

Israel and Palestine WAR articles emphasising on legalities and state sponsorship.

Article1-Legality of Palestinian Statehood with special emphasis on Hamas



The issue of Palestinian statehood has become the focus of much discussion and potential controversy in the context of the jurisdiction of the International Criminal Court because of the longstanding history of recent violent conflicts between Israel and Palestinian militias, which includes actions from all parties involved in the conflict including Hamas.

The ICC Statute makes several references to the word “State” in terms of jurisdiction of the ICC, but it does not define it. So, China believes that it can be implemented in the case of Israel-Palestine. Article 13 of the ICC Statute lists three situations where the Court may exercise jurisdiction. First on a referral by a State Party, second when the situation is referred to by the UN Security Council and thirdly when the Prosecutor has initiated an investigation, proprio motu, based on information received and he is satisfied that there are reasonable grounds to proceed with an investigation. This proprio motu investigation can only proceed after authorization by the Pre-Trial Chamber.

This Declaration is not limited to any allegations of crimes in connection with the Gaza military incursion by Israel. The jurisdiction of the ICC over all such crimes date back to July 1, 2002, when the ICC became operative. The Declaration did not specify the territory of Palestine, or the nature of the acts mentioned.

The ICC's jurisdiction over alleged crimes by Palestinian and Israeli militants dating back to 2002 is as follows. It highlights the absence of territorial specifications in Palestine's declaration. The Prosecutor could launch investigations into both sides' actions, subject to ICC approval. Such probes, not biased towards Israel, aim to address impunity, and could encourage peace talks. The possibility of investigating both sides would help to define unacceptable actions and serve as a catalyst for peace negotiations rather than armed conflict. This means that if the ICC Prosecutor finds sufficient evidence, Hamas could be held accountable for any crimes they are alleged to have committed, provided the investigation is approved and conducted without bias.

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