

# **Defense Attorney #7 Evidence Pack**

## **Prosecutor v. Benjamin Netanyahu**

### **International Criminal Court**

**Delegate:** Rodriguez Bichara, Maria Cecilia

**Position:** Defense

#### **Introduction to the Topic:**

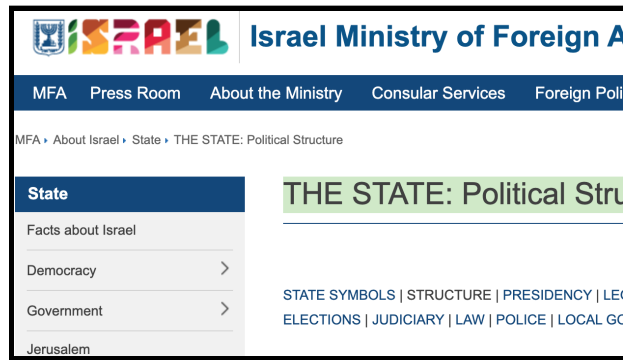
Benjamin Netanyahu is Israel's Prime Minister. Ever since he was elected, there have been allegations accusing Israel of crimes against humanity, war and aggression. Israeli authorities have purportedly engaged with the settlement of regular people onto the domain of the West Bank including east Jerusalem. According to UN Office for the Coordination of Humanitarian Affairs, Israeli authorities have also been involved in the demolition and confiscation of 734 Palestinian properties, as well as evicting residents from their homes; resulting in the displacement of 1,029 individuals, including 493 women and 529 children (Report on Preliminary Examination Activities, 2017). Due to the imposition of the naval blockade of the Gaza Strip, which was established by Israel after it disengaged from Gaza in 2005, a conflict arose between July 7 and August 26 of 2014. It resulted in "a high number of civilian casualties, significant damage to or destruction of civilian buildings and infrastructure, and massive displacement" (Report on Preliminary Examination Activities, 2017). Over 3,000 Palestinians were wounded and 2,000 killed, 1,000 of them being civilians and over 500 being children. This conflict continues to prevail throughout the years as there have been multiple reports of killings and injuries of Palestinians from the Israel Defense Forces on the Israeli-Gaza border.

#### **Table of Contents:**

Below include the title of the six to eight pieces of evidence that will be presented in this packet. The type of evidence refers to whether it's a Video, Article, Legal Document, etc.

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4. Roman Statute Article 8: Crime of Aggression.....Legal definition
5. The State of Palestine .....PDF
6. Office of the President - Ministry of Foreign Affairs.....Article

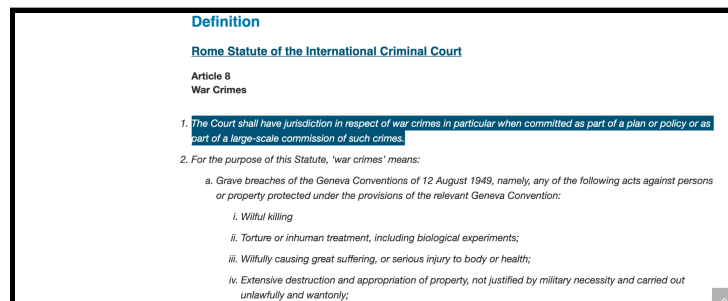
# 1. The State: Political Structure



[https://www.mfa.gov.il/mfa/aboutisrael/state/pages/the%20state-%20political%20structure.aspx#:~:text=Israel%20is%20a%20parliamentary%20democracy,of%20ministers\)%20and%20the%20judiciary.](https://www.mfa.gov.il/mfa/aboutisrael/state/pages/the%20state-%20political%20structure.aspx#:~:text=Israel%20is%20a%20parliamentary%20democracy,of%20ministers)%20and%20the%20judiciary.)

This legal explanation is a detailed analysis of how Israel works in terms of the government. As a parliamentary democracy, Israel has two technical heads of state which both have different functions. The evidence would be submitted in order to help provide innocence to the defendant as he had no legal intervention in the process of the accusations mentioned above. This loophole in the government political structure could lead to a miscalculation in charges due to the legal rights the defendant holds as a prime minister and lacks to the president.

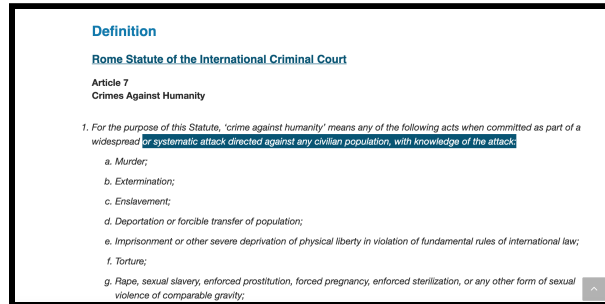
## 2. Roman statute article 8: War Crimes



<https://www.un.org/en/genocideprevention/war-crimes.shtml>

This piece of evidence is a legal definition and article of the roman statute, which expresses the meaning behind the term and accusation of a 'war crime'. In order to prove Netanyahu's innocence, the evidence would be used in order to create a separation between the meaning of the accusation and the evidence being brought in by the prosecution. Creating a false accusation due to technicalities and lack of information.

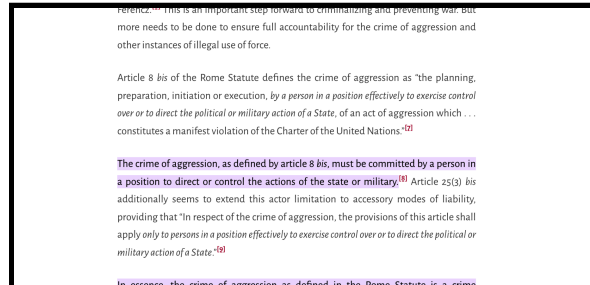
### 3. Roman Statute Article 7: Crimes Against Humanity



<https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml>

This piece of evidence is a legal definition of the Roman Statute outlining the different aspects that make an action a 'crime against humanity.' In order to prove the defendant's innocence, the evidence provides a key aspect of the charge which is "with knowledge of the action." My team and I can use this piece of evidence to find a loophole in the definition of the accusations against Netanyahu.

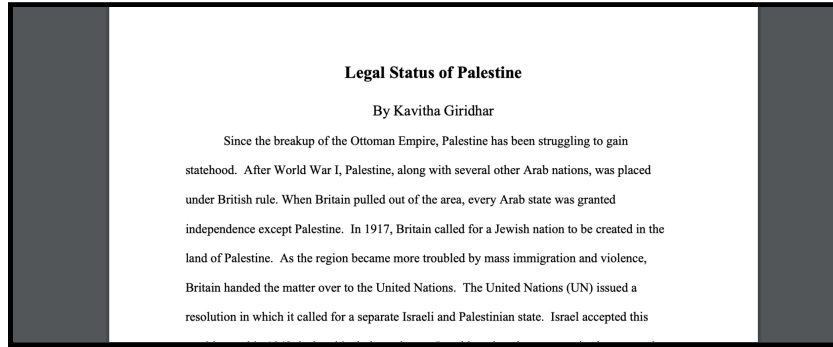
### 4. Roman Statute Article 8: Crime of Aggression



<https://harvardilj.org/2017/04/the-crime-of-aggression-under-the-rome-statute-and-implications-for-corporate-accountability>.

This piece of evidence is a legal description and introduction to the applications of the roman statute article which outlines a crime of aggression. This piece of evidence would help my team create a solid defense against one of the most probable accusations that are going to be given to the defendant. This piece can be used to create a loophole for Netanyahu in which he is proven to not have committed a crime of aggression through a small technicality.

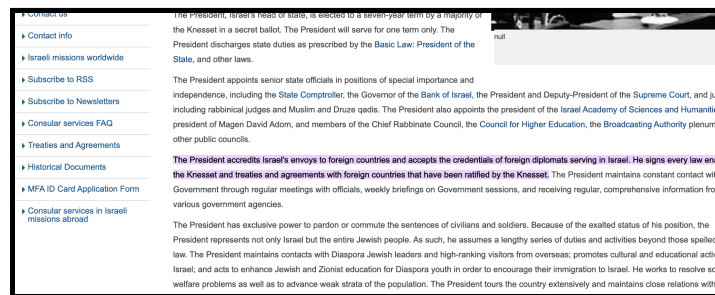
## 5. The State of Palestine



<https://www.drake.edu/media/departments/offices/dussj/2006-2003documents/PalestineGiridhar.pdf>

This piece of evidence outlines the legal implications of Palestine and the legal differences that Palestine has because of its status as a 'state' instead of a country. These legal implications could work in favor of Mr. Netanyahu in order to cancel the grounds of accusation from the prosecutors given that the alleged crimes weren't committed on the grounds of a country.

## 6. Office of the President - Ministry of Foreign Affairs



<https://mfa.gov.il/mfa/aboutisrael/state/democracy/pages/office>.

This piece of evidence outlines the duties and responsibilities of the President of Israel. The legal responsibilities of this head of state, and the different implications where this person has more power than the Prime Minister. This evidence would be used to outline the different areas where the defendant doesn't have access to legal protection in his actions and how that influences the different options he could take in order to get involved with the alleged crimes. Essentially, this source would help provide evidence to where the defendant has jurisdiction.