need to explain this paragraph; in order to verify the Court's commitment to focus on cases of serious war crimes of concern to the international community, as it is feared that the Court will be preoccupied with relatively less serious war incidents, or that it will resort to the exercise of judicial authority for these crimes even in cases where States themselves are fully prepared to exercise judicial authority over them. In the end, a compromise has been reached, which is that the Court can exercise legal authority in individual cases of war crimes, but at the same time the Court must provide the incentive to give priority to the crimes most in violation of Article (8) of the Statute of the Court [22].

From the study of Article (8/2), we find that it defines war crimes as serious violations of the four Geneva Conventions, that is, acts committed against persons or property protected by the relevant Geneva Conventions, as well as other serious violations of the laws and customs applicable to international armed conflicts within the established scope of international law.

Among the violations is the occupying power's direct or indirect transfer of some of its civilian population into the territory it occupies, or the deportation or transfer of all or part of the population of the occupied territory within or outside this territory [11].

By studying Article (8) of the Rome Statute, we find that war crimes are limited to three categories. The first category includes crimes that represent grave breaches of the Geneva Conventions of August 12, 1949. The second category consists of crimes that represent serious violations of the laws and customs applicable to international armed conflicts in the consistent pronouncement of international law, such as intentionally directing attacks against the civilian population or civilian sites, as well as intentionally directing attacks against employees, installations, units or vehicles on humanitarian assistance missions.

The third category is crimes that occur in the event of an armed conflict not of an international character, which are acts against persons not actively participating in hostilities, including armed forces who have laid down their arms and those who have become incapable of killing due to illness, injury, or detention for any other reason. These persons include suppliers of supplies and catering materials, construction contractors, nurses, doctors, war correspondents, and others.

Category Four : Crimes that occur in an armed conflict not of an international character against categories such as those stipulated in Category Three in cases of internal disturbances and tensions [15].

The Israeli occupation in Palestine is a living example that gives every day an example of the war crimes committed against the Palestinian people, including killing, torture, imprisonment and persecution, and will be discussed in the second section of this study.

Section Four

Crime of aggression

The crime of aggression is included in the provisions of Article (5), paragraph 2, of the Rome Statute, but with suspension of execution, until the international community reaches an agreed definition of aggression and until the conditions are established on which the court can exercise its jurisdiction with regard to this crime [3].

There is a strong disagreement between the parties to the Statute of the Court that prevented agreement on the elements of the crime of aggression. Therefore, the Court is not competent to consider the crime of aggression and its jurisdiction is limited to the three aforementioned crimes. We believe that the Court's lack of jurisdiction to consider the crime of aggression is evasion, as this crime is full of elements and elements. Aggression is not a crime that lacks definition, and we find that it is one of the most serious crimes committed, and it must be included within the jurisdiction of the International Criminal Court, and not subject to arguments and pretexts that are not accepted by international law [49].

There are those who criticize the failure of the Statute of the International Criminal Court in Article VIII to provide for the jurisdiction of the Court with regard to the use of nuclear weapons, biological or chemical weapons, and mines, against persons and blinding laser weapons, and find that it is also preferable to include weapons of mass destruction in the Rome Statute, as the use of those weapons is now prohibited under international law, and

finds that the use of those weapons must be subject to the judicial control of the future International Criminal Court indirectly [11].

Second Section

The Palestinian issue and recourse to the International Criminal Court

States parties to the Rome Statute, the United Nations Security Council, or the Prosecutor of the Court may bring cases before the International Criminal Court, as Article (12) of the Rome Statute, in its paragraph 3, granted States not parties to the Rome Statute the right to accept the jurisdiction of the International Criminal Court in the event of one of the aforementioned crimes.

Israeli violations fall within the jurisdiction of the International Criminal Court. Palestine's possibility of initiating a criminal case before the International Criminal Court.

First Topic

Israeli violations that fall within the jurisdiction of the International Criminal Court

The Israeli occupier has committed, and continues to commit to this day, many violations of the rights of Palestinians, by committing crimes against children, women and civilians, in disregard of all resolutions of international legitimacy. Therefore, we aim in this demand to put and classify these crimes in light of the texts and principles of international law, in particular according to the categories of crimes that fall within the jurisdiction of the International Criminal Court, so that we put the crimes committed by the Israeli occupier according to the categories of crimes mentioned in the Rome Statute. in four branches as follows:

Section One: Genocide Crimes

Section Two: Crimes against Humanity

Section Three: War Crimes

Section Four: International Resolutions on the Crimes of the Israeli Occupation

Section One

Genocide

The occupier committed the crimes of genocide in the wars of 1948, 1976 and 1982, as well as the massacres of Deir Yassin in 1948 and Qibya in 1953, Qalqilya in 1956, Kafr Qasim in 1956, the massacre of Abu Zaabal factory, the Bahr al-Baqar school in 1970, the Sabra and Shatila massacre in 1982, the massacre of the Ibrahimi Mosque in 1994, the Qana massacre in 1996, and Jenin in 2002.

Ariel Sharon committed a Qibya massacre, where he led the gangs that invaded and destroyed that village, killing 69 citizens, including children, women and the elderly [5].

Ariel Sharon also committed the Sabra and Shatila massacre in 1982, where he issued the orders to carry out that massacre. He was then the Minister of Defense in Israel, and that massacre resulted in the killing of 3,297 Palestinian citizens, women, children and the elderly. The Israelis were entering hospitals and taking all those in them, including doctors, nurses, workers and patients abroad, executing them and representing their bodies, with the killing of patients unable to leave their beds as they lay [5].

Human Rights Watch issued a statement in New York on 23/6/2001 calling for a criminal investigation into the role of the Israeli Prime Minister in the massacre of civilians that took place in the Sabra and Shatila Palestinian refugee camps in Beirut. The Executive Director of that organization announced that there is sufficient evidence that war crimes and crimes against humanity were committed on a large scale in this massacre, but to date no one has been brought to justice [2].

The organization declared that the United States has a fundamental interest in not holding the perpetrators of these crimes accountable, given that the Israeli occupation of West Beirut was carried out following written assurances from the United States that the Palestinians remaining there would be safe, within the framework of arrangements to evacuate the PLO forces from Lebanon. Some Palestinian survivors of that massacre filed a lawsuit against Sharon in a Belgian court [2].

They numbered (23) and based that case on the 1993 law that allows Belgian courts to try foreign officials for human rights violations [4].

The Israelis have denied the right of the Palestinians to exist, contrary to the provisions of international law, which is a punishable crime, and falls among the crimes punishable in accordance with the provisions of Article (6/a) of the Statute of the International Criminal Court.

Section Two

Article 7 Crimes against humanity

The Israeli Internal Security Agency (Shin Bet) practiced torture against Palestinian detainees during the Al-Aqsa Intifada, despite the issuance of a decision by the Israeli Supreme Court of Justice on 16 September 1999, in which it ruled that the methods of torture used by this agency during the interrogation of Palestinian detainees were illegal [16].

Torture is considered a crime against humanity based on the provisions of Article (8/f) of the Rome Statute, as well as war crimes based on Article (8/2/a) of the Statute of the International Criminal Court, which considered war crimes as grave breaches of the four Geneva Conventions of 1949. The widespread or systematic practice of torture is considered a crime against humanity under Article (7/a/f) of the Statute of the International Criminal Court.

The massacres committed by the Israeli enemy during the Al-Aqsa Intifada, which erupted following the provocative visit of the Israeli opposition leader, Ariel Sharon, to the courtyard of Al-Haram Al-Sharif on 28/9/2000, were followed the next day by violent clashes between worshipers and Israeli police forces in the Al-Aqsa Mosque Square, the number of victims during the first two months reached seventeen thousand wounded and wounded [8].

Ten percent of them will suffer from disability, 316 people will be killed, and 40% of the victims are under the age of 18. In their aggression, the Israelis have used multiple methods, including throwing lethal weapons, using regular and automatic rifles, inserting tanks, firing rocket-propelled grenades, and firing from planes and helicopters. Israel has violated all legal, humanitarian, and moral principles and rules, committing crimes against humanity [8].

According to Article (7/1/k) of the Statute of the International Criminal Court, acts that cause great suffering, or serious harm to the body, mental or physical health, are considered crimes against humanity when used in a broad and systematic framework against the civilian population.

The occupation forces arrested more than 2,000 Palestinians during the Al-Aqsa Intifada, and most of them were tried before Israeli military courts that do not provide them with minimum fair trial standards. The number of Palestinian detainees held by the occupation forces outside the borders of the Palestinian territories occupied in 1967, until the end of 2000, reached about 1,600 Palestinian prisoners, according to the statistics of Addameer Foundation [4].

According to Article (7/1/e) of the Statute of the International Criminal Court, imprisonment or severe deprivation of physical liberty in violation of the basic principles of international law is a crime against humanity, and the detention of persons outside the occupied country violates the provisions of Article (76) of the Fourth Geneva Convention. The forcible deportation of the Palestinian population is also considered a crime against humanity.

Third Part

The war crimes. His daughter's life in the balance.

The Israeli occupier practiced a policy of killing unarmed civilians. Deliberate killing is one of the grave breaches of the Fourth Geneva Convention, specifically Articles (146, 147), the violation of which is considered a war crime according to Article (85/5) of Additional Protocol I to the four Geneva Conventions of 1977, and this is confirmed by Article(8/2/a) of the Rome Statute of the International Criminal Court.

The occupation forces also carried out extrajudicial executions, carrying out a series of assassinations against a number of Palestinian youths, and the policy of assassinations carried out by the Israelis by treachery and deception of war crimes based on the provisions of Article (23/b) of the Hague Convention on the Laws and Customs of War on Land of 1907, which prohibits killing or injuring individuals belonging to an enemy state or army [4].

This is the same as what is criminalized by Article (8/B/11) of the Rome Statute of the International Criminal Court and considered a war crime.

The occupation forces also committed war crimes in the military operation they carried out in the Palestinian refugee camp of Jenin on 3/4/2002. Human Rights Watch recommended that criminal investigations be conducted to determine individual responsibility for serious violations, which it described as war crimes [21].

This is in accordance with the provisions of Article (8/b/1) of the Rome Statute of the International Criminal Court.

The Israeli occupier also committed the most heinous and horrific crimes against Palestinians during the Al-Aqsa Intifada, killing more than 497 during its reoccupation of the Palestinian areas from 2-5/2002, and wounding about 1447. Article (8/A/3) of the Rome Statute of the International Criminal Court considered intentionally causing great suffering or serious injury to body or health as a war crime.

The Israelis imposed a 24-hour curfew in cities, villages, towns and refugee camps, which affected the lives of an estimated one million people, some of whom lived in that curfew for seven days, and others lived for more than that without having the necessary things for life at their disposal, which led to depriving them of food, without access to first aid, and paralyzing all aspects of life such as education, and prohibiting the right to worship, all of which constitute war crimes prohibited by international law, and denied by prevailing international norms and principles.

According to Article (8/b/25) of the Statute of the International Criminal Court, deliberately obstructing relief supplies to the civilian population, as stipulated in the Geneva Conventions, is considered a war crime. Israel continues to commit these crimes, and has also practiced the crime of arbitrary detention, forcible deportation of civilians, and killing and torturing them [7]. According to Article (8/b/8) of the Rome Statute of the International Criminal Court, it is considered a war crime to deport or transfer part of the population of the occupied territory to the occupying state or outside the occupied territories. It is also considered a war crime to deliberately deprive prisoners of war or any protected person of their right to a fair trial without any bias. This is based on Article (131) of the Third Geneva Convention of 1949, Article (147) of the Fourth Geneva Convention of 1949, and Article (8/b/6) of the Statute of the International Criminal Court.

The occupation forces also deliberately directed attacks against buildings, materials, medical units and medical transportation. During the Al-Aqsa Intifada until 7/7/2001, more than 101 PRCS ambulance crews from the Union of Medical Relief Committees were injured, and they deliberately directed direct attacks against medical units, buildings and civil defense personnel [38].

Article (8/b/24) of the Statute of the International Criminal Court considered intentionally directing attacks against buildings, medical materials and units, means of transport and individuals using the distinctive emblems set forth in international law conventions, such as war crimes.

The Israeli occupier also builds settlement outposts, transfers its citizens to it and allows them to carry weapons, and provides them with adequate protection in cases where they attack unarmed Palestinian citizens. According to Article (49) of the Fourth Geneva Convention of 1949, and Article (85) of Additional Protocol I, the occupying power may not deport or transfer part of its civilian population to the territory it occupies.

During the Al-Aqsa Intifada, IDF forces shelled with heavy weapons a number of houses of citizens in the West Bank and the Gaza Strip, allegedly by shooting at Israeli soldiers. However, the truth is that these operations were carried out in a retaliatory manner without any necessity. The number of Palestinian residential buildings and houses that were completely destroyed during the Al-Aqsa Intifada until 25/5/2001 reached more than 226 houses in the Gaza Strip and 333 houses in the West Bank, and the number of buildings that were bombed exceeded 4,000 buildings, 12 churches, 108 water wells, and 29 mosques [26].

According to the text of Article (147) of the Fourth Geneva Convention of 1949, and Article (85/5) of Protocol I, and in accordance with Article (8/a/4) of the Statute of the International Criminal Court, the destruction and usurpation of property in a manner that is not justified by military necessities and on a large scale are grave breaches of the Convention.

Article (8/b/4) of the latter system also states that it is considered intentional to launch an attack, knowing that it will result in widespread, long-term and severe damage to the natural environment, the excess of which is clear in comparison to the total expected direct tangible military gains from war crimes.

Section Four

International resolutions on the crimes of the Israeli occupation

The UN Security Council issued dozens of resolutions condemning Israel in the scope of its dealings with the Palestinians, and within the scope of its policy as an occupying power as of 1967, but the Security Council did not adopt any resolution against Israel, as it relied on Chapter VII of the Charter, and thus Israel got rid of those resolutions, with the exception of Resolution No. (62), which imposed the truce between the Arabs and Israel between 1948-1949 [25].

The United Nations General Assembly has issued many resolutions confirming the applicability of the Fourth Geneva Convention to the occupied Palestinian territories. In those resolutions, it condemned the Israeli violations of this Convention, the most important of which are General Assembly resolutions 43/58 dated 6/12/1988 and 44/48 dated 8/1/1989. These two resolutions considered violations of the provisions of the Fourth Geneva

Convention during the first Palestinian intifada, which lasted from 1987 to 1993, as war crimes and an affront to humanity [4].

On 19/10/2000, the United Nations Commission on Human Rights issued a resolution condemning Israel, stressing the need for it to abide by the Fourth Geneva Convention and its 1977 Additional Protocol I as an occupying power. The Commission considered the grave violations committed by Israel in the occupied territories, such as war crimes and crimes against humanity. The resolution stressed the need to form an international commission of inquiry into these crimes [4].

As is known, Israel has refused to abide by the application of the provisions of the Fourth Geneva Convention to the occupied Palestinian territories, and the judges of the Israeli Supreme Court of Justice justified the failure of their governments to abide by the aforementioned Convention by saying that international agreements concluded by Israel do not acquire binding legal value, unless they become part of domestic Israeli law, and this is in the event that the Knesset passes special legislation to do so, and as long as the Knesset does not issue legislation to do so, they are not binding [24].

The position of the United Nations in this regard has been clear since 1976, as Israel was considered an occupying state of the Palestinian territories. This is clear in the position of the United Nations Security Council in Resolution No. (242) of 1967, in which it called on Israel to withdraw from the occupied Palestinian territories. The Security Council also called on Israel in Resolution No. (237) of 1967 to apply the Fourth Geneva Convention unconditionally and without exception [4].

A report issued by the B'Tselem Foundation shows the number of cases in which Palestinians have been beaten and harshly treated by soldiers or border guards [4].

A resolution of the United Nations General Assembly No. 38/180 was issued on 19/12/1983, which stated: "Israel is not a peace-loving country because it has not fulfilled its obligations under General Assembly resolution 273 of 11/5/1949. The Assembly therefore calls upon all States to sever diplomatic, commercial and cultural relations with Israel [25].

It is clear from this that the file of Israeli crimes is large, and we must work to prepare this file to include every small and large, and they must be held accountable for all crimes, and not to invoke politics, as politics expresses a plan that requires serious mechanisms and work to perform it.

There is nothing to prevent the law from existing alongside politics. Also, the heinous cases that we studied and dropped the provisions of the Rome Statute of the International Criminal Court are classified as international crimes that are not subject to statute of limitations, even if this statute stipulates that it does not apply retroactively.

In the previous section, we mentioned how the ongoing crime gives us room to hold the Israelis accountable. These are crimes that have not yet ended, such as the settlement that began in the past and is still ongoing and has not ended, as well as the crimes of enforced disappearance, as the missing persons did not appear and their bodies did not appear.

Therefore, this court is very important to achieve the Palestinian interest and raise Israeli crimes and violations before it. Is there a possibility for Palestine to initiate a criminal case before the International Criminal Court? This will be the subject of the study in the second requirement of this topic.

Section Three

The First Section

Possibility for Palestine to initiate a criminal case before the International Criminal Court

The Palestine Liberation Organization has previously obtained observer status at the United Nations, based on United Nations General Assembly Resolution No. (3237) dated 22/10/1974, and based on that resolution it is invited to participate in the sessions and conferences of the United Nations General Assembly and to participate in its work, and in international conferences held under the auspices of the General Assembly [39].

On 23/9/2011, Palestine submitted a request to the UN Security Council for full membership in the United Nations. Due to the divergence of views on the request submitted by the Committee on the Admission of New Members to the UN Security Council, the request was not put to a vote within the Security Council, but the Prosecutor indicated that the Court is conducting a preliminary examination of the situation [29].

The Palestinian Authority tried to join the International Criminal Court in April 2009, but this attempt was thwarted as a result of the rejection by the Court's Prosecutor, Luis Moreno-Ocampo, of Palestine's application to join the Court, arguing that Palestine is not a state. Therefore, the recognition of Palestine as a state allows it to

ask the United Nations and the Security Council in particular to intervene to end the Israeli occupation, given that the Charter of the United Nations entrusted the UN Security Council with the powers to maintain international peace and security at the level of the international community as a whole [42].

Section One

Palestine submits a request to the General Assembly of the United Nations to recognize Palestine as a state

On 29/11/2012, Palestine, through a group of Arab and friendly countries, submitted to the United Nations General Assembly a draft resolution on upgrading the status of Palestine to an observer state in the United Nations. The draft resolution received 138 votes in favor, 6 opposed it, and 41 abstained from voting. Subsequently, the United Nations General Assembly issued a resolution granting Palestine the status of a non-member observer state in the United Nations [29].

Can it, in this capacity, appeal to the International Criminal Court to try the perpetrators of Israeli crimes against the Palestinian people for their crimes? What are the legal possibilities available to the Palestinians to prosecute the Israelis before the International Criminal Court for crimes of genocidal aggression, including: the preparation of the case file and the initiation of the case by the Security Council or the Prosecutor and by a member state of the Rome Statute, as well as the consequences of the conviction of the Israelis

Section Two

Case File

It is not possible to file a lawsuit without preparing a file for it, provided that it includes convincing documents and evidence. Therefore, violations must be recorded, and proof of the identity of the victim must be attached, in addition to investigations or statements that support the attack, and determining the national and international legal reference that stipulates the right violated by the aggressor.

In addition to identifying the identity of the aggressor and his whereabouts, it is necessary to include in the file the medical documents and reports related to the subject of the attack, which would prove that the attack occurred in fact. No lawsuit must be filed before the judiciary until it has been ascertained that all its conditions have been met, so that it is based on correct bases of facts and law [9].

Here, it is possible to benefit from the documents owned by international and regional human rights organizations, and local associations related to human rights.

Legal and field guidance can be sought from Amnesty International, regarding the legislative statements and laws necessary for filing and initiating a case. The Center for Constitutional Rights (CCR) can also be used in the matter of compensation for damage.

as well as the Center for Justice and Accountability in order to bring perpetrators of torture to justice if they enter the territory of the United States of America [48].

There are two Arab organizations from which assistance can be requested. There is the Arab Commission for Human Rights - Paris -France(Commission arabe des droits humains) whose objectives include giving sufficient attention to human rights violations affecting vulnerable groups such as women, children and minorities inside and outside the Arab world.

There is the International Federation for Human Rights (federation international des ligues des droit de l home), which has the qualification to provide the necessary advocacy and support to Palestinian victims and local human rights associations, in order to facilitate the procedures for filing cases outside Palestine. It consists of a broad coalition and covers most Arab and Francophone countries. It is also experienced in the field of universal jurisdiction, has international consultative status, and has experiences with a number of countries [48].

Third Part

Proceedings by the Security Council or the Prosecutor

The case can be referred by the UN Security Council, which is the body responsible for the maintenance of international peace and security, based on what is stated in Chapter VII of the Rome Statute in Article (39), which states: "The Security Council shall decide whether there has been a threat to or breach of the peace or whether

there has been an act of aggression, and shall make recommendations thereon, or decide on measures to be taken to maintain international peace and security [1].

Any of the 15 countries in the Security Council can draw the attention of the Prosecutor of the Court to a crime within the jurisdiction of the Court, but this will not apply to the Palestinian situation because of the American veto.

As for the referral through the Prosecutor of the International Criminal Court, in the event that one of the member states of the Statute requests to initiate the case and the Security Council does not do so, the Statute allows the Prosecutor to initiate an investigation in the event that information is available on the existence of crimes within the jurisdiction of the Court [19].

Here, he analyzes the information, and for this purpose, he may request additional information from States, United Nations organs, intergovernmental or non-governmental organizations, or any sources he deems appropriate, provided that they are reliable.

He may receive written or oral testimony at the seat of the court. If he finds that there is a reasonable basis to initiate an investigation, he shall submit a request to the Pre-Trial Chamber for permission to conduct an investigation. After studying the request and the materials supporting it, this Chamber may authorize the initiation of the investigation, or decide to reject the request [31].

In our opinion, this constitutes a restriction on the work of the Prosecutor, and there is another restriction stipulated in Article (18) of the Statute of the said Court, which is that the Prosecutor must notify the States Parties and any State that he deems it customary to exercise its jurisdiction over the crimes in question based on his information, and he must also waive the investigation if a State Party has jurisdiction over it and requests it.

Based on what has been mentioned, there are those who find that the criminal jurisdiction of the States parties to the Geneva Convention can be used to prosecute Israeli war criminals, in accordance with Article (1) of that Convention, which places an obligation on the States parties to respect the Convention and to work hard as they deem appropriate to respect it.

Israel is a State party to this Convention, and therefore it is the duty of States parties to intervene seriously to oblige Israel to respect the Convention and abide by the rights of the civilian population and ensure their protection. Article (146) of this Convention obliges States parties to prosecute those accused of committing or ordering to commit grave breaches, and to bring them to trial, regardless of their nationality. Accordingly, the jurisdiction of the Court will include Israel, even if it is not a party to the Court, due to its violation of the provisions of international law, without depending on its consent, as a State party to the Geneva Conventions [30].

Section Four

Action by a Member State

There are no legal articles in the Charter of the United Nations that refer to the nature and status of the observer State in the United Nations, but through practical practices in the United Nations, it is clear that observer States are entitled to accede to international human rights conventions and international treaties through treaty bodies, as measured by the experience of the Holy See and the resolution of the General Assembly in this regard [29].

Palestine's access to an observer state will increase its chance of prosecuting Israeli perpetrators, as the jurisdiction of the International Criminal Court provides an important area for Palestinians to redress. Unlike the International Court of Justice, the role of the International Criminal Court was not limited to determining whether Palestine is a state or not, but rather the role of this court is to determine whether Palestine can be considered a state for the purposes of the Rome Statute [17].

The acceptance of Palestine's application to join the International Criminal Court is subject to special procedures and not by voting, and therefore the response that Palestine received from the Prosecutor of the International Criminal Court that accession to States can change if the application is examined again, and for this Court to have jurisdiction, Palestine must be considered a State according to the vote that took place in the United Nations General Assembly, as long as the Rome Statute does not define the State.

The Prosecutor of the International Criminal Court can decide that Palestine represents a state for the purpose of the Court, and in order to enforce the Court's system and purposes. Ban Ki-moon, Secretary-General of the United Nations, has stated that Palestine's new status and upgrading it to an observer state qualifies it to join all United Nations agencies, and that the decision to join the International Criminal Court is a Palestinian matter decided by the Palestinians themselves [27].

In accordance with Article 125 of the Rome Statute of the International Criminal Court, this Statute shall be open to accession by all States. Instruments of accession shall be deposited with the Secretary-General of the United Nations. In accordance with Article 12 of the Rome Statute, the Court shall, in the exercise of its jurisdiction, accept the jurisdiction of the State becoming a party to the Statute with respect to crimes.

In the previous request, we discussed the Israeli crimes committed against the Palestinian people, and they were characterized as crimes of genocide, crimes against humanity, war crimes and the crime of aggression.

However, the Palestinian Authority has not approached the International Criminal Court until today, and the Prosecutor of the aforementioned Court, Fatou Bensouda, said before an international symposium on the topic of transitional justice and international justice in the Arab region: the Treaty of Rome and the International Criminal Court, "that the legal status of Palestine qualifies it to join the International Criminal Court, after its recognition in the United Nations General Assembly [50].

In order for Palestine to join the International Criminal Court, it must take practical and legal steps before going to the Court to adopt the Rome Statute, which deals with the Court's laws, and then submit an application, or renew the previous application. The accession process requires 40 days after submitting the application for accession for approval. If it is approved, the Palestinian leadership must pay the financial fees resulting from the accession process.

However, there are those who attribute the reason for the reluctance of the Palestinian leadership to go to the International Criminal Court until today to fear of its responsibility for the actions launched from its territory, especially military operations, and the acts of armed resistance that are launched towards Israel, and they do not support this trend. They say that Israel is not a member of the Court and has not signed the Rome Statute of the Court.

Therefore, this court is not competent to hear any case against Israel, and therefore joining the Criminal Court may have catastrophic consequences for the Palestinians, because Israel is outside the scope of the court, because it is possible to prosecute the Palestinian resistance forces for supposed crimes against Israeli civilians, from bus bombings to firing rockets at cities [41].

They refer to the International Goldstone Report which condemned Israel and Hamas for war crimes in 2008-2009 [41].

However, there is another view that holds that Israel applies the status of an occupying power and is responsible under the rules of international responsibility for its crimes. Individual criminal responsibility is stipulated in Article (227) of the Treaty of Versailles of 1919. The principle of individual responsibility was also established in the Nuremberg and Tokyo Tribunals, and it was applied in practice against German and Japanese war criminals, which can be relied upon as case law in order to try Israelis for their crimes [43].

The Israeli Prime Minister tried with the United States to ensure the request for recognition of the State of Palestine as an annex stipulating that the Palestinian state should not go to the International Criminal Court with the aim of joining it. This did not happen, so Silvan Shalom, the First Deputy Prime Minister of Israel, threatened to go to the International Criminal Court to prosecute the leaders of Hamas and the Palestinian resistance factions for firing rockets from the Gaza Strip at Israel [45].

There is also political pressure on the Palestinians. The United States, Israel and other Western countries refuse to refer the Palestinians to the International Criminal Court. There are those who estimate that the United States may take severe steps against the Palestinian leadership, including the possibility of closing the PLO office in Washington. The United States has also officially informed the Palestinian leadership that its rejection of Palestine's non-member state status stems from two basic things: This status enables Palestine to join the International Criminal Court, and allows it to conclude military alliances [42].

The transition from the political battle and its maneuvers to the judicial battle is an important development, and the Statute of the International Criminal Court is a very great gain. It defines most of the crimes as war crimes or against humanity and describes the perpetrators as war criminals, and therefore most of the Israeli crimes against the Palestinian people are covered by the provisions of this system.

Criminal proceedings before the International Criminal Court may be instituted at the request of States Parties to the Statute of the Court, of States not parties depositing a declaration with the Registrar accepting the exercise of jurisdiction by the Court with respect to the crime, of a referral by the Security Council, or of the Prosecutor of the Court proprio motu with respect to any of those crimes [46].

If we try to apply one of these cases to the Palestinian situation, we will take its status as a non-signatory to the Rome Convention, and this is addressed in Article (12/3) of the Statute of the Court, which granted States not parties to the Rome Statute the right to accept the jurisdiction of the International Criminal Court, in the event of any of the crimes stipulated in Article (5) of the Statute of the Court on that State or on its nationals. Accordingly, the Court can exercise its jurisdiction against States not parties to the Rome Statute in two cases:

First: That State accepts the jurisdiction of the Court with its consent as stipulated in Article (4/2) of the Rome Statute.

Second: Referring a case from the Security Council or the Prosecutor of the Court. Accordingly, the Palestinian leadership can request one of the Arab countries that are signatories to the Rome Statute to file or initiate a criminal case against the leaders of the Israeli occupation, but Israel is not a member of the Criminal Court and has not signed its Statute. Therefore, the International Criminal Court does not have jurisdiction over Israeli violations and crimes.

Based on the above, we find that there is no legal impediment that prevents Palestine from going to the International Criminal Court. The fact that Palestine obtained an observer state had legal consequences at the international level, the most important of which is the change in the legal status of the State of Palestine, so it has the right to resort to the International Criminal Court to hold Israelis accountable for their heinous crimes against the Palestinian people, specifically those crimes committed after the entry into force of the Rome Statute, and the crimes of settlement and forced deportation, regardless of the date of the beginning of these crimes as ongoing crimes.

To this end, a sound national legal framework must be defined that allows it to play its role in enforcing international humanitarian law, by making amendments to national laws, especially penal legislation to include the issue of international criminal jurisdiction, so that it can prosecute war criminals in national courts in accordance with its national legislation.

It is then obliged to accept the declaration that it previously submitted after its renewal, so that it accedes to the Statute of the Court and confirms its acceptance of the jurisdiction of the International Criminal Court over the crimes committed against it, and it must accede to the relevant treaties and conventions, and this requires a Palestinian political decision.

Consequences of Convicting Israelis

In the event that the case is brought against the Israelis before the International Criminal Court, we refer to the provisions and rules of international law that relate to the violation and breach by subjects of international law of their international obligations, which have obligated the party that caused harm to another state to have the duty to remove that harm and stop its effects, and therefore the Israelis must stop their illegal practices.

In the event that it is impossible to restore the situation to what it was, it shall require financial compensation for anyone affected by its aggression, in implementation of Article (3) of the Fourth Hague Convention, where it held the belligerent party responsible for the destruction and seizure of property committed by its armed forces during the wars on the occupied territories.

We also find Article (53) of the aforementioned agreement stipulates the need to compensate persons whose property is seized from means of transportation in the occupied territories [15].

If the occupying power asks about the damage caused to the Palestinians as a result of its illegal actions, it must compensate for the damage as stipulated in the provisions of international responsibility.

In addition to the civil rights of Palestinians, Israelis are held criminally responsible, so that persons who have ordered, planned or carried out unlawful acts that are crimes under the ICC Statute and under the rules of public and humanitarian international law are punished [6].

In this regard, Article (146) of the Fourth Geneva Convention, and Article (88) of the provisions of the First Geneva Protocol supplementing the four Geneva Conventions, stipulate the right of parties affected by the commission of international crimes by others to prosecute those who order these crimes and their perpetrators, and to hold them as war criminals before their national courts. This is whether they are soldiers, statesmen or politicians [47].

CONCLUSION

The International Criminal Court came into existence legally in 2002, and the number of signatories to the law establishing the court reached 121 countries until 2002, and America and Israel have withdrawn their signatures on the law of the court. This court is competent to prosecute individuals accused of genocide, crimes against humanity, war crimes, and the crime of aggression, and this last crime is still under discussion, due to the lack of agreement on a definition.

The Court also has personal jurisdiction, as it is competent to try persons who commit crimes within its jurisdiction, and it does not have the jurisdiction to prosecute States; its system has excluded the theory of international criminal responsibility of States or an international organization.

It has temporal jurisdiction, as its jurisdiction applies only to crimes committed after the entry into force of its statute, that is, it has jurisdiction over crimes committed after the entry into force of its statute, so it does not return with immediate and direct effect and does not return to the past.

Likewise, for States that become party to the Statute after its entry into force, the Court may exercise its jurisdiction only with respect to crimes committed after the entry into force of the Statute for that State. The jurisdiction of the International Criminal Court is permanent and does not end with the end of the purpose for which it was established, and the jurisdiction of this Court is complementary to national jurisdiction.

Article VIII of the Statute of the International Criminal Court does not provide for the jurisdiction of the Court with respect to the use of nuclear weapons, biological or chemical weapons and mines, against persons and

blinding laser weapons, knowing that the use of those weapons is now prohibited under international law, and finds that the use of those weapons is subject to the judicial control of the future International Criminal Court indirectly

The Court's jurisdiction can be activated in four cases; either by the referral of the case to the Court by a State party to the Rome Statute, by the Prosecutor of the Court initiating an investigation into the occurrence of crimes or not on his own initiative, or by the referral of the case by the Security Council in accordance with its powers stipulated in Chapter VII of the Charter of the United Nations (compulsory jurisdiction), or by the deposit by a State not party of a declaration accepting the jurisdiction of the International Criminal Court (optional).

Israeli crimes committed against the Palestinian people can be characterized as crimes of genocide, crimes against humanity, war crimes and the crime of aggression, yet the Palestinian Authority has not turned to the International Criminal Court until today.

We found it necessary to prepare the case file to be submitted to hold the Israelis accountable for their crimes against the Palestinian people, specifically those committed after the entry into force of the Rome Statute, and the crimes of settlement and forced deportation. The file must contain convincing documents and evidence. Therefore, violations must be recorded, and proof of the identity of the victim must be attached, in addition to investigations or statements that support the attack, and to determine the national and international legal reference that provides for the right violated by the aggressor. Here, it is possible to benefit from the documents owned by international and regional human rights organizations and local associations related to human rights. Legal and field guidance can be requested from Amnesty International, and competent international and regional organizations can also be used.

In addition to the civil rights of Palestinians, Israelis are held criminally responsible, so that persons who have ordered, planned or carried out unlawful acts that are crimes under the ICC Statute and under the rules of public and humanitarian international law are punished.

The Fourth Geneva Convention and its Protocol supplementing the four Geneva Conventions, stipulate the right of parties affected by the commission of international crimes by others to prosecute those who order to commit these crimes and their perpetrators, and to hold them accountable as war criminals before their national courts. Whether they are soldiers, statesmen or politicians, there is no legal impediment that prevents Palestine from going to the International Criminal Court, especially after Palestine obtained the status of an observer state at the United Nations, which had legal consequences at the international level, the most important of which is the change in the legal status of the State of Palestine, as it has the right to resort to the International Criminal Court to hold Israelis accountable for their heinous crimes against the Palestinian people, specifically those crimes committed after the entry into force of the Rome Statute, and the crimes of settlement and forced deportation, regardless of the date of the beginning of these crimes as ongoing crimes.

To this end, a sound national legal framework must be defined that allows it to play its role in enforcing international humanitarian law, by making amendments to national laws, especially penal legislation to include the issue of international criminal jurisdiction, so that it can prosecute war criminals in national courts in accordance with its national legislation.

It is then obliged to accept the declaration that it previously submitted after its renewal, so that it accedes to the Statute of the Court and confirms its acceptance of the jurisdiction of the International Criminal Court over the crimes committed against it, and it must accede to the relevant treaties and conventions, and this requires a Palestinian political decision.

RECOMMENDATION

- The need to work on amending the Palestinian national (penal) legislation to include the issue of international criminal jurisdiction, so that it includes provisions punishing serious human rights violations, so that we can prosecute war criminals in the Palestinian national courts
- Palestine must sign and accede to the Statute of the International Criminal Court.
- Clarifying the constitutional status of international human rights conventions and conventions and their rank in relation to national laws.
- Indirect control of the use of nuclear weapons, biological or chemical weapons and mines against persons, as well as of blinding laser weapons, the use of which is currently prohibited under international law, must be provided for in the Statute of the Court.
- There is also a need to refer the current situation in Palestine to the Office of the Prosecutor for investigation.
- The Israelis must stop their illegal practices, pursuant to the provisions and rules of international law that oblige the party that caused the damage to another state to remove that damage and stop its effects.
- The need to benefit from the documents owned by international and regional human rights organizations and local associations related to human rights.
- Seek legal and field guidance from Amnesty International, and international and regional organizations with competence can be used to prepare the case file against Israelis.

REFERENCES

1. Amina Hamdan, Protection of Civilians in the Occupied Palestinian Territories, Master Thesis, An-Najah National University,2009.
2. Baraa Al-Qudsi, The International Criminal Court, Its Nature, Jurisdiction, and the Position of the United States of America and Israel, Damascus University Journal of Economic and Legal Sciences, Volume 20, Second Issue, 2004.
3. Baraa Munther Kamal Abdul Latif, Terrorism and the International Criminal Court, Kuwait University, without a year of publication.
4. Dawoud Darawi, Report on War Crimes and Crimes against Humanity: Israel's International Responsibility for Crimes during the Al-Aqsa Intifada, Palestinian Independent Commission for Human Rights, Ramallah,2001, Legal Reports Series (24).
5. Haitham Al-Kilani, Terrorism Establishes a State - Israel Model, 1st Edition, Dar Al-Shorouk, Cairo 1997.
6. Wael Ahmed Allan, Center for the Individual in the Legal System of International Responsibility, Dar Al-Nahda Al-Arabiya, Cairo 2001
7. Hussam Ali Sheikha, War Crimes in Palestine and Bosnia and Herzegovina, Center for Political and Strategic Studies in Al-Ahram, Cairo 2002
8. Hassan, Essam El-Din Mohamed, Diary of the Al-Aqsa Intifada, Cairo Institute for Human Rights Studies,2000.
9. Muhammad Subhi Najm, Summary in the Jordanian Code of Criminal Procedure, Dar Al-Thaqafa, Amman, 1st Edition, 1991
10. Mahmoud Najib Hosni, Lessons in International Criminal Law, Dar Al-Nahda Al-Arabiya, Egypt 1983 .
11. Mahmoud Sharif Bassiouni, International Criminal Court -its establishment and statute with a study of the history of international commissions of inquiry and former international criminal courts, Egyptian Judges Club, Cairo 2001.
12. Sameh Jaber Al-Beltaji, Protection of Civilians in Times of Armed Conflict (Crime - Protection Mechanisms)Alexandria, Dar Al-Fikr Al-Jami, 1st Edition, 2007.
13. Abdul Wahid Far, Prisoners of War, a doctoral letter, published by the World of Books, Cairo 1975.
14. Abdulhamid Al-Zanati, State Criminal Justice and the Permanent International Criminal Court - Libya-2013
15. Abdel Fattah Bayoumi Hijazi, International Criminal Court, Alexandria, Dar Al-Fikr Al-Jami,2004.
16. Abdulrahman Abu Al-Nasr, Fourth Geneva Convention and its applicability in the occupied territories, Gaza, 1st Edition, 2000
17. Valentina Azarov, Establishing Legal Legitimacy: "The Roles of International Courts in Achieving the Independence of the State of Palestine ", Institute of Law, Birzeit University, "The Search for the Palestinian State: Legal, Political and Economic Implications, Ramallah, Palestine 2011.
18. Fida Najeeb Hamad, The International Criminal Court Towards International Justice, Halabi Publications, Beirut, 2006.
19. Rashad Tawam, Grievance and Defamation Diplomacy, International Judiciary in Peaceful Resistance: Towards a Palestinian Model, Politics, No. 20, 2012.

20. OSCE Document on Small Arms and Light Weapons (2000);

Statute of the International Criminal Court (Rome Statute).

21. Baraa Al-Qudsi, The International Criminal Court, Its Nature, Jurisdiction, and the Position of the United States of America and Israel, Damascus University Journal of Economic and Legal Sciences, Volume 20, Second Issue, 2004.
22. Hermann von Hippel, The Definition of War Crimes in the Rome Statute - The International Criminal Court - The Challenge of Immunity -Journal of Security and Law, 2002.
23. Mohamed Youssef Alwan, Crimes against Humanity - The International Criminal Court -The Challenge of Immunity, Journal of Security and Law, First Issue, January 2002.
24. Abdullah Abu Obaid Israel and the Fourth Geneva Convention, Samid Economic Magazine, No. 78, 1992.
25. Shafiq Al-Masri. An article published in the Voice of the Voiceless magazine. n = 29

26. A report issued by MIFTAH, entitled Palestinian losses during the Al-Aqsa Intifada, on 24/5/2001
27. Statement of the Secretary-General of the United Nations, published on the front page of Al-Quds Al-Quds newspaper on 20/12/2012.
28. Hala Basharat Khoury, International Law as a Struggle Tool in the Hands of Palestinians in Israel, Jadal Electronic Magazine, Issue 3, 10/5/2012, published on the Mada Al-Karmel website.

29. Yasser Ghazi Alawneh, Legal Entitlements of Palestine to Observer State at the United Nations, Independent Commission for Human Rights, Palestine Legal Reports Series/79
30. Nasser Al-Rayes, an article entitled Criminal Accountability for Israelis.
31. The International Criminal Court: The Challenge of Immunity, ICRC Publications, 1st Edition, Damascus 2001.
32. http://www.amnesty.org/ar/international-justice/issues/international-criminal-court-
33. http://www.amnesty.org/ar/library/asset/IOR40/001/2004-
34. www.aladel.gov.ly/main/modul/sections/item.php
35. http://www.icc-cpi.in
36. www.startimes.com
37. http://barr.getgoo.us
38. http//www.palesteners.org.
39. www.un.org.
40. http//www.alquds.com/pdfs/pdf
41. http://pulpit.awanvoice.com
42. http://www.mofa.ps.
43. http://www.elshaab.org
44. http://www.mofa.ps
45. http://www.karamapress.com
46. www.mada-research.org
47. http://www.badil.org/en/haq-alawda/item/1559-art-1 United Nations: historical survey of the question international criminal jurisdiction'(U.N.DOC.NO.A/CN1-94)
48. www.pic.gov.ps/en/study-details.aspx?id g src = '//me.effectivemeasure.net/em_img "alt
49. Abu Al-Khair Ahmed Attia, Permanent International Criminal Court, Cairo, Dar Al-Nahda Al-Arabiya 1999, pp. 102-103
50. www.maannews.net Visit Date 28/10/2013