

# **Position Paper on the Scope of the International Criminal Court's Jurisdiction over the Situation in Palestine (August 2013)**

**Submitted to the Office of the Prosecutor by Al-Haq and the Palestinian Centre for Human Rights**

## **1. INTRODUCTION**

In December 2009, Al-Haq published a Position Paper on the matter of the Declaration submitted by Palestine to the Prosecutor of the International Criminal Court in January of that year.<sup>1</sup> The crux of that paper's analysis was that whereas the statehood of Palestine remained a matter of controversy on the international stage at that time, the body of evidence available, particularly when considered in light of the nature and purpose of the Rome Statute, and the recognised right of the Palestinian people to self-determination and freedom from foreign military occupation, were more than adequate for the Prosecutor to properly accept the declaration as valid, in order that the question at hand could be decided by the Court itself.

Developments since that time, particularly at United Nations fora such as the United Nations Education, Scientific and Cultural Organisation (UNESCO) and the General Assembly, have confirmed that the international community, excepting several of Israel's allies, does recognise the existence of the state of Palestine on the territory of Mandate Palestine which remains under occupation by the Israeli military since June 1967. In response to these moves the present analysis considers the scope of the jurisdiction that the Court may exercise over the state of Palestine, and calls upon the Office of the Prosecutor of the Court to act on the basis of the 2009 Declaration and immediately request permission from a Pre-Trial Chamber to open an investigation into the Situation in Palestine from 1 July 2002. Al-Haq and the Palestinian Centre for Human Rights further call upon the state of Palestine to ratify the Rome Statute with immediate effect and to refer the situation in Palestine to the Office of the Prosecutor for the purpose of commencing an investigation.

## **2. SUMMARY OF DEVELOPMENTS SINCE DECEMBER 2009**

In light of the ongoing abuses of human rights arising from the Israeli military occupation of Palestine, there has been ever more emphasis placed on resorting to international criminal law as a tool for accountability and justice. The widespread and systematic commission of international crimes and violations of international law that have characterised the occupation have recently prompted significant fact-finding missions. For example, the UN fact-finding mission on the Gaza conflict was established to investigate Israel's offensive attack on the occupied Gaza Strip in 2008-2009, and more recently a UN independent inquiry into the human rights consequences of Israel's settlement policies and practices was established.

The report by the former fact-finding mission placed significant emphasis on the role of the Court in combatting the impunity that has characterised the crimes committed within the framework of the occupation, suggesting for example that "[t]he Prosecutor may determine that for the purposes of article 12, paragraph 3, under customary

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<sup>1</sup> Al-Haq Position Paper on Issues Arising from the Palestinian Authority's Submission of a Declaration to the Prosecutor of the International Criminal Court under Article 12(3) of the Rome Statute (14 December 2009). Available at [http://www.alhaq.org/attachments/article/273/position-paper-icc-\(14December2009\).pdf](http://www.alhaq.org/attachments/article/273/position-paper-icc-(14December2009).pdf).

international law, Palestine qualifies as “a State”.<sup>2</sup> The report by the UN independent inquiry illustrates the increasing weight being attached to the Court’s potential for addressing large scale violations of Palestinian rights, stating for example, that “[t]he transfer of Israeli citizens into the OPT, prohibited under international humanitarian law and international criminal law, is a central feature of Israel’s practices and policies.”<sup>3</sup> Furthermore, it noted that ratification of the Rome Statute by Palestine “may lead to accountability for gross violations of human rights law and serious violations of international humanitarian law and justice for victims.”<sup>4</sup>

On 23 September 2011, the UN Secretary-General was presented with an application regarding the admission of the state of Palestine to the UN as a Member State. While such effort was blocked by political (in)action at the Security Council, Palestine was admitted to UNESCO, a specialised agency of the United Nations, as a Member State on 31 October 2011.

In March 2012, the Office of the Prosecutor of the Court issued a Statement on the Situation in Palestine (2012 Statement) that considered the question as to “who defines what is a “State” for the purpose of article 12 of the Statute?”.<sup>5</sup> The Prosecutor felt that neither his office, nor the Court was placed to make such a determination. Rather, the Prosecutor considered that such determination had to be established by the UN Secretary-General, who could take note of the General Assembly’s guidance on such a matter, or alternatively by the Assembly of States Parties of the Rome Statute. While noting that “Palestine has been recognised as a State in bilateral relations by more than 130 governments and by certain international organisations, including United Nations bodies” and that the application to the Security Council for Member State status had been submitted, the Prosecutor emphasised that “the current status granted to Palestine by the United Nations General Assembly is that of “observer”, not as a “Non - member State”.<sup>6</sup> In conclusion the Prosecutor noted that the “[o]ffice could in the future consider allegations of crimes committed in Palestine, should competent organs of the United Nations or eventually the Assembly of States Parties resolve the legal issue relevant to an assessment of article 12.”<sup>7</sup>

Both the method used and conclusion arrived at by the Prosecutor in this decision were received critically, and indeed it was described as a non-decision,<sup>8</sup> a possibility mooted in Al-Haq’s 2009 paper: “That the Prosecutor may decide not to make any decision is also another matter.”<sup>9</sup> Following the 2012 Statement, Al-Haq noted that the Prosecutor “should have taken into account the factual elements at his disposal, some of which were ironically listed in his report, including important recent developments such as Palestine’s admission as a full member of the UN Educational, Scientific and Cultural Organisation (UNESCO) on 31 October 2011”. Al-Haq further stressed that “[b]y virtue of its membership of UNESCO, Palestine is within the “Vienna formula” and as such, can

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<sup>2</sup> Report of the UN Fact-Finding Mission on the Gaza Conflict A/HRC/12/48 (25 September 2009) para 1835.

<sup>3</sup> Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, A/HRC/22/63 (7 February 2013) para 38.

<sup>4</sup> Ibid para 104.

<sup>5</sup> Office of the Prosecutor *Situation in Palestine* (3 April 2012) para 5.

<sup>6</sup> Ibid para 7.

<sup>7</sup> Ibid para 8.

<sup>8</sup> Dapo Akende [ICC Prosecutor Decides that He Can't Decide on the Statehood of Palestine. Is He Right?](#) 5 April 2012.

<sup>9</sup> Al-Haq Position Paper on Issues Arising from the Palestinian Authority’s Submission of a Declaration to the Prosecutor of the International Criminal Court under Article 12(3) of the Rome Statute (14 December 2009) para 44.

become a signatory of other treaties open to “all States”, something that has been confirmed by the Opinion of the UN Legal Counsel of February 1974.”<sup>10</sup> Similarly, Amnesty International responded to the 2012 Statement by calling on the Prosecutor “to follow the procedures established by the Rome Statute by passing the matter to the judges, rather than frustrating efforts to bring justice to Palestinian and Israeli victims of the Gaza conflict”.<sup>11</sup> This position was further stressed by the Palestinian Centre for Human Rights.<sup>12</sup>

Professor William Schabas responded to the Prosecutor’s 2012 Statement, noting two key issues of concern. First, he contrasted the approach taken to the Cook Island’s accession to the Rome Statute and the Palestinian Declaration; “[e]xclusion of the Cook Islands from the list of ‘Non-member States’ did not prevent the Secretary-General from accepting its accession to the Rome Statute, on 18 July 2008. So it would seem that even the Secretary-General, in determining whether an entity is a State for the purposes of applying article 125, is not bound by whether a State appears on the list of ‘Non-member States’ set by the General Assembly.” Second, Schabas argued that the outcome of the UNESCO vote of 2011 should have been given more weight by the Prosecutor on the grounds that “[t]he Secretary-General indicates that admission for membership in a specialized agency of the United Nations may be taken as appropriate guidance to be followed, because it is in a sense analogous to the guidance that would be received from the General Assembly.”<sup>13</sup>

On 29 November 2012 the UN General Assembly voted overwhelmingly to recognise the state of Palestine.<sup>14</sup> The resolution adopted in November reaffirmed “the right of the Palestinian people to self-determination and to independence in their State of Palestine on the Palestinian territory occupied since 1967”. The resolution expressed “*the hope* that the Security Council will consider favourably the application submitted on 23 September 2011 by the State of Palestine for admission to full membership in the United Nations” and urged “all States, the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination, independence and freedom.”

John Cerone, noting that “the General Assembly has now determined that Palestine is a state” opined that the Court’s response to this development will be closely monitored. Cerone pointed out that “[w]hatever decision [the Court] makes, it will likely be decried as a political choice by the opposing camps (either as yet another example of anti-Israel bias in international organizations or as caving to political pressure exerted by the United States). It will thus be all the more important for the ICC to provide a thorough, well-reasoned legal analysis in support of its course of action.”<sup>15</sup>

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<sup>10</sup> Al-Haq *Palestine at the ICC: Politics Prevail Once More* (5 April 2012) Ref.: 83/2012. Available at <http://www.alhaq.org/advocacy/targets/united-nations/555-palestine-at-the-icc-politics-prevail-once-more>.

<sup>11</sup> Amnesty International *ICC Prosecutor statement: Fears over justice for Gaza victims* 3 April 2012, AI Index: PRE01/176/2012.

<sup>12</sup> PCHR *A Dark Day for International Justice: ICC Prosecutor Decides Not to open investigations into the situation of Palestine* (4 April 2012) Ref: 43/2012: [http://www.pchrgaza.org/portal/en/index.php?option=com\\_content&view=article&id=9101:a-dark-day-for-international-justice-icc-office-of-the-prosecutor-decides-not-to-open-investigations-into-situation-of-palestine-&catid=153:statements&Itemid=314](http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=9101:a-dark-day-for-international-justice-icc-office-of-the-prosecutor-decides-not-to-open-investigations-into-situation-of-palestine-&catid=153:statements&Itemid=314)

<sup>13</sup> William Schabas *The Prosecutor and Palestine: Deference to the Security Council* (8 April 2012). See also Andreas Zimmermann *Palestine and the International Criminal Court Quo Vadis? Reach and Limits of Declarations under Article 12(3)* 11 *Journal of International Criminal Justice* (2013) 303, 306.

<sup>14</sup> The vote on the resolution was 138 in favour, 9 against (Canada, Czech Republic, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, Panama, and the United States), with 41 abstentions.

<sup>15</sup> John Cerone *Legal Implications of the UN General Assembly Vote to Accord Palestine the Status of Observer State* American Society of International Law INSIGHTS (7 December 2012).

Before proceeding to consider the scope of the jurisdiction that the Court may exercise over the situation in Palestine, it is salient to note that politicisation of the Court's role was evident in the lead-up to the November 2012 resolution of the General Assembly. Writing in *The Guardian*, Ian Black reported that the United Kingdom was predicating its support for the resolution on the state of Palestine refraining "from applying for membership of the international criminal court or the international court of justice, which could both be used to pursue war crimes charges or other legal claims against Israel."<sup>16</sup> Similar conditions had been expressed by the United States in 2011: "I heard from the Americans," President of the Palestinian Authority, Mahmoud Abbas has stated, "[t]hey said, 'If you will have your state, you will go to the ICC. We don't want you to go the ICC'."<sup>17</sup>

### **3. THE SCOPE OF THE COURT'S JURISDICTION OVER THE SITUATION IN PALESTINE**

It being evident that the UN General Assembly resolution of November 2012 affirmed Palestine's status as a state, the question now before the Office of the Prosecutor should be how to best respond to that development in light of the Palestinian Declaration under Article 12(3) of the Rome Statute submitted in January 2009. Prior to the resolution Schabas noted that a positive vote would mean that the Office of the Prosecutor "can either request authorization of the Pre-Trial Chamber to proceed with an investigation, pursuant to article 15 of the Rome Statute, or wait to be requested to proceed by a State Party (article 14) or by the Security Council (article 13b)."<sup>18</sup>

In line with the International Court of Justice's *Wall Advisory Opinion* of 2004, the resolution recognised the territory of the state of Palestine as that of "the Palestinian territory occupied since 1967". Indeed, the International Court of Justice held that "[s]ubsequent events in these territories ... have done nothing to alter this situation. All these territories (including East Jerusalem) remain occupied territories and Israel has continued to have the status of occupying Power."<sup>19</sup> It bears recalling that Israeli claims of sovereign rights over parts of the occupied territory on the basis of annexation were rejected by the International Court of Justice because the territory occupied by Israel since 1967 remains exclusively under the sovereignty of the Palestinian people and state.

#### **3.1 Temporal Jurisdiction**

Al-Haq and the Palestinian Centre for Human Rights submit that the Court's jurisprudence supports the practice whereby a non-state party submitting a declaration according to Article 12(3) of the Rome Statute may properly extend the temporal

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<sup>16</sup> Ian Black 'Britain ready to back Palestinian statehood at UN' *The Guardian* 27 November 2012. Available at <http://www.guardian.co.uk/world/2012/nov/27/uk-ready-to-back-palestine-statehood>: Chris McGreal 'International Criminal Court is a Lever for Palestinians on Israeli settlements' *The Guardian*, 15 December 2012. Available at <http://www.guardian.co.uk/commentisfree/2012/dec/15/international-criminal-court-lever-palestinians>.

<sup>17</sup> Karl Vick 'On the Brink, Palestinian President Mahmoud Abbas Hangs Tough on Statehood' *Time Magazine* (Online) 9 September 2011. Available at <http://www.time.com/time/world/article/0,8599,2092492,00.html#ixzz2XLkGRfvY>

<sup>18</sup> William Schabas *Palestine and the International Criminal Court* (13 November 2012).

<sup>19</sup> Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, ICJ Reports 2004, paras 78 and 118.

jurisdiction that the Court may exercise over crimes committed on its territory, or by its nationals, back to 1 July 2002.

In 2011 and 2012, Pre-Trial Chamber III of the Court delivered two decisions affirming that declarations pursuant to Article 12(3) can give the Court jurisdiction over crimes within the Rome Statute that occurred on the territory of a non-state party reaching back to 2002. In the *Situation in Cote d'Ivoire*, an initial Article 12(3) declaration submitted in 2003 gave the Court jurisdiction back to 19 September 2002. While the state itself signed the Rome Statute in 1998 it only deposited its instrument of ratification on 15 February 2013, subsequent to these decisions of the Court. This is in keeping with Article 11(2) of the Rome Statute whereby "... the Court may exercise its jurisdiction only with respect to crimes committed after the entry into force of this Statute for that State, unless that State has made a declaration under article 12, paragraph 3".

In the first instance, Pre-Trial Chamber III, composed of three judges, held in 2011 that "[i]n accordance with the Declaration lodged under Article 12(3) of the Statute in 2003, the Court has jurisdiction over crimes committed in Côte d'Ivoire since 19 September 2002."<sup>20</sup> The question as to whether this declaration also gave rise to prospective crimes was not considered on the grounds that "Côte d'Ivoire has confirmed its acceptance of jurisdiction in 2010 and 2011" in subsequent letters reconfirming the acceptance of the Court's jurisdiction.<sup>21</sup> The Majority decision in this instance was to authorise, in keeping with the Prosecutor's request, an investigation into the situation in Cote d'Ivoire from 28 November 2010 onwards.

The Prosecutor's initial request for authorisation of an investigation into the situation in Cote d'Ivoire suggested he might wish to investigate additional allegations of crimes committed prior to this date, and that the Chamber "may therefore broaden the temporal scope of the investigations to events that occurred between 19 September 2002 (the date from which the Republic Côte d'Ivoire accepted the exercise of jurisdiction by the Court in accordance with article 12(3) of the Rome Statute) and 23 June 2011 (the date of the filing of this Application)."<sup>22</sup> In light of this statement, the Majority held that "the Prosecutor is to revert to the Chamber with any additional information that is available to him on potentially relevant crimes committed between 2002 and 2010."<sup>23</sup>

The dissenting judge challenged this conclusion, arguing that "the Majority could have expanded the temporal scope of the authorisation based on its own reasoning" back to September 2003. The rationale for this opinion was that while the context of violence reached a critical point in late 2010, the Majority had indicated that "it appears that this was a continuation of the ongoing political crisis and the culmination of a long power struggle in Côte d'Ivoire."<sup>24</sup> The dissenting judge thus argued that "[s]ince the context "is

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<sup>20</sup> *SITUATION IN THE REPUBLIC OF COTE D'IVOIRE* Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Republic of Côte d'Ivoire (3 October 2011) ICC-02/11, para 173.

<sup>21</sup> *Ibid* para 15.

<sup>22</sup> *SITUATION IN THE REPUBLIC OF COTE D'IVOIRE* Request for authorisation of an investigation pursuant to article 15 No.: ICC-02/11 (23 June 2011) para 42.

<sup>23</sup> *SITUATION IN THE REPUBLIC OF COTE D'IVOIRE* Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Republic of Côte d'Ivoire (3 October 2011) ICC-02/11, para 185.

<sup>24</sup> *SITUATION IN THE REPUBLIC OF COTE D'IVOIRE* Corrigendum to "Judge Fernandez de Gurmendi's separate and partially dissenting opinion to the Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Republic of Côte d'Ivoire" ICC-02/11 5 October 2011, para 57.

not a new situation but rather the "continuation" and "culmination" of a political crisis that started long before that date, the Chamber could have authorised an investigation of the entire situation on the basis of the incidents already presented."<sup>25</sup>

At any rate, in February 2012 the Prosecutor, having submitted the additional evidential material as requested by the Majority, succeeded in expanding the temporal scope of the investigation on the basis of the 12(3) declaration. Indeed, the Chamber held that it "expands its authorisation for the investigation in Côte d'Ivoire to include crimes within the jurisdiction of the Court allegedly committed between 19 September 2002 and 28 November 2010."<sup>26</sup>

The relevance of these decisions to the situation in Palestine is clear. A non-state party which has submitted an Article 12(3) Declaration, may properly accord the Court jurisdiction over crimes committed on its territory back to any point it wishes within the Court's temporal jurisdiction, that is back to 1 July 2002, and the Court may authorise investigations within such a timeframe.

The Declaration submitted by the state of Palestine, a non-state party to the Rome Statute, in 2009 recognised "the jurisdiction of the Court for the purpose of identifying, prosecuting and judging the authors and accomplices of acts committed on the territory of Palestine since 1 July 2002." Given the reasoning and conclusions of the Pre-Trial Chamber decisions with respect to the temporal jurisdiction arising from Cote d'Ivoire's initial Article 12(3) declaration it is apparent that a similar conclusion would be arrived at with respect to the Palestinian Declaration.

What is further salient about the Pre-Trial Chamber's decisions is that in determining the temporal scope of an authorised investigation into a particular situation, certain emphasis has been placed on the 'context' of a situation under investigation. As in Cote d'Ivoire, the situation in Palestine, even prior to 2002, has been characterised by continuous violations of international human rights and humanitarian law committed in a widespread and systematic manner within a political struggle between the Israeli occupation forces and the Palestinian people.<sup>27</sup> As stressed by the former UN Special Rapporteur John Dugard in January 2007; "Israel is clearly in military occupation of the OPT. At the same time, elements of the occupation constitute forms of colonialism and of apartheid, which are contrary to international law. What are the legal consequences of a regime of prolonged occupation with features of colonialism and apartheid for the occupied people, the Occupying Power and third States?"<sup>28</sup>

Al-Haq and the Palestinian Centre for Human Rights submit therefore, that in light of the pertinent similarities between the Court's engagement with the *Situation in Cote d'Ivoire* and the approach taken by Palestine, a strong, indeed powerful, case can be made for the Prosecutor, acting on the basis of the 2009 Article 12(3) Declaration, to request authorisation from a Pre-Trial Chamber to commence an investigation into the Situation in Palestine within a temporal jurisdiction that commences from 1 July 2002.

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<sup>25</sup> Ibid para 58.

<sup>26</sup> SITUATION IN THE REPUBLIC OF COTE D'IVOIRE Decision on the "Prosecution's provision of further information regarding potentially relevant crimes committed between 2002 and 2010" ICC-02/11 (22 February 2012) para 37.

<sup>27</sup> Examples of Al-Haq and the Palestinian Centre for Human Rights documentation and analysis of such human rights abuses and violations of international law since 2002 may be found in the Annex.

<sup>28</sup> Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard, A/HRC/4/17 (29 January 2007), p 3.

Given the frequently incoherent manner with which the international community has recognised the state of Palestine in the decades since the beginning of the Israeli occupation in 1967, the question as to whether Palestine can properly be considered as having been a state in the time frame between 2002 and any request for authorisation to commence an investigation, will have to be a jurisdictional fact to be assessed and debated within the Court itself.<sup>29</sup> Commentators have been clear in affirming that it is indeed the role of the Court rather than the Office of the Prosecutor or any other body to determine this matter of fact.<sup>30</sup>

#### 4. CONCLUSIONS

Commenting on the Palestinian predicament, Schabas asserted that the Office of the Prosecutor does not need any additional referral or any new declaration in order to address the situation in Palestine.<sup>31</sup> Al-Haq and the Palestinian Centre for Human Rights concur with his opinion that the State of Palestine was not created by the November 2012 General Assembly resolution, but rather that the state of Palestine pre-existed this resolution. While it may be difficult to pinpoint the precise date in time that the state of Palestine came into existence, it remains incontestable that the Palestinians declared an independent state on the territory occupied since June 1967 in 1988 and have been recognised as a state on that territory by a multitude of other states in the decades that have followed.

The purpose of the Court being to combat impunity by ensuring that “the most serious crimes of concern to the international community as a whole must not go unpunished” and “to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes”, it is now incumbent upon the Office of the Prosecutor to confront the temporal and territorial ‘black hole’ of impunity in which the people of the state of Palestine have been locked for the past several decades. Al-Haq and the Palestinian Centre for Human Rights also concur with the opinion noted by Dugard that “[i]t’s not necessary for Palestine to become a party to the ICC Statute because it has already accepted the jurisdiction of the Court. And I think that without the firm action of this kind, the settlements will continue to grow until the ideal of two-state solution is completely destroyed.”<sup>32</sup> As Andreas Zimmermann concluded, having reviewed the Court’s jurisprudence in the Cote d’Ivoire Situation, “the Appeals Chamber simply seems to have taken it for granted that declarations under Article 12(3) Rome Statute may be endowed with retroactive effect by their authors.”<sup>33</sup>

The 2012 Statement of the Office of the Prosecutor served only to increase disaffection with the Court and with international criminal justice. It is vital that the people and the state of Palestine get a fair hearing and opportunity to present their case before the Court in an effort to ensure accountability for the widespread crimes and violations of international law that have characterised Israel’s occupation of Palestine since the Court’s jurisdiction was triggered in July 2002. Given the mass of evidence and documentation attesting to the widespread commission of crimes in Palestine, and the environment of total impunity for the perpetrators, the Office of the Prosecutor should

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<sup>29</sup> William Schabas *Palestinian Statehood and the International Criminal Court: A Curious Condition from Whitehall* (27 November 2012).

<sup>30</sup> For example, Kevin Jon Heller *Palestinian Statehood and Retroactive Jurisdiction* *Opinio Juris* Blog (1 December 2012) <http://opiniojuris.org/2012/12/01/palestinian-statehood-and-retroactive-jurisdiction/>.

<sup>31</sup> William Schabas *Out of Africa. Israel is Referred to the International Criminal Court* (15 May 2013).

<sup>32</sup> ‘World turns a blind eye to Israeli Apartheid’ *Russia Today* (15 March 2013): <http://rt.com/op-edge/palestine-human-rights-dugard-un-328/>.

<sup>33</sup> Andreas Zimmermann *Palestine and the International Criminal Court Quo Vadis? Reach and Limits of Declarations under Article 12(3)* 11 *Journal of International Criminal Justice* (2013) 303, 311.

immediately move to place a request before the Court's Pre-Trial Chamber for authorisation to commence an investigation into the Situation in Palestine from 1 July 2002. In doing so, the Office of the Prosecutor will demonstrate a commitment to seeking the broadest form of accountability for the Palestinians that remain subject to foreign military occupation and deprived of fundamental human rights and of independence.

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## **Annex: Selection of Documentation on Violations of International law Committed on the Territory of the State of Palestine since July 2002 by Al-Haq and the Palestinian Centre for Human Rights**

Al-Haq, Water For One People Only: Discriminatory Access and 'Water-Apartheid' in the OPT (2013). [http://www.alhaq.org/publications/publications-index/item/water-for-one-people-only-discriminatory-access-and-water-apartheid-in-the-opt?category\\_id=10](http://www.alhaq.org/publications/publications-index/item/water-for-one-people-only-discriminatory-access-and-water-apartheid-in-the-opt?category_id=10).

Al-Haq, Pillage of the Dead Sea: Israel's Unlawful Exploitation of Natural Resources in the Occupied Palestinian Territory (2012). [http://www.alhaq.org/publications/publications-index/item/pillage-of-the-dead-sea-israel-s-unlawful-exploitation-of-natural-resources-in-the-occupied-palestinian-territory?category\\_id=10](http://www.alhaq.org/publications/publications-index/item/pillage-of-the-dead-sea-israel-s-unlawful-exploitation-of-natural-resources-in-the-occupied-palestinian-territory?category_id=10).

Al-Haq, Repression of Non-Violent Protest in the Occupied Palestinian Territory: Case Study on the village of al-Nabi Saleh (2011). [http://www.alhaq.org/publications/publications-index/item/repression-of-non-violent-protest-in-the-occupied-palestinian-territory-case-study-on-the-village-of-al-nabi-saleh?category\\_id=5](http://www.alhaq.org/publications/publications-index/item/repression-of-non-violent-protest-in-the-occupied-palestinian-territory-case-study-on-the-village-of-al-nabi-saleh?category_id=5).

Al-Haq, The Annexation Wall and its Associated Regime (2011) [http://www.alhaq.org/publications/publications-index/item/the-annexation-wall-and-its-associated-regime?category\\_id=6](http://www.alhaq.org/publications/publications-index/item/the-annexation-wall-and-its-associated-regime?category_id=6).

Al-Haq, Shifting Paradigms - Israel's Enforcement of the Buffer Zone in the Gaza Strip (23 June 2011) Ref. No. 229/2011. [http://www.alhaq.org/publications/publications-index/item/shifting-paradigms-israel-s-enforcement-of-the-buffer-zone-in-the-gaza-strip?category\\_id=4](http://www.alhaq.org/publications/publications-index/item/shifting-paradigms-israel-s-enforcement-of-the-buffer-zone-in-the-gaza-strip?category_id=4).

Al-Haq, Unmasking the Freeze (2011). [http://www.alhaq.org/publications/publications-index/item/unmasking-the-freeze?category\\_id=11](http://www.alhaq.org/publications/publications-index/item/unmasking-the-freeze?category_id=11).

Al-Haq, Collective Punishment in Awarta (2011). [http://www.alhaq.org/publications/publications-index/item/collective-punishment-in-awarta?category\\_id=9](http://www.alhaq.org/publications/publications-index/item/collective-punishment-in-awarta?category_id=9).

Al-Haq, The Jerusalem Trap: The Looming Threat Posed by Israel's Annexationist Policies in Occupied East Jerusalem (2010) [http://www.alhaq.org/publications/publications-index/item/the-jerusalem-trap?category\\_id=6](http://www.alhaq.org/publications/publications-index/item/the-jerusalem-trap?category_id=6).

Al-Haq, Human Sciences Research Council 'Occupation, Colonialism, Apartheid?: A re-assessment of Israel's practices in the occupied Palestinian territories under international Law' (2009). [http://www.alhaq.org/attachments/article/236/Occupation Colonialism Apartheid-FullStudy.pdf](http://www.alhaq.org/attachments/article/236/Occupation%20Colonialism%20Apartheid-FullStudy.pdf).

Al-Haq, Position Paper 'Operation Cast Lead and the Distortion of International Law A Legal Analysis of Israel's Claim to Self-Defence under Article 51 of the UN Charter' (April 2009). [http://www.alhaq.org/publications/publications-index/item/operation-cast-lead-and-the-distortion-of-international-law?category\\_id=4](http://www.alhaq.org/publications/publications-index/item/operation-cast-lead-and-the-distortion-of-international-law?category_id=4).

Al-Haq, Where Villages Stood: Israel's Continuing Violations of International Law in Occupied Latroun, 1967-2007 (2007).

[http://www.alhaq.org/publications/publications-index/item/where-villages-stood?category\\_id=7](http://www.alhaq.org/publications/publications-index/item/where-villages-stood?category_id=7).

Al-Haq, Position Paper: The Perpetration of War Crimes During the Israeli Incursion into Ramallah, 4 January 2007 (2007). [http://www.alhaq.org/publications/publications-index/item/the-perpetration-of-war-crimes-during-the-israeli-incursion-into-ramallah-4-january-2007?category\\_id=5](http://www.alhaq.org/publications/publications-index/item/the-perpetration-of-war-crimes-during-the-israeli-incursion-into-ramallah-4-january-2007?category_id=5).

Al-Haq, Al-Nu'man Village: A Case Study of Indirect Forcible Transfer (2006) [http://www.alhaq.org/publications/publications-index/item/al-nu-man-village-a-case-study-of-indirect-forcible-transfer?category\\_id=7](http://www.alhaq.org/publications/publications-index/item/al-nu-man-village-a-case-study-of-indirect-forcible-transfer?category_id=7).

Al-Haq, Israel's Deportations and Forcible Transfers of Palestinians out of the West Bank during the Second Intifada (2006).

[http://www.alhaq.org/publications/publications-index/item/israel-s-deportations-and-forcible-transfers-of-palestinians?category\\_id=7](http://www.alhaq.org/publications/publications-index/item/israel-s-deportations-and-forcible-transfers-of-palestinians?category_id=7).

Al-Haq, One Year after the 'Disengagement': Gaza still Occupied and under Attack (2006)

[http://www.alhaq.org/publications/publications-index/item/one-year-after-the-disengagement-gaza-still-occupied-and-under-attack?category\\_id=4](http://www.alhaq.org/publications/publications-index/item/one-year-after-the-disengagement-gaza-still-occupied-and-under-attack?category_id=4).

Al-Haq, Al-Haq written brief on Israel's extra-judicial killings in the Occupied Palestinian Territories (November 2006).

[http://www.alhaq.org/publications/publications-index/item/extrajudicial-killings?category\\_id=5](http://www.alhaq.org/publications/publications-index/item/extrajudicial-killings?category_id=5).

Al-Haq, Beaten to Death: Al-Haq Case Study: The Killing of Umran Abu Hamdieh (2003)

[http://www.alhaq.org/publications/publications-index/item/beaten-to-death-umran-abu-hamdieh?category\\_id=5](http://www.alhaq.org/publications/publications-index/item/beaten-to-death-umran-abu-hamdieh?category_id=5).

Al-Haq, Provocation to Kill: The Use of Lethal Force as a Response to Provoked Stone throwing: A Case Study of Qarawa Beni Zeid (2003).

[http://www.alhaq.org/publications/publications-index/item/provocation-to-kill-the-use-of-force-as-a-response-to-provoked-stone-throwing?category\\_id=5](http://www.alhaq.org/publications/publications-index/item/provocation-to-kill-the-use-of-force-as-a-response-to-provoked-stone-throwing?category_id=5).

Al-Haq, Israel's Punitive House Demolition Policy: Collective Punishment in Violation of International Law (2003). [http://www.alhaq.org/publications/publications-index/item/israel-s-punitive-house-demolition-policy?category\\_id=10](http://www.alhaq.org/publications/publications-index/item/israel-s-punitive-house-demolition-policy?category_id=10).

Al-Haq, The Forced Transfer of Kifah & Intissar Ajuri (2002).

[http://www.alhaq.org/publications/publications-index/item/the-forced-transfer-of-kifah-intissar-ajuri?category\\_id=7](http://www.alhaq.org/publications/publications-index/item/the-forced-transfer-of-kifah-intissar-ajuri?category_id=7).

Al-Haq, Arbitrary Execution in Beni Naim (2002).

[http://www.alhaq.org/publications/publications-index/item/arbitrary-execution-in-beni-naim?category\\_id=5](http://www.alhaq.org/publications/publications-index/item/arbitrary-execution-in-beni-naim?category_id=5).

Palestinian Centre for Human Rights (PCHR), Annual Report (2002-2012).

[http://www.pchrgaza.org/portal/en/index.php?option=com\\_content&view=category&layout=blog&id=40&Itemid=172](http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=category&layout=blog&id=40&Itemid=172).