**Mutaz M. Qafisheh, ‘What is Palestine? The *de jure* Demarcation of Boundaries for the ICC’s *ratione loci* Jurisdiction and Beyond’, *International Criminal Law Review* (Scopus CiteScore: 1.00; 2020 RG impact factor 0.23), Brill/Nijhof, Leiden, Vol. 20, No. 5, 2020, 908-943.**

Abstract

The boundaries between Palestine and Israel are legally demarcated under international law. The icc is entitled to exercise its *ratione loci* jurisdiction over Palestine’s territory that comprises the West Bank, including East Jerusalem, and Gaza Strip. Palestine’s borders have arisen from the lines drawn by the armistice agreements that Israel signed with both Jordan and Egypt in 1949. Although initially marked on *de facto* basis, these lines have been converted into *de jure* frontiers. By declaring that it possesses the power to adjudicate in Palestine, the Court will apply international law, not create it. Accepting the contention that the icc has no competence in a State owing to its unfixed borders may hinder the Court’s ability to prosecute perpetrators in other icc State Parties with disputed frontiers. It will hamper the Court’s authority regarding non-icc States with similar border issues that may join the Rome Statute in the future.