

## **Address: The Criminal Jurisdiction according to Palestinian Israeli Interim Agreement**

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### **Abstract:**

It has been a quarter century since the signing of the Declaration of Principles between the PLO and Israel in Washington on September 13, 1993, which was supposed to end decades of confrontation and conflict, and to achieve a permanent just comprehensive peace and a historic reconciliation through a political process leading to the signing of the Gaza-Jericho Agreement (Agreement on the Gaza Strip and the Jericho Area (Oslo I Accord) in Cairo on 4 May 1994, the Paris Economic Protocol of 29 April 1994, the Interim Palestinian-Israeli Agreement on the West Bank and the Gaza Strip (Oslo II) signed in Washington on 28 September 1995, the Hebron Protocol in 1997, the Wye River Agreement of 1998 and the Sharm El-Sheikh Agreement of 1999.

These interim agreements include provisions and obligations that are governed by a timeframe of implementation, such as a negotiations timeframe and a signing of a final status agreement, and the gradual redeployment of Israeli forces across the Palestinian areas including Area C within 18 months of the first PLC session, i.e. a total withdrawal from all these areas by the end of 1999, transfer of all powers and authorities to the Palestinian party and release of prisoners leading up to the achievement of a permanent settlement based on Security Council Resolutions 242 and 338; final status negotiations including Jerusalem, settlements, refugees, borders, security, water, international relations, Israelis and the powers and responsibilities that were not transferred in the first phase, all within a period not exceeding the interim one. All that in addition to the commitments set forth in the Road Map 2002.

The study is aimed to conduct a detailed research on the Palestinian criminal jurisdiction in accordance with the Interim Agreement in both the Gaza Strip and the West Bank including East Jerusalem, along with a clarification of the sovereignty of Palestinian jurisdictional limitations in areas A, B and C the functional mandate limits (security powers), the personal jurisdiction (Palestinians and their visitors) and related restrictions (Israelis, foreigners

and Palestinian Jerusalemites) and the impact of these restrictions on the exercise of criminal jurisdiction.

The preamble to this study provides an overview of the Interim Agreement on the West Bank and the Gaza Strip and with the subsequent agreements, as well as an explanation of the official Palestinian and Israeli positions on the agreement in terms of compliance and implementation mechanisms.

The first chapter offers an overview of the legal framework of the international criminal jurisdiction governing the universal jurisdiction highlighting its definition; patterns and principles and scope of enforcement. Additionally, there is a detailed explanation of the ongoing Israeli violations of the signed agreements, to serve as a basis to reflect the lack of Palestinian criminal jurisdiction as a result of the long-term unilateral commitment to the interim agreement that is also discussed in the second chapter of this study and is supported by a range of legal options to address this issue; part of which is based on Dispute Settlement Provisions mechanisms, a part of the Law of Treaties and the Customary International Law that all support the decisions of the Palestinian Central Council regarding the relationship with Israel the occupying power.

The study concludes that although the negotiations and mediations have effectively resolved dozens of international disputes, they, being adopted by the parties of conflict within two and a half decades, have caused serious harm to the Palestinians and that more effective legal means such as arbitration have not yet been utilized to settle the dispute. In addition, Israel's fundamental breach of its contractual obligations allows the Palestinian party to exercise legal options ranging from the right to suspend partial or full implementation of the agreement and to take countermeasures that are guaranteed by the Customary International Law.