

**THE JURISDICTION OF THE INTERNATIONAL CRIMINAL COURT OVER THE  
ILLEGAL SETTLEMENTS WITHIN THE PALESTINIAN TERRITORIES**

***BIDANG KUASA MAHKAMAH JENAYAH ANTARABANGSA TERHADAP PENEMPATAN  
HARAM DALAM WILAYAH PALESTIN***

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**ABSTRACT**

This study focuses on the most important topic of the conflict between the Palestinians and the Israelis, which is the topic of Israeli settlement, as this study highlights the International Criminal Court (ICC) over the Illegal Settlements within the Palestinian Territories. According to Article 13 (a) and 14 of the Rome Statute, the ICC has jurisdiction over alleged crimes that occur on the territory of a member state of the Rome Statute. So far 123 States a party to the Rome statute including of state of Palestine. Hence, the ICC has authority over the member states to the Rome Statute. The importance of this study appears in shedding light on the jurisdiction of the ICC over the Illegal Settlements within the Palestinian Territories. This study aims to reveal how the ICC can exercise its jurisdiction over the Illegal Settlements within the Palestinian Territories. To answer this question, a qualitative analysis will be used as its research methodology where both primary and secondary sources will be thoroughly examined. State of Palestine is a member state of the Rome Statute, and therefore the ICC has jurisdiction over Illegal Settlements in the Palestinian territories.

**Keywords:** *Jurisdiction; International Criminal Court; Illegal Settlements; Palestinian Territories*

## Introduction

The adoption of the Rome Statute occurred on July 17, 1998. The establishment and entry into effect of the International Criminal Court (ICC) occurred on July 17, 2002, in accordance with the provisions outlined in the Rome Statute. The ICC is constituted as a permanent judicial institution. It holds the legal power to exercise its jurisdiction over those implicated in the most serious international offenses. The jurisdiction of the ICC is limited to the investigation and prosecution of crimes that take place inside the territories of the States Parties to the Rome Statute, or Countries not members of the Rome Statute but accept the ICC to exercise jurisdiction over their territories. To date, 123 countries have joined the Rome Statute, in addition to the State of Palestine. This includes the majority of European countries, nearly all nations in the Americas except the United States, a significant portion of African states, and several Asian and Middle Eastern countries, notably Jordan. It's important to note that Israel is not part of the Rome Statute.

The ICC has jurisdiction to consider grave crimes, and crimes that fall under the jurisdiction of the ICC, genocide crimes, crimes against humanity, war crimes, and crimes of aggression. Article 25(1) of the Rome Statute introduces the concept of individual criminal liability, signifying that individuals bear personal responsibility for their deeds in perpetrating international crimes within the purview of the ICC. A State Party can trigger the involvement of the Prosecutor by referring the situation to the Prosecutor, in accordance with Article 14, when there are crimes committed in territories of a State party to the Rome Statute. On May 15, 2018, the State of Palestine, as a member state of the Rome Statute, referred the situation in the state of Palestine to the prosecutor regarding the alleged crimes committed over Palestine territories, and among these crimes, it referred the settlements crime over the Palestinian territories by the Israeli occupation. The conflicts between Israel and Palestine should not be resolved through violence or war, as they have led to numerous casualties and violations of human rights, particularly due to the building of settlements, depriving many individuals of their right to life. Therefore, this paper discusses the jurisdiction of the ICC in Holding individual criminal responsibility for Settlement Crimes in Palestine Territories.

## Literature Review

Mahaseth, Harsh, and Nirupan Karki in their paper "Understanding the Israel-Palestine issue and its relation with the international criminal court." Explained that, the State of Palestine became a party in the Rome Statute with the intention of using it as leverage to potentially file charges against Israeli officials accused of committing serious offenses in the Palestine Territories. This paper dealt with the intricacies of the Israel-Palestine dispute, specifically focusing on the problematic aspects of the illegal settlement in the Palestinian territories. Moreover, it seeks to examine whether the ICC holds jurisdiction over the actions of Israeli officials, armed forces, and settlers in these areas, while also assessing the ICC's role in contributing to conflict resolution. This paper differs from the current study in that this paper only sheds light on the settlement crime without clearly addressing the extent of the ICC jurisdiction over individuals who committed the crime by determining who bears responsibility for this crime that falls within the ICC jurisdiction. Therefore, this study is going to deal with this gap.

Shulzhenko, Nadiia, and Snizhana Romashkin in their paper "Types of individual criminal responsibility according to article 25 (3) of Rome Statute." elucidate the principles of international law pertaining to individual accountability and the inconsistencies within the international legal system, offering insights into comprehending the legal ramifications arising from specific situations. Contemporary international law predominantly revolves around the concept of autonomous international obligations, primarily attributed to governments and international organizations. However, this definition frequently lacks a substantive or institutional mechanism for apportioning responsibilities among most participants when attributing adverse outcomes cannot be based solely on individual causation. The primary objectives of this article include first recognizing and elucidating the core historical context and ideas that enable the evaluation of laws concerning individual accountability. Additionally, it seeks to conceptualize the pertinent procedures employed by the ICC and engage in a

discourse regarding the capabilities and constraints of the existing international responsibility framework when confronting situations involving both collective and individual responsibility. However, this paper differs from our current study in that through our study we will focus on individual responsibility for a specific crime, which is the Settlements Crime.

Luo, Christina in her study “Creating Strangers in Their Own Land: Settlements as De Facto Annexation in Palestine and Tibet.” explained Transferring settlers to occupied territories is nothing new. However, it appeared again through Israel's construction of settlements and the transfer of settlers to them in the Palestinian territories. Criticism of Israel for its continued construction of settlements in Palestinian territories has become more common. This paper pointed out how the Palestinians became strangers in their lands through the construction of settlements by the Israelis. The study also indicated that settlements are considered a violation of international law. The difference between this study and the current study appears in that the previous study only indicated that the settlements are considered a violation of international law. However, she did not indicate individual criminal responsibility for building these settlements because they violate the principles of international law. Therefore, the current study will focus on the extent of the ICC jurisdiction over this crime, through individual criminal responsibility for Settlements Crime before the ICC.

## **Methodology**

The study will be conducted using the descriptive analytical method in all parts of the study. The study will conduct an analytical study of the jurisdiction of the International Criminal Court in Holding individual criminal responsibility for Settlement Crimes in Palestine Territories. The study is based on both primary and secondary sources. Primary sources such as international conventions, official government reports, relevant ICC decisions, reports, and documents. secondary sources, numerous works of academic literature writings such as journal articles, books, conference papers, and other online materials.

## **Results and Discussion**

### **Settlement crimes in Palestine Territory**

Establishing Israeli settlements on Palestinian lands is the founding idea of the so-called State of Israel, and it depends on emptying large areas of land of their residents. Palestinians lost a lot of their lands since 1948, which were determined in accordance with UN resolutions and international law, as Israel seized much of the Palestinian lands to build settlements and create special roads for settlers. Furthermore, it is worth noting that there exists substantial financial assistance and incentives aimed at promoting the relocation of Israeli residents to the settlements. These benefits include various forms of support like as accommodation and education assistance, as well as inducements to foster business, agriculture, and tourism.

### **History of Settlements Crime**

Palestine was under Ottoman rule. The Ottoman rule openly resisted Jewish immigration and the establishment of settlements in Palestine lands towards the close of the nineteenth century. Despite the restrictions imposed on settler immigration and the construction of settlements in Palestine. The population of the Jewish community in Palestine increased from 24,000 population to about 80,000 from 1882 to 1914, this is a result of the corruption of some Ottoman officials by allowing settlers to enter Palestine. In 1917, British control was established over Palestine following the defeat of the Ottoman Empire. Upon the United Kingdom's (UK) control of Palestine on November 2, 1917, the UK Foreign Secretary, Arthur Balfour, dispatched a letter, famously known as the Balfour Declaration, to Walter Rothschild, who was the leader of the British Jewish community.

The leadership of the Palestinian Arab community did not agree with the rising wave of Zionist immigration from Europe and the active colonization efforts in Palestine as far back as the 1920s. The

letter underscored the UK's commitment to the creation of a Jewish "homeland" in Palestine. On May 14, 1948, the UK Government announced the end of the mandate over Palestine. On the same day, Israel announced the establishment of the state of Israel on the Palestinian lands that were under the UK Mandate. In 1947 the United Nations issued a decision for Partition 181 that provided that the Jews be granted more than 57% of historic Palestine to establish their state, and about 42% to the Palestinians to establish their state. Jerusalem and Bethlehem as 1% are under international guardianship.

In the wake of the 1948 war, Zionist militias, which later became the Israeli army, forcefully displaced over 700,000 Palestinians, while Jewish populations were resettled on Occupied Palestinian Territories (OPT), after the expelled of the Palestinians from their homes and lands. Israel then swiftly confiscated about 17,178 km of land from Palestinian refugees. Additionally, Israel continued its land appropriation by taking an additional 700 km from internally displaced Palestinians. In June 1967, a war took place between some Arab countries and Israel. This war led to the defeat of Egypt, Jordan, and Syria and the occupation of Israel over East Jerusalem, the West Bank, the Gaza Strip, the Golan Heights, and the Sinai Peninsula.

After the 1967 war, Israel built settlements in the Palestinian territories, the West Bank, and the Gaza Strip, despite the existence of the 1967 armistice borders. It also seized East Jerusalem, which was met with objection from the international community. From 1977 to 1984, there was a significant surge in the settler population residing on the West Bank, with numbers escalating from 3,200 to 42,600 people. The government used proactive measures to encourage the establishment of settlements in the densely populated highland regions, which were mostly inhabited by Palestinians. According to estimates made at the end of 2015, the combined population of settlers residing in the West Bank and East Jerusalem was around 588,000 individuals. The number of settlers became at the end of 2022 to almost 700,000. These settlers resided unlawfully in 279 Israeli settlements in the West Bank, where over 400,000 Israeli residents reside in those settlements. East Jerusalem as per data from the Israeli Bureau of Statistics, approximately 230,000 Israelis live in 14 settlements. Israeli settlers received active support, protection, and sustenance from the Israeli government. These settlements, steadily growing over numerous years, appear to violate the international ban on relocating populations into territories under occupation. Related to Gaza in 2005 Israel withdrew from Gaza and dismantled the settlements there. A minimum of 147 of these settlements were classified as outposts, considered illegal even within the framework of Israeli domestic legislation. However, in recent years the Israeli government has granted retroactive clearance on the legality of settlement outposts. The Israeli occupation state has so far pursued a policy of expanding settlements on OPT, which causes injustices to the Palestinian people. Hundreds of thousands of settlers reside in lands that are considered according to the resolution of the partition resolution issued by the UN as Palestinian lands. Therefore, in effect, Israel annexed East Jerusalem and subjected it to its sovereignty, as well as the West Bank.

In 2019 Netanyahu announced that the settlements would remain forever. On September 14, 2023, Prime Minister Benjamin Netanyahu granted the Israeli Minister of Finance and leader of the settlement movement, Bezalel Smotrich full authority to work on expanding settlements in the Palestinian territories, as a result, Smotrich ordered the construction of thousands of settlements. On March 2023, the Israeli Knesset enacted a law to reverse specific sections of a 2005 statute that had classified Jewish settlements in certain northern West Bank zones as unlawful. Although, in the same year 2005 former Israeli Prime Minister Ariel Sharon in written form to then-President George W. Bush, vowed to cease settlements and outposts in that particular area in February 2017, the Knesset enacted a controversial legislation that conferred legal status to the expropriation of privately owned Palestinian property. The aforementioned law, usually referred to as the "regularization bill," granted formal acknowledgement to some 3,000 residential units that were built on privately owned Palestinian property in the West Bank.

## **Impacts of Israeli Settlements**

The Palestinian Territories have been profoundly altered by Israel's settlement efforts, and its harmful consequences are evident across all aspects of life and the basic rights of the Palestinian population in the region have been severely affected. Unlawful Israeli settlements give control on Palestinian territories and their resources, serving as the central tenet of the expansionist doctrine that underpins the creation of the Israeli state. The presence of these settlements obstructs any chances for long-term growth and prosperity for the Palestinian population in the region, directly affecting the well-being and prospects of tens of thousands of Palestinians. The consequences of settlements on Palestinian communities are profound, and they frequently impose a disproportionate burden on women and children. These vulnerable groups lose not only the stability of their homes but also access to essential services such as education. In addition to being deprived of access to the water resources on which they depend for their livelihood.

The existence of settlements and the discriminatory policies and practices pursued by the Israeli authorities on the Palestinian community have serious and wide-ranging effects on the enjoyment of Palestinians' basic rights such as livelihood, work, and health care. Due to Settlements Palestinians daily come across checkpoints as they go to work, school, or anywhere inside or outside of the state of Palestine. Hence, settlements greatly affect their daily life affairs also, Many Palestinians are arrested and detained by Israeli soldiers at checkpoints. Israel seized Palestinian lands in order to use these lands as roads for settlers, the establishment of checkpoints that restrict the mobility of Palestinians is primarily determined by the presence of Israeli settlements. Palestinians are systematically denied entry to agricultural lands in close proximity to these settlements. Palestinians living near settlements are being killed on a daily basis, for example on August 1, 2023, A 15-year-old Palestinian minor was killed by Israeli forces on road 317 in close proximity to the Israeli settlement of Shim'a, which is situated near the village of As Samu' in the Hebron district. However, Israel has frequently argued that the restriction on population transfer under International Humanitarian Law (IHL) does not apply to Israeli settlements in the West Bank. The rationale for these settlements is supported by a variety of factors, including national security concerns, religious assertions over land ownership, and the belief that they provide favorable economic advancements inside the occupied region.

These settlements serve as a significant hindrance to the realization of a two-state solution and the attainment of a fair, enduring, and all-encompassing peace in the region. The proliferation of Israeli settlements in the West Bank, the creation of separate roads, the confiscation of territory, the erection of security bulkheads, and the development of Jewish housing in East Jerusalem have led many Palestinians to conclude that a two-state solution is not possible. There is no doubt that Israel's continuous construction of settlements on Palestinian territories has consistently been the primary hindrance to any peace negotiations. By building settlements the government in Israel pursued several initiatives that pose significant constraints on Palestinian development and the coherence of a Palestinian state. Consequently, these measures undermine both the viability of a two-state solution and the prospects for achieving a political solution between them. Secretary-General of the United Nations (UNSG) Antonio Guterres stressed that Israel's continuous growth of settlements, particularly in East Jerusalem, exacerbates humanitarian challenges, sparks violence, heightens the potential for conflicts, solidifies the occupation, and erodes the Palestinian people's self-determination rights. UNSG issued resolution 60/106 settlements in the Palestinian territories are illegal and constitute a violation of the Fourth Geneva Convention. It is also considered an obstacle to achieving peace and development.

## **Illegal Settlements under international law**

Establishing settlements in the OPT and transferring the population of the occupying state to the occupied territories violates international principles and agreements, such as the 1907 Hague Convention, the Geneva Conventions, and the UN Charter. For example, Article 46 of the Hague Convention of 1907 clearly indicated that must respect the family, its private property. Israeli settlements also violate Article 49 of the Fourth Geneva Convention 1949. This article provided that

"Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive." All resolutions issued by the United Nations General Assembly (UNGA) clearly stated that building Settlements in Palestinian territories occupied on the border in 1967 violation of international law. The UNGA Issued resolution 2949 condemned settlement activity in the Palestinian territories considered it a violation of the Fourth Geneva Convention and demanded that Israel stop building settlements.

In 2004, the International Court of Justice (ICJ) issued an advisory opinion at the request of the UNGA concluding that Israel's annexation of Palestinian lands is considered a violation of international law. The ICJ addressed the matter of settlements in its Advisory Opinion on the Wall. It provided that Since 1977, Israel has implemented a strategy pertaining to the development and building of settlements in the Occupied Palestinian Territory, therefore contravening the principles outlined in Article 49, paragraph 6 of the Fourth Geneva Convention. Moreover, in its advisory judgement on 'The Wall', the ICJ has contended that Israel is breach of international law on several counts, such as the establishment of the 'security barrier' and the relocation of its civilian population in the settlements of the West Bank.

Israel's construction of settlements in the Palestinian territories is considered a violation of international resolutions, such as Partition Resolution 181 issued by UNGA, in addition to United Nations Security Council (UNSC) Resolution 242, which demanded that Israel withdraw from the lands it occupied in 1967. The UNSC issued many resolutions affecting the illegality of settlements in the Palestinian territories. UNSC Resolution 2334 issued on December 23, 2016, demanded that Israeli settlement in the Palestinian territories be halted. In addition to the illegality of Israel's establishment of settlements in the OPT since 1967. Aligned with the European Union's (EU) dedication to the implementation of UNSC Resolution 2334 and bearing in mind the illegality of settlements according to international law, which not only impede the achievement of peace but also pose a significant threat to the feasibility of a two-state solution, the EU emphasizes its firm objection to the settlement policy of Israel.

The United States (US) considered that the Israeli settlements in the Palestinian territories are not a violation of international law. The Council of Arab Foreign Ministers condemned the American position regarding Israeli settlement in the Palestinian territories. The Council affirmed the illegality of settlement in the Palestinian territories along the 1967 borders. On September 27, 2023, Numerous delegates expressed their stance that the expansion of settlements in the occupied Palestinian territory is a violation of international law and emphasize the need for its cessation during the Security Council session.

### **The jurisdiction of the ICC over the Illegal Settlements within the Palestinian Territories**

State of Palestine's involvement in various international conventions and treaties, such as the Rome Statute, underscores its role as a participant operating within the realm of international legal standards. This action is taken in reaction to Israel's practices of aggression and the establishment of settlements. The Palestinian Authority (PA) requested the ICC to exercise jurisdiction over alleged crimes committed by Israel in the occupied territories twice. In 2009, the PA asked the ICC to expand its jurisdiction to include the Palestinian territories according to Article 12(3), but the PA request was rejected by the ICC prosecutor because Palestine is not a state. However, the situation changed on November 29, 2012, when the PA gained a non-member observer state with the United Nations. After upgrading its place in the United Nations (UN), the State of Palestine was able to join the Rome Statute establishing the ICC on January 2, 2015. The State of Palestine submitted another request in accordance with Article 12(3) of the Rome Statute to include the ICC jurisdiction for alleged crimes committed during the war on Gaza in the summer of 2014.

After the issuance of many international resolutions demanding that Israel stop its settlement activities in the Palestinian territories on the 1967 borders, and as a result of Israel's failure to adhere to any of these resolutions, Palestine went to the ICC and on May 15, 2018, the State of Palestine referred to it

various Israeli crimes, including the settlement crime to exercise its jurisdiction over the Illegal Settlements. The ICC announced on February 5, 2021, that violations committed in the territories occupied in 1967, which include the Gaza Strip and the West Bank, including East Jerusalem, are subject to its jurisdiction. Importantly, the ICC prosecutor has provided that Israeli occupation has committed war crimes within the Palestinian territories including the relocation of Israeli civilians to Israeli settlements. According to Article 8(2)(b)(viii) of the Rome Statute, building settlements in the Palestinian territories and transferring settlers to these territories is considered a war crime. “The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory.” The second is the war crime of illegal acquisition of property, as specified in Article 8(2)(a)(iv). It is challenging to assert with certainty that the ICC has effectively discouraged Israeli operations in Palestinian territory. Indeed, Israel persisted in declaring further settlements. In 2022, the Israeli authorities have recently advanced or authorized plans for the building of around 9,200 dwelling units in the OPT, indicating a significant surge in settlement development, despite the ICC announcement that building settlements in the OPT constitutes a war crime and fall within its jurisdiction.

The ICC already declared its jurisdiction over the 1967 Palestinian borders, which include the West Bank, Gaza Strip, and East Jerusalem. Hence, building settlements on these lands is considered a war crime that falls within the jurisdiction of the ICC. The ICC has jurisdiction over alleged crimes committed within its jurisdiction under Article 5 of the Rome Statute, whether committed by the Israeli or Palestinian side. But regarding settlement crimes, only Israel bears responsibility because it is the only one that committed the settlement crime. The State of Palestine is not involved in committing the crime of population transfer or deportation. The legitimacy of various operations, such as home demolitions, deportations, land seizures, and the building of settlements has been the subject of several petitions before the Israeli Supreme Court. Although the Court has seldom issued rulings against the government, it has still given legitimacy to actions of questionable legality, such as punitive home demolitions and deportations. On the contrary, on August 2, 2023, the Israeli Supreme Court allowed the establishment of a new settlement in “Homesh” located in the north of the West Bank. The Supreme Court determined that the requisition of land would be considered permissible if the authorities could demonstrate that the establishment of the settlement was intended to serve a specific security purpose.

The principle of complementarity on which the ICC is based is that the court can only investigate and prosecute basic international crimes when the national judiciary is unable or unwilling to do so. As long as the national courts in Israel are unwilling to conduct investigations or trials against the perpetrators of the settlement crime, the ICC has jurisdiction according to the principle of complementarity. However, the Rome Statute contains provisions that hinder the ICC's ability to prosecute those responsible for international crimes, including ongoing settlements seen as war crimes against Palestinians. One significant limitation is the connection between the Court and the politically influenced UNSC, particularly the permanent members, which can impact the Court's independence.

### **The Responsible for the Illegal Settlements under Rome Statute**

During the first eight months of 2023, settler violence towards the Palestinians increased, as this year is considered the highest in terms of violations committed against the Palestinians compared to previous years. Article 28 of the Rome Statute delineates the notion that individuals in positions of military or civilian authority may be held legally accountable for the conduct carried out by others under their command. A Report of the UN Human Rights Committee found that since 1967 the Israeli governments have encouraged and supported the construction of settlements in the Palestinian territories. The Israeli government bears responsibility for the **Illegal** settlement in the Palestinian territories. The Preliminary Examination Report of the Office of the Prosecutor (OTP) presented to the annual Assembly of States Parties on November 14, 2016, discussed the situation in Palestine, with a particular focus on the actions related to settlements in the West Bank. The charges have been made that the Israeli government has

been actively involved in the design, building, development, consolidation, and/or promotion of settlements on the territory of the West Bank. Israeli government confiscated lands, expelled residents, demolished Palestinian property, imposed restrictions on the movement of Palestinians, and worked to encourage and provide aid to facilitate the migration of settlers to reside in these settlements.

Since the formation of the new Israeli government in December 2022, led by Prime Minister Benjamin Netanyahu, the process of building settlements and annexing Palestinian lands has been increasing. Individuals of the Israeli government are criminally responsible for illegal settlements in the OPT. The Israeli Cabinet Secretary, Attorney Yossi Fuchs said that the lands of the West Bank are Israeli lands and are allocated for the establishment of a Jewish state on this land. This announcement reveals the intentions of the new Israeli government to increase the construction of illegal settlements and annex the West Bank, which is considered a clear violation of international law and resolutions. On February 23, 2023, a new body was established called the Settlements Administration in the Palestinian Territories. This body was established through an agreement between Minister of Defense Yoav Gallant and Minister of Finance Bezalel Smotrich and a subordinate of this body Minister Bezalel Smotrich. It is noteworthy to note that the ICC has the jurisdiction to conduct investigations and initiate legal proceedings against Individuals implicated in such criminal acts. According to Article 25 (3)(b) of the Rome Statute, any person who gives orders or incites the committed of a crime that falls within the jurisdiction of the ICC is considered responsible for this crime. Among the individuals who bear criminal responsibility for the crime of settlements in the Palestinian territories are Prime Minister of Israel Netanyahu and Minister of Finance Smotrich, who was given the green light by Netanyahu's government to increase the construction of illegal settlements in the Palestinian territories.

### **Conclusion**

Palestine joined the Rome Statute establishing the ICC in 2015, for the ICC to exercise its jurisdiction over alleged crimes committed in the Palestinian territories, as the ICC has jurisdiction over the heinous international crimes stipulated in Article 5 of the Rome Statute. Palestine has requested since its accession to the Rome Statute from The ICC to open an investigation into international crimes that fall within the jurisdiction of the court and were committed in the Palestinian territories, given that Palestine is a member of the Rome Statute. According to Article 8 of the Rome Statute, settlement is a war crime that falls within the jurisdiction of the ICC. In 2018, The Palestinian Foreign Minister submitted an official memorandum to the ICC demanding that it open an investigation into Israeli settlements and Israeli war crimes. In 2021 the ICC announced that it has jurisdiction over alleged crimes committed in the Palestinian territories, among these crimes that fall within the court's jurisdiction is the settlement crimes. However, the new Israeli government continues to issue orders to build settlements and annex Palestinian lands, Israeli settlement activity in the West Bank and occupied Jerusalem in 2022 concluded that settlement activity has increased at unprecedented rates since the occupation of the West Bank and Jerusalem in 1967. As a result, members of the Israeli government bear criminal responsibility for the crime of settlement. However, the ICC may face obstacles through the authority granted to the Security Council, through which it may intervene as a result of political considerations to postpone investigations or trials against those responsible for this crime.

### **Conflict of Interest**

Authors declares no conflict of interest in publishing this article.

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