

Criminal Jurisdiction In The Occupied Palestinian Territories According To The Oslo Agreement.

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Abstract:

This Thesis discusses the topic of Criminal Jurisdiction pertaining to crimes carried out in the Palestinian Territory whether the crime perpetrator is a Palestinian, Israeli or Visitor. Furthermore the thesis discusses the concept of the “Region” within the context of both International and Palestinian law. In discussing the idea of Jurisdiction over Criminal Activity I relied on the Second Oslo Accords also known as the Palestinian Israeli Interim Agreement which was signed in the year 1995 and the relevant clauses therein. It is imperative to discuss implementing a framework for the application of Criminal Jurisdiction within the Palestinian Occupied Territories and the regional relevance of the related Criminal Clauses and the exceptions to the principles of the Regional Jurisdiction in addition to complications relevant to the Subjective and Personal Jurisdiction issues.

In light of reviewing the Agreement and studying these topics the Thesis concluded that the Palestinian Criminal Jurisdiction encompasses/covers the infractions committed by Palestinians and Non-Israelis and that the Regional Jurisdiction of the Palestinian Court System prevails since the actual infraction/crime was committed with the Palestinian Territories without regard to the Place of residence of the perpetrator or victim. The Oslo Agreement excludes Israelis and visitors of Israel from being subject to the laws had they committed a crime in the Palestinian Territory.